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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 9, 2010.

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

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

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

Great are Your judgements, Lord our God. Beyond all description are the ways You lead Your people. Your mercy extends from one generation to the next.

In every age You have exalted Your people and made them glorious, as long as they were attentive to Your Word. You created a road through the sea and opened a path through the desolate land to lead Your people to the awareness of lasting freedom.

Be with this Congress and this government of the people and for Your people. In our day lead this Nation to a new and glorious day.

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 New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

JOBS AND THE ECONOMY

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

Ms. CHU. Mr. Speaker, John Adams once said, ''Facts are stubborn things, and whatever may be our wishes . . . they cannot alter the state of facts and evidence.''

Well, when it comes to the economy, the facts are on our side. It's a fact that Bush's economic policies created the worst financial crisis since the Great Depression. It's a fact that Republicans produced a recession with nearly 800,000 job losses each month and almost doubled our national debt. It's a fact that 8 years of tax cuts for the rich and trickle-down economics only left the American people hosed.

And it's a fact that this Congress ended those flawed policies and enacted tax cuts for working-class families and small businesses across America. Democrats created nearly 200,000 jobs a month this year, cut over $800 billion in taxes, and we're about to cut almost $300 billion more.

Democrats are rebuilding consumer demand, creating new jobs, and getting our economy back on track. And that's a fact, no matter how stubborn the minority wants to be.

THE NEED TO PRODUCE A BUDGET

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

Mr. CHAFFETZ. Mr. Speaker, with all due respect to the gentlewoman who just stood here, the fact remains the Democrats are not introducing a budget. One of the fundamental principle things that this Congress should do is introduce a budget. This Congress should be embarrassed that they haven't introduced a budget that we can debate and discuss. It's one of the things that's lacking in this so-called leadership here.

They may want to talk about Bush, but the reality is the Democrats have the House and Senate and the Presidency, and they owe it to the American people, they owe it to this institution to produce a budget so that we can debate and discuss it in the United States Congress. It's one of the fundamental things we should do.

This Congress should be embarrassed that it has yet to produce a budget.

HEALTH OF OIL SPILL CLEANUP WORKERS

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

Mrs. MALONEY. Mr. Speaker, the BP oil spill has caused a great emergency along our gulf coast. I hope as the response to it continues, we never forget the lessons of the Ground Zero workers.

In the wake of 9/11, thousands of men and women labored tirelessly. Driven by a sense of urgent purpose, safety precautions were not taken and assurances were given that proved to be false. The health of far too many of those who worked on that toxic pile, they suffered long-term health consequences.

Now, in the gulf, men and women are once again being exposed to a toxic sea

of elements. After just 40-some days, there are already reports that workers have suffered from exposure to the oil. And this cleanup will go on for years.

The time to address the issue of the health of the cleanup workers is now, before they lose it.

DUBOIS BUSINESS COLLEGE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, the DuBois Business College started teaching courses in DuBois, Pennsylvania, 125 years ago. They pride themselves on a small student-to-teacher ratio and a stellar success rate for students. From legal assistants to clinical medical assistants, the college has spent decades helping to move people into careers with a future and a good paycheck.

In 1996, the college opened branches in the nearby communities of Huntingdon and Oil City. Then, in 2001, a core group of eight veteran instructors and working administrators purchased the college and committed themselves to continuing the college tradition of excellence.

The college will be celebrating its anniversary throughout the year, but this weekend they'll hold an open house and tours of their newly remodeled facility and new student annex as a commemorative celebration.

In an area where there are no community colleges, DuBois Business College has filled a need over its history and continues to offer quality and affordable education in the fields of accounting, business management, medical, legal, information technology, graphic arts, computer applications, and even movie making.

It is my pleasure to congratulate this institution on its anniversary and to wish them continued success and growth.

AMERICA IS RECOVERING

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

Ms. JACKSON LEE of Texas. Mr. Speaker, the research by USA Today shows that Americans are paying the lowest tax rates since the 1950s—not the 1990s, not 2001 or 2002, but since the 1950s. The Democrats' tax cuts for middle class and small businesses are helping this economy. The economy continues to move in the right direction and it is being sustained. Unemployment is going down in 90 percent of our metropolitan areas.

And the President is attacking the BP oil spill in the right way. But as I represent the gulf region where fishermen and oystermen are, as well as oil workers, we've got to ensure that we continue to save jobs. That means the industry has to reform itself. No permit should be issued unless there is a defined recovery plan that is approved and vetted by experts that are independent of the government and the industry.

We are saving and creating jobs, but we are as concerned about safety and security. This is the right path. Democrats reduced taxes. The President is in charge. We're going to be able to see America recover.

REALITIES BEHIND HEALTH CARE TAKEOVER

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

Mr. WILSON of South Carolina. Mr. Speaker, yesterday the administration held a town hall by telephone with seniors across the country to promote a health care takeover bill that costs more by the minute. Seniors need more than a sales pitch. They need to know the facts about this bill.

Fifty percent who depend on Medicare Advantage could lose this coverage. The impact of the bill could be devastating. In Texas, 300 doctors have already stopped seeing seniors. Seniors' loved ones will be deeply impacted by the takeover bill with a $2,100 hit. This is the amount the nonpartisan Congressional Budget Office has predicted that early retirees, the self-employed, small business workers, and millions of others who buy family coverage in the individual market will pay more for their health insurance.

Instead of spending time selling a broken product, lawmakers need to repeal it and offer seniors a patient-centered health care plan that lowers costs and expands access.

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

PART D DOUGHNUT HOLE

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

Mr. COHEN. Mr. Speaker, there's great news for seniors, and I think that they'll be receiving it in the mail soon. The notorious doughnut hole is going to be closed. And starting this week, the part D doughnut hole where seniors have to pay for their drugs at an immense amount that hurts them will start to be filled because of the health care bill we passed in this House without a single Republican vote that made it law. The Democrats did it.

And $250 one-time rebate checks will go out as early as this week to seniors who are in the doughnut hole. They will start to be mailed out tomorrow, June 10. Seniors who fall into that hole can expect a $250 tax rebate check in their mailbox to help them cover those costs, part of the Democratic bill that reformed health care that didn't have a single Republican vote to help it become law. There were 217, 218 Democratic votes up to make that law.

Eventually, the doughnut hole will be eliminated, but we start with these $250 checks. And I am proud to have voted for it, proud to have supported it, and pleased to give seniors relief from drug bills that are hurting them every day.

WHY WE HAVE NO BUDGET

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

Ms. FOXX. Mr. Speaker, here's one way the American people can tell that it's an election year. After racking up record deficits, congressional Democrats are now trying to run away from the truth about their out-of-control spending.

Last fiscal year, Democrats in Congress tallied a record $1.4 trillion of deficit spending. Through the first 7 months of this year, they've already overspent by $800 billion.

So it's no wonder, with elections coming up in just a few months, that they don't want you to know how much deficit spending they plan to do next year. That's why we have no budget.

House Democrats are not putting a budget on the table. They don't want to own up to their numbers. They don't want you to see another trillion dollars added to the deficit. So they'll just leave the books open without a plan and spend without restraint.

About the only thing that will stop them is if the American people speak up and say this is not acceptable. We sent you to Congress to lead; so write a budget.

GOVERNMENT MUST ENFORCE POLLUTION LAWS

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

Mr. INSLEE. Mr. Speaker, this morning the Sustainable Energy and Environment Caucus had a meeting with Environmental Protection Agency Administrator Lisa Jackson, and she told us something that I thought was encouraging, which is that the United States Federal Government has insisted that British Petroleum drill a second relief well to make sure that we've got a relief well that can ultimately stop this horrific spill in the gulf coast.

And it's encouraging because the Federal Government has to be the ultimate decider to make sure this job gets done. BP only wanted to do one well, but the President and his administration insisted that they do two wells to make sure that we get one that works.

But there's a disturbing effort now going on in the U.S. Senate to deprive the EPA of the ability to clean up the industry that is now putting pollution in the air as well. We've got to preserve the Federal Government's ability to enforce our air pollution and clean water laws. The American people deserve that. We ought to stand strong to

have a sheriff in charge of this operation.

HIGH-DEDUCTIBLE HEALTH PLANS

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

Mr. FLEMING. Mr. Speaker, a recent report has shown that enrollment in high-deductible health plans associated with health savings accounts grew by 25 percent in 2009 to a total of 10 million Americans. These plans, which often provide the lowest-priced health insurance, are targeted in the newly enacted health care bill.

ObamaCare will increase taxes on HSAs from 10 percent to 20 percent and will prevent over-the-counter drugs from being reimbursed tax free from the health savings accounts. Millions of Americans rely on HSAs to cover deductibles, insurance copays, over-the-counter medications, and a plethora of other medical expenses. Furthermore, HSAs are an excellent tool to cut health care costs, while ObamaCare, itself, provides no such tools.

If you truly support health care affordability, I ask you to support my legislation, H.R. 5126, which restores the valuable tool that saves costs.

□ 1015

SARAH NOBLE SCHOOL WALKING PROJECT

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

Mr. MURPHY of Connecticut. Mr. Speaker, more than 52,000 miles in 4 weeks. That is what 10,000 steps, or 5 miles, every single day is. That's what the kids at Sarah Noble School in New Milford, Connecticut, accomplished in May. In their fourth annual school walking project for fifth graders, students lived by the ''Triple E'' mantra: exercise, eating healthy, and protecting the environment. These students are putting themselves on a path to a healthier life by investing in walking. Healthy habits that can start now can pay off as they grow older because, as we know, obese youth are becoming an epidemic. They are more likely to have high-risk factors for cardiovascular disease such as high cholesterol and high blood pressure, as well as Type II diabetes and several types of cancer.

We've got to break this cycle, and it starts with a single step, some healthy snacks, and keeping the air we breathe clean. At Sarah Noble School, fifth graders are already doing their part, and they have given me this pedometer to help me do the same. Together, we can all strive to be healthy, one step at a time.

AMERICA SPEAKING OUT TOWN HALL

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

Mr. BILIRAKIS. Mr. Speaker, in an effort to engage Floridians to talk about the challenges facing our country, I hosted an America Speaking Out town hall meeting in Plant City, Florida, late last week. City Hall was packed with people who are concerned about the direction our country is headed. Their message was loud and clear: Washington has ignored the voice of the American people and pushed through an agenda that does nothing but grow the size of government and our national debt.

Mr. Speaker, instead of handing an IOU to future generations in an effort to radically grow the government, Washington should exercise fiscal restraint and produce economic solutions that let people and businesses keep more of what they earn so they can innovate, grow, and create jobs to kickstart our economy.

Mr. Speaker, Washington can no longer ignore the voice of the people. Americans are speaking out and Washington needs to listen.

JOBS AND THE ECONOMY

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

Mr. BACA. Last week, the unemployment rate dropped to 9.7 percent, and the economy added over 400,000 jobs. Since the beginning of last year, we have added an average of 200,000 jobs a month. Unemployment rates dropped in 90 percent of the Nation's largest metro areas, with much of the improvement seen in the manufacturing sector instead of outsourcing like it was done in the past administration. And thanks in large part to the first-time home buyers tax credit, home sales rose in April as well.

But while our economy is showing signs of progress, our work is far from over. We must continue to focus on solid, job-creating bills that will help our economy move forward. Yet even though progress has been made, Republicans want to continue to side with Wall Street and the big banks that caused the crisis. Saying ''no'' over and over again is not progress; it is destructive.

Democrats are committed to keep on working and focusing on initiatives that will correct the failed policies of the past, but we all must work together.

WHERE HAVE ALL THE INVESTIGATIVE REPORTERS GONE?

(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, investigative journalists pursued alleged scandals involving former House majority leader Tom DeLay and former White House deputy chief of staff Karl Rove, even though neither was ever convicted of any wrongdoing. But today, few investigative reporters are focused on what could be a criminal attempt by the Obama administration to manipulate the Democratic Senate primaries in Pennsylvania and Colorado.

While we don't know all the facts about the administration's actions, we do know the following: It is against the law to offer a government job in exchange for dropping out of a political race. It is against the law for administration officials to interfere in the nominee process of a Senate election. And it is against the law to obstruct justice.

Rather than a swarm of investigative reporters demanding answers from the administration, we hear only the sound of crickets chirping on the White House lawn.

JOBS

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

Ms. FUDGE. Mr. Speaker, I am amazed and disheartened by congressional Republicans' attempts to reinstitute the same flawed policies that created the economic crisis we find ourselves in today. Congressional Republicans are determined to abandon Americans who have lost their jobs and partner with special interest groups like the Wall Street banks, credit card companies, Big Oil, and insurance companies.

Their intent is shown in their voting record. Republicans have voted against every major piece of economic legislation we've taken up this year. They voted ''no'' on the Recovery Act. They voted ''no'' to rein in banks through Wall Street reform. They even voted ''no'' for summer jobs.

I am proud to be a Democrat in this Congress and stand up for hard-working Americans. Our party is dedicated to moving America in a new direction, creating good American jobs, lowering taxes for the middle class and small businesses, and building a strong new foundation for the economy and for Main Street.

The growing signs of economic recovery show our policies are working. Consider that American jobs have been created in six of the last seven months, averaging nearly 200,000 jobs a month this year. While more needs to be done, Mr. Speaker, America is on the road to recovery.

ENOUGH IS ENOUGH

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

Mr. SAM JOHNSON of Texas. A recent Gallup poll showed 79 percent of Americans now view the Federal debt as a serious threat to the future well-being of this Nation. It's no wonder because the administration just announced that the Nation's debt will

reach 93 percent of GDP this year, a new high. Economic experts predict that unprecedented debt level could squash at least 1 million more jobs. The news came the same day the Labor Department reported that nearly all of the new jobs were temporary hires at the Census and some of them rehires at that.

Make no mistake, the out-of-control government spending, coupled with the heavy debt, prevent us from creating the quality jobs and the bright future America Americans want, need, and deserve.

It's time to get our fiscal house in order, once and for all. The stimulus, the bailouts, government-run health care: Enough is enough.

NO MORE BAILOUTS

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

Mr. KAGAN. Mr. Speaker, last week I listened to families in Green Bay, Marinette, Niagara, Crandon, Wausaukee, Crivitz, Minocqua, Woodruff, Waupaca, Shawano, Greenville, and Appleton. Everywhere I went people were saying the same thing, and they're playing by the rules, playing and living by the rules. They're working hard and paying their bills on time. It's the Wisconsin way.

They've asked me to deliver this message to Washington: No more bailouts for Wall Street corporations; no bailouts of Big Oil companies who have determined our energy policy for decade. And to British petroleum, we say, You broke it, you fix it.

On May 19, I gave British Petroleum president Lamar McKay an opportunity to live up to his corporate word immediately, not 10 years from now, when I asked him to put $25 billion into the United States Treasury to begin cleaning up the worst environmental disaster in our Nation's history, but when asked to take responsibility, he took a pass.

People in Wisconsin believe in responsibility, both personal and corporate. People in Wisconsin want BP to pay up front, and that is why I'm introducing the Oil Spill Responsibility Act of 2010, requiring immediate payment of $25 billion by BP.

ISRAEL HAS A RIGHT TO DEFEND ITSELF

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

Mr. PENCE. As a member of the House Foreign Affairs Committee, I have been a strong supporter of the U.S.-Turkish alliance. I've been to Ankar, Turkey. I have met with officials there. I knew the President before he was President of Turkey.

So you can imagine my dismay, Mr. Speaker, with the recent aggressive action by Turkey toward our most cherished ally, Israel. The complicity of Turkey in launching a flotilla to challenge the blockade in Gaza, the ensuing violence that occurred, the grievous loss of life is deeply troubling to those of us who have supported the U.S.-Turkish alliance in the past.

A few things need to be said. We grieve the loss of life, but Israel has a right to defend itself, and Turkey must know that America will stand with Israel in her inviolate right to defend herself. There is no humanitarian crisis in Gaza. Ten thousand tons of food and medical supplies are transferred into Gaza every single week, and the blockade has saved lives.

Hamas used the Gaza strip to launch vicious and brutal attacks, thousands of rockets on civilians. It costs lives in Gaza. It costs lives in Israel. Turkey needs to count the cost. Turkey needs to decide whether its present course is in its long-term interests, but America will stand with Israel.

CELEBRATING THE LIFE OF REV. LEMUEL YAZZIE

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

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise to celebrate the life of a true American hero. On May 28, we lost another of the last surviving Navajo code talkers: Reverend Lemuel Yazzie of Whitecone, Arizona.

Navajo code talkers saved the lives of countless Americans during World War II and the Korean War by using Dine to help the Marines communicate without risk of interception by the enemy. Reverend Yazzie served bravely and honorably as part of this legendary group.

After leaving the military, he kept giving back, serving for years as a missionary, staying involved with community work, and helping organize a committee to aid workers suffering from the effects of uranium exposure.

An active member of the Navajo Cold Talker Association, Reverend Yazzie was dedicated to recognizing all Dine fighting men and women have done for this country. We must follow his lead.

In his honor, I will continue my efforts to keep our promises to veterans in Navajo Country and across the Indian Nation.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2008, BONNEVILLE UNIT CLEAN HYDROPOWER FACILITATION ACT

Mr. INSLEE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 2008) to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project, the Clerk be directed to carry out the modification that I have placed at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

At the end of the bill, add the following new section:

SEC. 8. LIMITATION ON THE USE OF FUNDS.

The authority under the provisions of section 301 of the Hoover Power Plant Act of 1984 (Public Law 98–381; 42 U.S.C. 16421a) shall not be used to fund any study or construction of transmission facilities developed as a result of this Act.

Mr. INSLEE (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

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

There was no objection.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

URGING U.S. ACTION AND INTERNATIONAL AGREEMENT ON OCEAN ACIDIFICATION

Mr. INSLEE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 989) expressing the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 989

Whereas the world's oceans have absorbed more than a quarter of the carbon dioxide released into the atmosphere since the start of the Industrial Revolution;

Whereas the increased absorption of carbon dioxide by the world's oceans alters the form of nutrients and chemicals in the oceans and results in ocean acidification;

Whereas ocean acidification threatens carbonate-forming species such as coral, shellfish, and marine plankton, and may cause major ripple effects throughout marine ecosystems and food webs, ultimately affecting the largest marine organisms and many commercial fisheries;

Whereas ocean acidification will affect the growth, reproduction, disease resistance, and other biological and physiological processes of many marine organisms;

Whereas ocean acidification will be accelerated in Arctic waters because carbon dioxide is more soluble in colder waters and

lower salinity diminishes the capacity of oceans to buffer against acidification;

Whereas over 60 percent of the United States population lives in coastal States and could be affected by changes to marine ecosystems;

Whereas coastal communities depend on revenue from the fishing and tourism industries, which rely on the health and stability of marine ecosystems;

Whereas commercial and recreational fisheries contribute more than $73,000,000,000 annually to the United States economy and support more than 2,000,000 jobs in the United States;

Whereas coastal tourism and recreation produce $70,000,000,000 in annual revenue in the United States;

Whereas coral ecosystems are a source of food for millions; protect coastlines from storms and erosion; provide habitat, spawning, and nursery grounds for economically important fish species; provide jobs and income to local economies from fishing, recreation, and tourism; are a source of new medicines; and are hotspots of marine biodiversity;

Whereas 500,000,000 people worldwide rely on reefs for food, income, and protection;

Whereas coral reefs support an estimated 25 percent of marine species globally and produce a net global economic benefit of about $30,000,000,000 per year;

Whereas if current trends in global emissions of carbon dioxide continue, corals could be functionally extinct by the middle to the end of this century; and

Whereas the Congress has recognized the need to address the impacts of ocean acidification by enacting the Federal Ocean Acidification Research and Monitoring Act of 2009 as part of Public Law 111–11: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies.

□ 1030

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. INSLEE) and the gentleman from Utah (Mr. CHAFFETZ) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. INSLEE. 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 gentleman from Washington?

There was no objection.

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

Mr. Speaker, we have a resolution before us that deals with a problem of extraordinary dimensions having to do with the health of our oceans. I want to thank Chairman RAHALL, Chairwoman BORDALLO, Majority Leader HOYER, Subcommittee Chair BRIAN BAIRD and their help in getting a resolution to the floor to deal with this extraordinary threat.

We know how much Americans today are feeling heartsick about the damage to our gulf and perhaps the Atlantic Ocean as a result of the oil spill we are now suffering.

But what our resolution attempts to do is to focus on another perhaps worse threat to the oceans today associated with the burning of fossil fuels, and that is the sad, unalterable, unambiguous, scientifically certain fact that our oceans are becoming more acidic, substantially more acidic, as a result of carbon-based pollution from our burning of oil and coal and other fossil fuels.

Because what we have learned in our research—and we have had a number of hearings on this—is the scientific community is telling us that, because of carbon dioxide pollution that comes from burning oil and coal, what happens is that the carbon dioxide that is coming out of our smokestacks and our tailpipes is going over the oceans and then is going into solution into the oceans of the world.

Fully over a quarter of all the carbon that we have burned, after digging it out of the ground and piping it up from below, has now found its way into the oceans. This is a scientific fact. All scientists, Republicans and Democrats, agree on this. As that carbon dioxide goes into the ocean, it creates acid, it creates acidic conditions. Today, the oceans are almost a third, 26 percent, more acidic than they were before we started to burn fossil fuels.

Now, the disturbing part of this is that acid, as you can imagine, does not seem a safe, benign condition in our oceans. The bad news is that the scientists have told us in our investigations that this acidification of the oceans is now increasing at dramatic rates. The oceans are 26 percent more acidic than they were before we started to burn coal and oil. But by the end of the century, by the end of my grandchild's lifetime, the oceans will be 100 percent, they will be twice as acidic as they have ever been during humans' time on Earth. And this is presenting extraordinary danger to humans because we have an attachment to the oceans.

And what we are being told by the scientific community is that the danger of these acidic conditions are that it makes it difficult, if not impossible, for huge swathes of the life in the ocean to survive. The reason is that large parts of the ocean community depend on taking calcium carbonate out of the water. They precipitate—that's a scientific term—they precipitate calcium carbonate into their shells.

Coral reefs take calcium carbonate to make coral reefs. Clams take calcium carbonate out to make shells. Perhaps most importantly, large amounts of the plankton that are the base of the food chain take calcium carbonate out to make the little structures of their bodies that make these little shell-like forms.

And as the water becomes more acidic—and this is what's disturbing and this resolution is intended to focus America's attention on—as the waters become more acidic, these life forms actually dissolve in the acidic water of the oceans. We are now approaching the area, the level, where the acidic waters of the Pacific, Atlantic, Southern, Northern oceans will actually dissolve these life forms.

Let me tell you how dangerous this is. Dr. Jane Lubchenco, the director of the National Oceanic and Atmospheric Administration, has come to us and actually shown us photographic evidence of shells, the little calcium carbonate sources of 40 percent of the base of the food chain. She showed us pictures of these little creatures actually dissolving in water that will be as acidic as it will be at the end of the century if we don't change things.

Now, there is no mystery about this. It's a scientific fact that the waters are becoming more acidic because of carbon dioxide, and it's a scientific fact that large parts of the Earth's oceans are dependent on this phenomena of taking calcium to form their life.

So what does that mean to us? Well, what it means to us in our grandchildren's lifetime is if we don't change what we are doing in an industrial basis, we will have significant reduction in mankind's use of the oceans, because fully 500 million people in the world depend on their protein from the oceans. Many Americans, including 2 million Americans, make their livelihood from the oceans that are going to be in jeopardy because of ocean acidification.

Seventy billion dollars a year of the U.S. economy is dependent on what is now jeopardized by the oil spill today in the gulf. But when you see those shrimp farmers and oystermen and fishermen whose livelihoods are at jeopardy in the gulf coast today, it is all the fishermen around the world whose livelihood is jeopardized by ocean acidification.

Let me note some of the scientific evidence about this. I will quote from Dr. Richard Feely of Texas Tech. Quote, ''Already we've seen water showing up off the coast of northern California that's acidic enough to actually start dissolving seashells. It's thought that this kind of corrosive water showing up will become more and more common.''

A quote from Nature magazine this year: ''By mid-century, if we continue emitting carbon dioxide the way we have been, entire vast areas of both the Southern Ocean and the Arctic Ocean will be so corrosive that it will cause seashells to dissolve,'' close quote.

Quote from Nature: Quote, ''In decades, rising ocean acidity may challenge life on a scale that has not occurred for tens of millions of years,'' close quote.

Perhaps the most disturbing quote I have heard is from Ken Caldeira, an oceanographer from Stanford, who basically has told me we're heading for something he likens as an ocean full of weeds because of the destruction of these multiple life forms.

And the one that's most telling to what we are seeing today in the gulf, a quote from Donald Waters, a commercial fisherman who fishes for red snapper and king mackerel out of Pensacola, Florida: Quote, ''This is a devastating ghost lurking in the shadows that would change our whole lives,'' close quote.

So what we have today is a resolution by the House that we need to adopt policies and move forward in efforts to reduce this evil that is now lurking in the oceans of ocean acidification. We know what the culprit is; it is carbon dioxide. We know what the solution is, which is new clean energy technologies that we can embrace to try to reduce this pollution. And we know the ultimate outcome if we do not act, which is that our grandkids are not going to have an ocean as we know them.

And, personally, I can tell you it's already hit my State. Our oyster production now in the State of Washington has been severely dampened, probably because of ocean acidification that prevents the oyster larva from surviving. We don't know this for an absolute certainty yet, but this is the kind of thing that we are starting to see happen.

We are better than this. We know what the oceans mean to us, and we do not intend to leave behind an ocean without the Creator's creation of coral reefs and all the other creations of the ocean. So I commend this resolution.

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

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

House Resolution 989 would urge the United States to adopt national policies and pursue international agreements to prevent ocean acidification to study the impacts of ocean acidification and to address the effects of ocean acidification on marine ecosystems and coastal economies.

As stated in the resolution, Congress passed the Federal Ocean Acidification Research and Monitoring Act last year. This legislation authorized funding for research activities to better understand ocean acidification. This is to the tune of approximately $76 million.

I would stress that, prior to adopting national policies and international agreements which could adversely impact American jobs, the administration needs to continue its efforts to conduct research to better understand ocean acidification to ensure that efforts to address its effects do not necessarily harm the United States economy. We have dedicated significant money for this over the course of time.

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

Mr. INSLEE. Mr. Speaker, I have no further requests for time, and I commend this to the House.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, would the gentleman help me understand why this resolution is needed at this time. I don't want to try to debate—I appreciate your passion for this topic. It's evident and I appreciate that.

But given that we already passed the Federal Ocean Acidification Research and Monitoring Act and authorized some $76 million, why the need for this additional resolution?

Mr. INSLEE. If the gentleman will yield, it's a great question, and the answer is clear.

You look at Americans who today have it really deep in their hearts what's happening in the gulf. I know in your district, all of our folks, Republicans and Democrats, understand the damage that's being occasioned.

What Americans are not aware of yet is this other looming potential disaster in the oceans. We believe it's important for the U.S. Congress to go on record to say we, in fact, are going to deal with this, not just in a research component—and I appreciate the gentleman's pointing it out; we have passed a component to increase our research.

But research is not enough. We need action in the oceans. We need to reduce our carbon pollution in the oceans. And simply studying this problem is not enough. We can't study the problem for the next several decades and let the oceans die. So that's the reason for this resolution.

Mr. CHAFFETZ. Thank you. And if the gentleman will respond to another question.

It talks in the very first sentence, ''Expressing the sense of the House of Representatives that the United States should adopt national policies.'' By ''national policies'' does the gentleman mean the cap-and-trade?

What are national policies, in your mind?

Mr. INSLEE. Well, there are numerous policies that could deal with this problem, and our resolution does not specify any particular policy.

We look to the bipartisan efforts that we hope will succeed here in an effort that will reduce what causes ocean acidification, which is carbon pollution. There are many policies that can do that.

Mr. CHAFFETZ. Would cap-and-trade be one of those?

Mr. INSLEE. A cap could be one of those, but there are many other policies that could be beneficial, many of which have already passed the House of Representatives, including our efforts to start building electric cars in America rather than China, building lithium ion batteries. We are opening up our first plant in Michigan where we are putting to work hundreds of out-of-work autoworkers.

All of these are great policies. We do not specify in this resolution any particular policy.

Mr. CHAFFETZ. Reclaiming my time, I concur with the gentleman and the idea that we need to pursue green technologies. In my opinion, that includes nuclear technologies, getting the regulatory bodies out of the way so that we can pursue the adoption of natural gas vehicles and other types of things and technologies that would truly help our environment.

I would simply also, Mr. Speaker, suggest that when the characterizations of where the scientific community is on this—I do personally object to the quote ''all scientists agree,'' end quote.

I don't think that is the case. From my purview and my perspective, I don't believe that, quote, ''all scientists agree.'' I do think there is still debate in the scientific community, and I think that's a healthy thing along the way.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address remarks in debate to the Chair and not in the second person.

Mr. INSLEE. May I inquire how much time we have remaining on our side?

The SPEAKER pro tempore. The gentleman from Washington has 11½ minutes.

Mr. INSLEE. I yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I want to thank the sponsor of this resolution. He has been a leader on this. And the fact is, they say that politicians think of the next election, statesmen think of the next generation.

This resolution is about the next generation. And the next generation and the generation after that need to have an Earth that they can inhabit that's similar to the Earth that was inhabited by our predecessors, because we are polluting it. And we need to be careful about what we are doing to the ocean. It's the last frontier, and we are polluting it greatly.

I want to bring up the work of a lady, no relation to me, whose name is Dianna Cohen. Dianna is in Barcelona, Spain, and she is doing an exhibition on plastics. She is the founder of a group called the Plastic Pollution Coalition.

The fact is, plastics break up and spread poisons and toxins that threaten our sea life, our marine life, get into our systems through our ingesting and eating those animals, and are a threat to our own present existence. When plastics are produced and they are put into the atmosphere and into the environment and end up in the ocean, they threaten us.

So what she has done in Barcelona, Spain, on the 8th of June, which is World Ocean Day, is have an Ocean of Plastic exhibit and taken plastics from the ocean and created art. It is teaching students there about the dangers of plastics, the threat to our ocean life and to our marine future.

I commend Dianna Cohen for her work. I commend Mr. INSLEE for his work, being a statesman and looking out for the next generation and for Mother Earth, which we have a duty to preserve.

Mr. CHAFFETZ. Mr. Speaker, one of the concerns I have about this resolution is the vague nature of what these so-called national policies would be. Again, I would like to ask the gentleman if he would respond to a question.

Is H.R. 2454, the Waxman-Markey bill, one of the, quote, ''national policies''?

I yield to the gentleman.

Mr. INSLEE. Well, the national policies will be decided by this Congress rather than just myself or the gentleman. This will be a decision, the policies that we will make, hopefully, on a bipartisan basis.

The resolution does not pertain to any particular policy. There are probably a thousand good ideas here. We hope to find the best thousand and put them all to work.

□ 1045

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

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

I would like to just make a couple of points. First off, I want to make clear that there really is no scientific debate or uncertainty about a couple of physical facts, and I just want to make this pretty clear. You can really search the world over, and you really will not find any scientist who will dispute the conclusion that when we put carbon dioxide into the air, much of it ends up in the ocean and dissolves and creates more acidic conditions. That's an established scientific fact. The second scientific established fact is now, because of some of the great work done in part by NOAA on behalf of the Federal Government, we are finding that the oceans are becoming more acidic.

I met the NOAA ships when they docked in Seattle about a year and a half ago when they came in. They did very specific studies where they dipped little containers in the water at various places in the water column. They bring it up and they do a pH experiment to determine its acidity. We did this as juniors and seniors in high school. This is very well established science. That is an established fact. There is really no debate in the scientific community about this.

Now, there is a question of how soon the coral reefs will disappear. Is it 40 years? Is it 60 years? Is it 100 years? There is still scientific research to be done on that, but we know at some point the acidity changes the ability of these life forms to exist in the water. That is very disturbing because vast amounts of the ocean is dependent on these creatures at the bottom of the food chain. At least 15 percent of food from around the world comes from fish that are dependent on coral reefs, and when they're gone, the fish are gone. When 40 percent of the plankton are gone, the salmon are gone that my people like to go out on a Saturday and catch. I can tell you with a scientific certainty that my people do not want to risk the survival of salmon because we continue this pollution policy without dealing with it. That is a political certainty. So I think there is plenty of certainty.

Now, what policies we adopt on this, the gentleman knows there are many things to do. One of the policies that we have adopted on our energy bill would call for research to find out if there is a way we can sequester carbon dioxide from burning coal, for instance, so that if we can bury the carbon dioxide from the coal, we can continue the burning coal. That is part of our energy bill that we passed in the House of Representatives, just one of the policies of many we have.

One other comment I want to make. There is a lot of disagreement in the House about climate change and the science of climate change. We understand that. But I want to make people understand that this resolution has to do with a connected, but separate, phenomenon. If you don't think there is any climate change, if you believe that the melting of the Arctic in the tundra and Greenland is not associated with burning carbon dioxide, that's fine; but this issue we ought to have total bipartisan consensus on because there really is no disagreement about where the carbon dioxide goes. A substantial amount of it goes into the ocean and makes acidic conditions.

So I am hoping we have bipartisan consensus on this. This is related, but you don't have to be a believer in climate science to understand the clear acidification science. When you add carbon dioxide to the water, it makes it acidic. We learned this in high school. And now it's time for us to do something about it.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, there have been some assertion that this is a worse threat than what's going on in the gulf. The most immediate threat to the oceans, at least that we see, is what's going on with the oil spill in the gulf. And it is nothing short of shocking that this President has yet to even call the leader of British Petroleum. Why he can't even make a call after nearly 50 days is truly absolutely shocking.

Again, I think we need to continue to have a debate and talk about the need to address the acidification in the oceans, but I do find that this House resolution is ambiguous when it talks about adopting national policies, which I think is a thinly veiled attempt to say that we should be adopting the cap-and-trade bill.

Further, I find that this bill is redundant in terms of the fact that Congress passed the Federal Ocean Acidification Research and Monitoring Act last year, authorizing money to the tune of some $76 million.

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

Mr. INSLEE. Mr. Speaker, I just want to make the point and make sure Members know we are not advocating any particular policy. What we are advocating here is that we, on a bipartisan basis, take the blinders off to a problem that we have to face on a bipartisan basis. You can't run or hide from ocean acidification. The oceans will have 150 percent increase in the acidity of the oceans if we don't find a bipartisan solution to this problem. We will have more CO_2 in the oceans than the last 650,000 years if we don't find some bipartisan solution to this problem.

So we just think the first step of any solution is recognizing the problem. We think we ought to recognize reality. We ought to take the blinders off, and we ought to take the first step of recognizing the problem.

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

Mr. CHAFFETZ. Mr. Speaker, again, I appreciate the gentleman who is presenting this bill and his clear passion for this. But, Mr. Speaker, when it says in the very first sentence that the United States should adopt national policies, in my mind, Mr. Speaker, this is clearly an attempt to try to say that we should be passing the cap-and-trade bill, which I am totally opposed to.

I would urge my colleagues to vote against this bill; I don't think it's needed. We have made a commitment, on behalf of the United States of America, with the Federal Ocean Acidification Research and Monitoring Act that was passed in an omnibus bill last year. The money has been set aside. The administration needs to do its work, and I would encourage them to do that. This is an issue that does need to be addressed. We don't try to dismiss that in any way, shape or form; but, Mr. Speaker, this resolution is not needed at this time, and I urge my colleagues to vote against it.

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

Mr. INSLEE. To close, I would just like to comment. We're going to have lots of debates about the right policy to deal with this problem, but the country that put a man on the Moon should not be the country to blind itself to an obvious problem. And we are going to be swallowed by this and the oceans are going to be swallowed by this unless we first recognize the problem. It's a simple bipartisan step to say we've got a problem, we've got to work together to solve it. Let's do that. I commend this and move the motion.

Mr. SABLAN. Mr. Speaker, most of us know how the build-up of carbon dioxide in the Earth's atmosphere is causing global temperatures to rise.

Less well known is how the build-up of atmospheric carbon dioxide is changing the chemistry of the oceans.

Because the oceans absorb atmospheric CO_2.

In a way, this is beneficial: reducing atmospheric carbon dioxide slows down the global warming effect.

But as the oceans absorb CO_2, the oceans themselves become increasingly acidic.

And the increasingly acid ocean waters can actually eat away the carbon shells of corals and a myriad of other sea life.

The people I represent live on islands surrounded by coral reefs.

Coral reefs protect us from storms and provide habitat for fish and shelled animals that are a traditional source of food.

The existence of coral reefs attract hundreds of thousands of tourists to the Northern Mariana Islands each year.

Economists have valued our coral reefs at up to $70 million annually. Yet each year the oceans grow more acidic that economic value is being eroded.

I thank Mr. INSLEE for focusing on this issue.

I urge my colleagues to support House Resolution 989 and national and international policies to prevent ocean acidification.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H. Res. 989, expressing the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies.

We know ocean acidification occurs as a consequence of high levels of man-made carbon dioxide emissions. But we do not know the full ramifications of ocean acidification. As H. Res. 989 suggests, the United States should pursue national and international activities and agreements to develop a full body of scientific research in addition to the work that will be done by the National Oceanic and Atmospheric Administration as part of the Federal Ocean Acidification Research and Monitoring Act of 2009.

H. Res. 989 emphasizes that we must do more monitoring and research on ocean acidification in order to protect and preserve the ocean, which serves as a source of food, income and cultural identity for hundreds of millions people living in the United States and around the world.

As Chairman of the Foreign Affairs Subcommittee for Asia, the Pacific and the Global Environment, I know firsthand how important it is for the U.S. Congress to act as a primary supporter of efforts aimed at curbing climate change and its consequences, including ocean acidification. And in representing a district whose livelihood and heritage were shaped by the South Pacific, preserving the ocean environment will always be one of my paramount concerns. I urge my colleagues to join with the 53 Members who have already cosponsored H. Res. 989 and support its passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. INSLEE) that the House suspend the rules and agree to the resolution, H. Res. 989.

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. CHAFFETZ. 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.

GRID RELIABILITY AND INFRASTRUCTURE DEFENSE ACT

Mr. MARKEY of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5026) to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States from cybersecurity and other threats and vulnerabilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5026

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 ''Grid Reliability and Infrastructure Defense Act'' or the ''GRID Act''.

SEC. 2. AMENDMENT TO THE FEDERAL POWER ACT.

(a) CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding after section 215 the following new section:

''SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

''(a) DEFINITIONS.—For purposes of this section:

''(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms 'bulk-power system', 'Electric Reliability Organization', and 'regional entity' have the meanings given such terms in paragraphs (1), (2), and (7) of section 215(a), respectively.

''(2) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—The term 'defense critical electric infrastructure' means any infrastructure located in the United States (including the territories) used for the generation, transmission, or distribution of electric energy that—

''(A) is not part of the bulk-power system; and

''(B) serves a facility designated by the President pursuant to subsection (d)(1), but is not owned or operated by the owner or operator of such facility.

''(3) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE VULNERABILITY.—The term 'defense critical electric infrastructure vulnerability' means a weakness in defense critical electric infrastructure that, in the event of a malicious act using electronic communication or an electromagnetic pulse, would pose a substantial risk of disruption of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of defense critical electric infrastructure.

''(4) ELECTROMAGNETIC PULSE.—The term 'electromagnetic pulse' means 1 or more pulses of electromagnetic energy emitted by a device capable of disabling, disrupting, or destroying electronic equipment by means of such a pulse.

''(5) GEOMAGNETIC STORM.—The term 'geomagnetic storm' means a temporary disturbance of the Earth's magnetic field resulting from solar activity.

''(6) GRID SECURITY THREAT.—The term 'grid security threat' means a substantial likelihood of—

''(A)(i) a malicious act using electronic communication or an electromagnetic pulse, or a geomagnetic storm event, that could disrupt the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of the bulk-power system or of defense critical electric infrastructure; and

''(ii) disruption of the operation of such devices or networks, with significant adverse effects on the reliability of the bulk-power system or of defense critical electric infrastructure, as a result of such act or event; or

''(B)(i) a direct physical attack on the bulk-power system or on defense critical electric infrastructure; and

''(ii) significant adverse effects on the reliability of the bulk-power system or of defense critical electric infrastructure as a result of such physical attack.

''(7) GRID SECURITY VULNERABILITY.—The term 'grid security vulnerability' means a weakness that, in the event of a malicious act using electronic communication or an electromagnetic pulse, would pose a substantial risk of disruption to the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of the bulk-power system.

''(8) LARGE TRANSFORMER.—The term 'large transformer' means an electric transformer that is part of the bulk-power system.

''(9) PROTECTED INFORMATION.—The term 'protected information' means information, other than classified national security information, designated as protected information by the Commission under subsection (e)(2)—

''(A) that was developed or submitted in connection with the implementation of this section;

''(B) that specifically discusses grid security threats, grid security vulnerabilities, defense critical electric infrastructure vulnerabilities, or plans, procedures, or measures to address such threats or vulnerabilities; and

''(C) the unauthorized disclosure of which could be used in a malicious manner to impair the reliability of the bulk-power system or of defense critical electric infrastructure.

''(10) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

''(11) SECURITY.—The definition of 'security' in section 3(16) shall not apply to the provisions in this section.

''(b) EMERGENCY RESPONSE MEASURES.—

''(1) AUTHORITY TO ADDRESS GRID SECURITY THREATS.—Whenever the President issues and provides to the Commission (either directly or through the Secretary) a written directive or determination identifying an imminent grid security threat, the Commission may, with or without notice, hearing, or report, issue such orders for emergency measures as are necessary in its judgment to protect the reliability of the bulk-power system or of defense critical electric infrastructure against such threat. As soon as practicable but not later than 180 days after the date of enactment of this section, the Commission shall, after notice and opportunity for comment, establish rules of procedure that ensure that such authority can be exercised expeditiously.

''(2) NOTIFICATION OF CONGRESS.—Whenever the President issues and provides to the Commission (either directly or through the Secretary) a written directive or determination under paragraph (1), the President (or the Secretary, as the case may be) shall promptly notify congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, of the contents of, and justification for, such directive or determination.

''(3) CONSULTATION.—Before issuing an order for emergency measures under paragraph (1), the Commission shall, to the extent practicable in light of the nature of the grid security threat and the urgency of the need for such emergency measures, consult with appropriate governmental authorities in Canada and Mexico, entities described in paragraph (4), the Secretary, and other appropriate Federal agencies regarding implementation of such emergency measures.

''(4) APPLICATION.—An order for emergency measures under this subsection may apply to—

''(A) the Electric Reliability Organization;

''(B) a regional entity; or

''(C) any owner, user, or operator of the bulk-power system or of defense critical electric infrastructure within the United States.

''(5) DISCONTINUANCE.—The Commission shall issue an order discontinuing any emergency measures ordered under this subsection, effective not later than 30 days after the earliest of the following:

''(A) The date upon which the President issues and provides to the Commission (either directly or through the Secretary) a written directive or determination that the grid security threat identified under paragraph (1) no longer exists.

''(B) The date upon which the Commission issues a written determination that the emergency measures are no longer needed to address the grid security threat identified under paragraph (1), including by means of Commission approval of a reliability standard under section 215 that the Commission determines adequately addresses such threat.

''(C) The date that is 1 year after the issuance of an order under paragraph (1).

''(6) COST RECOVERY.—If the Commission determines that owners, operators, or users of the bulk-power system or of defense critical electric infrastructure have incurred substantial costs to comply with an order under this subsection and that such costs were prudently incurred and cannot reasonably be recovered through regulated rates or market prices for the electric energy or services sold by such owners, operators, or users, the Commission shall, after notice and an opportunity for comment, establish a mechanism that permits such owners, operators, or users to recover such costs.

''(c) MEASURES TO ADDRESS GRID SECURITY VULNERABILITIES.—

''(1) COMMISSION AUTHORITY.—If the Commission, in consultation with appropriate Federal agencies, identifies a grid security vulnerability that the Commission determines has not adequately been addressed through a reliability standard developed and approved under section 215, the Commission shall, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, promulgate a rule or issue an order requiring implementation, by any owner, operator, or user of the bulk-power system in the United States, of measures to protect the bulk-power system against such vulnerability. Before promulgating a rule or issuing an order under this paragraph, the Commission shall, to the extent practicable in light of the urgency of the need for action to address the grid security vulnerability, request and consider recommendations from the Electric Reliability Organization regarding such rule or order. The Commission may establish an appropriate deadline for the submission of such recommendations.

''(2) CERTAIN EXISTING CYBERSECURITY VULNERABILITIES.—Not later than 180 days after the date of enactment of this section, the Commission shall, after notice and opportunity for comment and after consultation with the Secretary, other appropriate Federal agencies, and appropriate governmental authorities in Canada and Mexico, promulgate a rule or issue an order requiring the implementation, by any owner, user, or operator of the bulk-power system in the United States, of such measures as are necessary to protect the bulk-power system against the vulnerabilities identified in the June 21, 2007, communication to certain 'Electricity Sector Owners and Operators' from the North American Electric Reliability Corporation, acting in its capacity as the Electricity Sector Information and Analysis Center.

''(3) RESCISSION.—The Commission shall approve a reliability standard developed under section 215 that addresses a grid security vulnerability that is the subject of a rule or order under paragraph (1) or (2), unless the Commission determines that such reliability standard does not adequately protect against such vulnerability or otherwise does not satisfy the requirements of section 215. Upon such approval, the Commission shall rescind the rule promulgated or order issued under paragraph (1) or (2) addressing such vulnerability, effective upon the effective date of the newly approved reliability standard.

''(4) GEOMAGNETIC STORMS.—Not later than 1 year after the date of enactment of this section, the Commission shall, after notice and an opportunity for comment and after consultation with the Secretary and other appropriate Federal agencies, issue an order directing the Electric Reliability Organization to submit to the Commission for approval under section 215, not later than 1 year after the issuance of such order, reliability standards adequate to protect the bulk-power system from any reasonably foreseeable geomagnetic storm event. The Commission's order shall specify the nature and magnitude of the reasonably foreseeable events against which such standards must protect. Such standards shall appropriately balance the risks to the bulk-power system associated with such events, including any regional variation in such risks, and the costs of mitigating such risks.

''(5) LARGE TRANSFORMER AVAILABILITY.—Not later than 1 year after the date of enactment of this section, the Commission shall, after notice and an opportunity for comment and after consultation with the Secretary and other appropriate Federal agencies, issue an order directing the Electric Reliability Organization to submit to the Commission for approval under section 215, not later than 1 year after the issuance of such order, reliability standards addressing availability of large transformers. Such standards shall require entities that own or operate large transformers to ensure, individually or jointly, adequate availability of large transformers to promptly restore the reliable operation of the bulk-power system in the event that any such transformer is destroyed or disabled as a result of a reasonably foreseeable physical or other attack or geomagnetic storm event. The Commission's order shall specify the nature and magnitude of the reasonably foreseeable attacks or events that shall provide the basis for such standards. Such standards shall—

''(A) provide entities subject to the standards with the option of meeting such standards individually or jointly; and

''(B) appropriately balance the risks associated with a reasonably foreseeable attack or event, including any regional variation in such risks, and the costs of ensuring adequate availability of spare transformers.

''(d) CRITICAL DEFENSE FACILITIES.—

''(1) DESIGNATION.—Not later than 180 days after the date of enactment of this section, the President shall designate, in a written directive or determination provided to the Commission, facilities located in the United States (including the territories) that are—

''(A) critical to the defense of the United States; and

''(B) vulnerable to a disruption of the supply of electric energy provided to such facility by an external provider.

The number of facilities designated by such directive or determination shall not exceed 100. The President may periodically revise the list of designated facilities through a subsequent written directive or determination provided to the Commission, provided that the total number of designated facilities at any time shall not exceed 100.

''(2) COMMISSION AUTHORITY.—If the Commission identifies a defense critical electric infrastructure vulnerability that the Commission, in consultation with owners and operators of any facility or facilities designated by the President pursuant to paragraph (1), determines has not adequately been addressed through measures undertaken by owners or operators of defense critical electric infrastructure, the Commission shall, after notice and an opportunity for comment and after consultation with the Secretary and other appropriate Federal agencies, promulgate a rule or issue an order requiring implementation, by any owner or operator of defense critical electric infrastructure, of measures to protect the defense critical electric infrastructure against such vulnerability. The Commission shall exempt from any such rule or order any specific defense critical electric infrastructure that the Commission determines already has been adequately protected against the identified vulnerability. The Commission shall make any such determination in consultation with the owner or operator of the facility designated by the President pursuant to paragraph (1) that relies upon such defense critical electric infrastructure.

''(3) COST RECOVERY.—An owner or operator of defense critical electric infrastructure shall be required to take measures under paragraph (2) only to the extent that the owners or operators of a facility or facilities designated by the President pursuant to paragraph (1) that rely upon such infrastructure agree to bear the full incremental costs of compliance with a rule promulgated or order issued under paragraph (2).

''(e) PROTECTION OF INFORMATION.—

''(1) PROHIBITION OF PUBLIC DISCLOSURE OF PROTECTED INFORMATION.—Protected information—

''(A) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

''(B) shall not be made available pursuant to any State, local, or tribal law requiring disclosure of information or records.

''(2) INFORMATION SHARING.—

''(A) IN GENERAL.—Consistent with the Controlled Unclassified Information framework established by the President, the Commission shall promulgate such regulations and issue such orders as necessary to designate protected information and to prohibit the unauthorized disclosure of such protected information.

''(B) SHARING OF PROTECTED INFORMATION.—The regulations promulgated and orders issued pursuant to subparagraph (A) shall provide standards for and facilitate the appropriate sharing of protected information with, between, and by Federal, State, local, and tribal authorities, the Electric Reliability Organization, regional entities, and owners, operators, and users of the bulk-

power system in the United States and of defense critical electric infrastructure. In promulgating such regulations and issuing such orders, the Commission shall take account of the role of State commissions in reviewing the prudence and cost of investments within their respective jurisdictions. The Commission shall consult with appropriate Canadian and Mexican authorities to develop protocols for the sharing of protected information with, between, and by appropriate Canadian and Mexican authorities and owners, operators, and users of the bulk-power system outside the United States.

''(3) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall permit or authorize the withholding of information from Congress, any committee or subcommittee thereof, or the Comptroller General.

''(4) DISCLOSURE OF NON-PROTECTED INFORMATION.—In implementing this section, the Commission shall protect from disclosure only the minimum amount of information necessary to protect the reliability of the bulk-power system and of defense critical electric infrastructure. The Commission shall segregate protected information within documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as protected information.

''(5) DURATION OF DESIGNATION.—Information may not be designated as protected information for longer than 5 years, unless specifically redesignated by the Commission.

''(6) REMOVAL OF DESIGNATION.—The Commission may remove the designation of protected information, in whole or in part, from a document or electronic communication if the unauthorized disclosure of such information could no longer be used to impair the reliability of the bulk-power system or of defense critical electric infrastructure.

''(7) JUDICIAL REVIEW OF DESIGNATIONS.—Notwithstanding subsection (f) of this section or section 313, a person or entity may seek judicial review of a determination by the Commission concerning the designation of protected information under this subsection exclusively in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia. In such a case the court shall determine the matter de novo, and may examine the contents of documents or electronic communications designated as protected information in camera to determine whether such documents or any part thereof were improperly designated as protected information. The burden is on the Commission to sustain its designation.

''(f) JUDICIAL REVIEW.—The Commission shall act expeditiously to resolve all applications for rehearing of orders issued pursuant to this section that are filed under section 313(a). Any party seeking judicial review pursuant to section 313 of an order issued under this section may obtain such review only in the United States Court of Appeals for the District of Columbia Circuit.

''(g) PROVISION OF ASSISTANCE TO INDUSTRY IN MEETING GRID SECURITY PROTECTION NEEDS.—

''(1) EXPERTISE AND RESOURCES.—The Secretary shall establish a program, in consultation with other appropriate Federal agencies, to develop technical expertise in the protection of systems for the generation, transmission, and distribution of electric energy against geomagnetic storms or malicious acts using electronic communications or electromagnetic pulse that would pose a substantial risk of disruption to the operation of those electronic devices or communications networks, including hardware, software, and data, that are essential to the reliability of such systems. Such program shall include the identification and development of appropriate technical and electronic resources, including hardware, software, and system equipment.

''(2) SHARING EXPERTISE.—As appropriate, the Secretary shall offer to share technical expertise developed under the program under paragraph (1), through consultation and assistance, with owners, operators, or users of systems for the generation, transmission, or distribution of electric energy located in the United States and with State commissions. In offering such support, the Secretary shall assign higher priority to systems serving facilities designated by the President pursuant to subsection (d)(1) and other critical-infrastructure facilities, which the Secretary shall identify in consultation with the Commission and other appropriate Federal agencies.

''(3) SECURITY CLEARANCES AND COMMUNICATION.—The Secretary shall facilitate and, to the extent practicable, expedite the acquisition of adequate security clearances by key personnel of any entity subject to the requirements of this section to enable optimum communication with Federal agencies regarding grid security threats, grid security vulnerabilities, and defense critical electric infrastructure vulnerabilities. The Secretary, the Commission, and other appropriate Federal agencies shall, to the extent practicable and consistent with their obligations to protect classified and protected information, share timely actionable information regarding grid security threats, grid security vulnerabilities, and defense critical electric infrastructure vulnerabilities with appropriate key personnel of owners, operators, and users of the bulk-power system and of defense critical electric infrastructure.

''(h) CERTAIN FEDERAL ENTITIES.—For the 11-year period commencing on the date of enactment of this section, the Tennessee Valley Authority and the Bonneville Power Administration shall be exempt from any requirement under subsection (b) or (c) (except for any requirement addressing a malicious act using electronic communication).''.

(b) CONFORMING AMENDMENTS.—

(1) JURISDICTION.—Section 201(b)(2) of the Federal Power Act (16 U.S.C. 824(b)(2)) is amended by inserting ''215A,'' after ''215,'' each place it appears.

(2) PUBLIC UTILITY.—Section 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is amended by inserting ''215A,'' after ''215,''.

SEC. 3. BUDGETARY COMPLIANCE.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. UPTON) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

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

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

There was no objection.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Right now, Mr. Speaker, America's electric grid is vulnerable to cyber or other attacks by terrorists or hostile countries. Our adversaries are actively probing these weaknesses and already have the capacity to exploit them. The consequences of such an attack could be devastating. The commercially operated grid provides 99 percent of the power used by our defense facilities. Every one of our Nation's critical civilian systems—water, communications, health care, transportation, law enforcement, and financial services—depends on that grid. Classified Member briefings have underscored the urgency of this threat.

The GRID Act, which has been produced out of the Energy and Environment Subcommittee of the Energy and Commerce Committee, working with Mr. UPTON, the ranking member of the subcommittee, passed by a unanimous 47–0 vote. It is the product of months of bipartisan work led by Chairman WAXMAN and Ranking Members Barton and Upton. It reflects important work by Mr. BARROW and other members of the Energy and Commerce Committee and by Chairman THOMPSON, Representative CLARKE—Chairwoman Clarke—and others on the Homeland Security Committee. And it shows that when it comes to the nexus between national security and energy, all Americans agree that we must chart a more secure path.

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

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

Mr. Speaker, I, too, want to compliment the members on our committee, both Republican and Democrat, not only in our subcommittee that Mr. MARKEY chairs and I'm the ranking member, but also Chairman WAXMAN and Ranking Member BARTON.

This has been a multiyear effort; it really has. This bill is a product of that work. We've had a number of classified hearings and discussions and briefings over the last couple of years with Members attending for hours at a time. We've had some public hearings as well; and this bill is a product of that, which is exactly why the bill passed out of full committee 47–0 on a roll call vote.

The security of our Nation's energy infrastructure from attack is one of the most important issues that this Congress might address this year, and it's not an issue that we can take lightly. Energy, as we know, electricity literally powers our economy in everything that we do. Even small price spikes and supply disruptions can wreak havoc on our economy for perhaps who knows how long, and it is imperative that the security of our Nation's energy infrastructure gets all of the attention that it deserves. This legislation is a step in the right direction

to protect our critical energy and defense infrastructure.

Let me tell you a couple of things that this bill does. As it relates to cyber- and electromagnetic weapons, it gives FERC the authority to establish standards to protect the bulk power system against vulnerabilities to malicious acts using electronic communications or electromagnetic weapons.

Geomagnetic storms: The bill requires FERC to direct NERC to submit for approval a reliability standard under section 215 to protect the bulk power infrastructure. And for large transformers, the bill requires FERC again to direct NERC to submit for approval a reliability standard under section 215 to require adequate availability of large transformers to ensure the reliability of the bulk power infrastructure in the event of a physical or other attack with a geomagnetic storm.

□ 1100

I would like to cite just a few words in a letter that was signed by some real national security experts—James Woolsey, Stephen Hadley, John Hamre, Rudy de Leon, James Schlesinger, William Perry, and Willy Schneider, Jr. It's an official-use only letter, so I cannot submit this letter for the RECORD or read more than just a few words.

They say together: We strongly endorse the timely passage of this legislation in recognition that the electricity grid is a critical national security asset, the backbone of defense capability in modern civilization and also in recognition that the grid is vulnerable.

The letter goes on: We don't want a vulnerable grid. We, as a society, cannot live with a vulnerable grid. This bill corrects many of the flaws in what could otherwise be standard operating procedure.

Again, I applaud and thank Chairmen WAXMAN and MARKEY, Ranking Member BARTON, and all of the members of our committee who have spent many hours to address this situation with this legislation.

I reserve the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield such time as he may consume to the chairman of the full Energy and Commerce Committee, the gentleman from the State of California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I rise in support of the Grid Reliability and Infrastructure Defense Act.

When it is signed by the President, this will be a bipartisan law, and it will be vital in protecting the Nation's electric grid from cyberattacks, from direct physical attacks, from electromagnetic pulses, and from solar storms.

Beginning in the last Congress, on a bipartisan basis, a group of Members worked on this legislation—ED MARKEY, JOE BARTON, FRED UPTON, and I. JOHN DINGELL and RICK BOUCHER have also played significant roles in developing the proposal. JOHN BARROW had a very important part in this legislation as well. I commend all of them for working together with me in preparing for this legislation that we are presenting to our colleagues today.

The staffs of both the majority and minority had extensive discussions with interested stakeholders and agencies. We worked with many Members to answer their questions, to address their concerns, and to consider their constructive suggestions. Their input has strengthened this bill. It has been a cooperative process that has produced strong bipartisan legislation. In fact, the Energy and Commerce Committee favorably reported the bill by a unanimous vote of 47–0.

Today, our electric grid simply isn't adequately protected from a range of potential threats in an emergency situation. Where the grid faces an imminent threat, the Federal Energy Regulatory Commission currently lacks the authority to require the necessary protective measures. There is also an ever-growing number of grid security vulnerabilities. These are weaknesses in the grid that could be exploited by criminals, by terrorists, or by other countries to damage our electric grid. There are weaknesses that even make the grid vulnerable to naturally occurring geomagnetic storms.

This bipartisan legislation will provide the Federal Energy Regulatory Commission with the authorities it needs to address these threats. It also directs the Commission to look at the long-term threats, not just at the imminent threats, with standards written or approved by the Commission. In addition, the bill includes provisions that focus specifically on the portions of the grid that serve facilities critical to the defense of the United States.

These are important national security and grid reliability issues. We have heard from the Defense Department, from former Defense Secretaries, from national security advisers, and from CIA Directors. They have told us that the changes made by this bill are critical to our national security, and the Congressional Budget Office confirms that the final bill is budget neutral.

Today's legislation is an opportunity for all of us to work together, and I urge my colleagues to seize this opportunity and to support this important bipartisan legislation.

Mr. UPTON. Mr. Speaker, I know that we have one other Member who wishes to speak, but I do not see him on the floor; so I continue to reserve the balance of my time.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW), to whom Chairman WAXMAN has already made reference. Mr. BARROW is probably the longest-standing Member who has been working on this issue.

Mr. BARROW. I thank the gentleman for yielding. I thank him for his work on this important subject.

Mr. Speaker, the grid that generates and distributes electricity across our country is one of the engineering wonders of the world, but it took generations to build, and it grew up in peacetime, safely removed from any threat of physical attack by our enemies, and it was long before the Internet. Today, we use the Internet to run this vast infrastructure, and that leaves us vulnerable to a potentially devastating cyberattack.

The GRID Act takes the first steps toward protecting our electric grid from those who want to do us harm. The necessary costs are modest compared to the cost of doing nothing. We cannot count on our enemies to wait for us. The threat is real, and the solution is in our hands, so I encourage my colleagues to support the bill.

Mr. UPTON. In seeing that the Member is not here, I would ask again for a strong ''yea'' vote, and I would hope that our Senate colleagues are listening so that they will be able to move this legislation as quickly as possible.

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

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), who, in the last Congress, was the chair of what is now the Emerging Threats Subcommittee on the Homeland Security Committee. I have worked with him under his leadership on these issues for years.

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

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 5026, legislation to protect our national electric grid system. I would particularly like to thank Chairman MARKEY for his outstanding leadership and dedication to this important national security issue. I know he has given great time and effort and thought to this, and I thank him for that.

I would also like to thank Chairman WAXMAN for his attention to this issue.

I would also like to recognize and to thank my good friend Mr. THOMPSON, chairman of the full Homeland Security Committee, for working with me in 2008 to hold hearings and to closely examine what actions our country must absolutely take to prevent attacks on our national security electric grid.

Two years ago, I testified before Chairman MARKEY's subcommittee about the threats to our bulk power system from cyberattack. In the 110th Congress, as chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I conducted a detailed and thorough examination of cyberthreats to our critical infrastructure, and I want to reiterate what I made clear in my testimony.

I believe that America is still vulnerable to a cyberattack against the electric grid, which would cause severe damage, not only to our critical infrastructure, but also to our economy and

to the welfare of our citizens. The vast majority of our critical assets is in private hands. In many sectors, private entities are largely self-regulated and are responsible for developing and for implementing their own standards according to their own priorities.

This bill will ensure that serious threats to our electric grid are addressed by giving the Federal Government the ability to require strong safety measures in our electric power system. It has the foresight to not only specifically focus on cyberthreats but also to focus on other potentially devastating issues, such as electromagnetic interference. These measures will help to ensure that we prepare for the worst case scenarios and that we protect our citizens in the case of a devastating attack or accident.

So, again, I really want to thank Chairman MARKEY for his attention to this important issue, and I look forward to working with the Energy and Commerce Committee in continuing to raise awareness about securing our critical infrastructure and in protecting our citizens from cyberattack.

Mr. Speaker, I rise today in support of H.R. 5026, legislation to protect our national electric grid system. I would like to thank Chairman MARKEY for his leadership on this important national security issue. I would also like to recognize my good friend and Chairman of the Homeland Security Committee, Mr. THOMPSON, for working with me in 2008 to hold hearings and closely examine what actions our country must take to prevent attacks on our national grid.

Two years ago, on September 11, 2008, I testified before Chairman MARKEY's Subcommittee about the threats to our bulk power system from cyber attack. In the 110th Congress, as Chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, Science and Technology, I conducted a detailed and thorough examination of cyber threats to our critical infrastructure, and I want to reiterate what I made clear in my testimony. I believe America remains vulnerable to a cyber attack against the electric grid that would cause severe damage to not only our critical infrastructure, but also our economy and the welfare of our citizens.

The vast majority of our critical assets are in private hands. In many sectors, private entities are largely self-regulated and are responsible for developing and implementing their own standards according to their own priorities. This bill will ensure that serious threats to our grid are addressed by giving relevant government agencies, such as the Department of Homeland Security, the ability to require strong safety measures in our electric power system. The bill also has the foresight to not only specifically focus on cyber threats but also on other potentially devastating issues such as electromagnetic interference. The scope of the bill includes the bulk power system, which should also protect critical distribution systems in major cities, like New York and Washington, DC from a cyber attack. Additionally, by empowering the Federal Energy Regulatory Commission, FERC, this legislation goes a long way to enabling a faster response by both government and industry in case of an imminent threat. These measures will help ensure that we prepare for worst-case scenarios and protect our citizens in the case of a devastating attack or catastrophe.

I applaud the attention being focused on this issue by the Congress, and I want to once again thank Chairman MARKEY for his attention to this important issue. I look forward to working with the Energy and Commerce Committee and to securing our critical infrastructure and protecting our citizens from cyber attack.

Mr. UPTON. Mr. Speaker, I ask unanimous consent to reclaim the balance of my time.

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

There was no objection.

Mr. UPTON. I yield 2 minutes to the distinguished gentleman from Maryland (Mr. BARTLETT), who is in support of the bill.

Mr. BARTLETT. Mr. Speaker, I rise in strong support of the bipartisan bill, H.R. 5026, which has been approved unanimously by a vote of 47–0 by the Energy and Commerce Committee. That doesn't happen very often in today's Congress.

According to the National Academy of Sciences, this bill is necessary because there is one event that we will not avoid, and that is solar geomagnetic interference—a solar storm. If—really, when—we have a big one like the Carrington event that occurred in 1859, this will shut down our whole grid. It would cost us only about $100 million to protect the grid from EMP. This investment won't be made without H.R. 5026. The consequences of inaction are dire. If our grid is destroyed by EMP or by a Carrington event, which is an electromagnetic storm, the National Academies warn it will cost us between $1 trillion and $2 trillion in damages, and it will take 4 to 10 years to recover.

With the grid's being down, more or less, for 4 to 10 years, one can only imagine the consequences to our society. This is a really important bipartisan bill, and I rise in very strong support.

Mr. MARKEY of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

The GRID Act has three basic components.

First, it establishes Federal authority to address emergency situations. If the President identifies an imminent threat to the bulk power system or to other parts of the grid that serve critical defense facilities, the Federal Energy Regulatory Commission can issue an emergency order requiring measures to protect against this threat. This authority covers threats from cyberattacks, from electromagnetic weapons, from direct physical attacks, or from solar storms.

However, in many cases, we will not know about a cyberattack or other threat to the grid until it's too late. Accordingly, the GRID Act establishes measures to protect the grid against key vulnerabilities so that, if and when an emergency does happen, we are already prepared.

Most importantly, if FERC identifies a vulnerability to a cyber or to an electromagnetic attack that has not adequately been addressed, it has the authority to require intramеasures to protect the bulk power system.

The legislation also requires FERC, within 6 months of enactment, to establish measures to protect against the Aurora vulnerability to cyberattack. That vulnerability was identified nearly 3 years ago, but the current standard-setting process has not addressed it. That is unacceptable. It must be fixed.

Ranking Member UPTON and other members of our committee sat through a top secret briefing last October with regard to the threat that this Aurora vulnerability and that other vulnerabilities pose as potential threats to our country and which could be exploited by other countries or by subnational groups or by domestic terrorists. This is something that we must close. I think every Member in that top secret briefing left, having experienced a sobering moment in their lives, realizing the great responsibility we have to pass legislation that can deal with this problem.

The GRID Act also deals with other critical vulnerabilities. Solar flares cause geomagnetic currents that can destroy large electric transformers. Experts agree that it is only a matter of time before we experience a solar storm large enough to bring down a large portion of the grid, potentially causing trillions of dollars in damage. In addition, the grid is highly vulnerable to attack because the large transformers upon which it relies are built overseas and can take years to replace. The GRID Act addresses these issues by requiring the development of reliability standards to protect against geomagnetic storms and to ensure the availability of adequate backup supplies of large transformers.

Finally, the GRID Act gives FERC the authority to protect portions of the grid that serve the top 100 critical defense facilities against a cyber or an electromagnetic weapons attack.

The amended version of the bill now before the House makes one change to the version reported out of committee. In order to make the bill deficit neutral, the amended bill exempts the Bonneville Power Administration and the Tennessee Valley Authority from requirements other than cyberprotections during the first 11 years after enactment. With this change, the Congressional Budget Office has determined that the bill will not affect direct Federal spending. The amended bill does not score.

Colleagues, the electric grid's vulnerability to cyber and to other attacks is one of the single greatest threats to our national security. This bipartisan legislation is critical to empowering the Federal Government and the private sector with the capacities they

will need to protect us against that threat.

□ 1115

There are people plotting right now that, if they could, would exploit this vulnerability.

I urge all Members to vote ''yes'' on the GRID Act. It is a moment that we must all come together in order to protect our country.

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

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the full committee, the gentleman from Texas (Mr. BARTON), in support of the bill.

Mr. BARTON of Texas. Mr. Speaker, I want to compliment Chairman MARKEY for referring to Mr. UPTON as ''Chairman UPTON.'' That may be a foreteller of things to come, and we appreciate his prescience in acknowledging that possibility.

Mr. Speaker, I do rise in support of H.R. 5026, the Grid Reliability and Infrastructure Defense Act, better known as the GRID Act.

This is an example of legislation that has come to the floor after a 47–0 bipartisan vote in the Energy and Commerce Committee that shows what the Congress can do when Republicans are allowed into the room to help draft and put into place legislation. While it is a rare occasion in this Congress, it certainly is something that both sides of the aisle can be proud of.

I want to especially commend Subcommittee Chairman MARKEY, Full Committee Chairman WAXMAN, Ranking Member UPTON, and others on both sides of the aisle to make this day possible.

Our electric grid is increasingly vulnerable to cyber attack, and if a nation-state or a terrorist group were successful in crippling our electric grid, it would have devastating consequences for our economy and our national defense. We've read news stories reporting allegations that spies may have penetrated the mechanisms that control our power supplies.

Cybersecurity experts report that the ''smart grid'' we are counting on to improve reliability and enhance consumer choices could also increase our exposure to hackers in places like China and Russia. Our defense community is concerned about possible electromagnetic attacks from terrorist or hostile countries. We must take substantive action to address the susceptibility of our electric systems to such attacks. The stakes are just too high for us to do nothing.

The GRID Act, Mr. Speaker, takes care of all these problems.

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

Mr. UPTON. I yield the gentleman 1 additional minute.

Mr. BARTON of Texas. I appreciate the ranking member's yielding additional time.

The GRID Act would shield both our bulk power system and the infrastructure serving critical defense facilities. The legislation authorizes the President to address imminent grid security threats through the Federal Energy Regulatory Commission, better known as FERC. It would give FERC the authority to issue notice-and-comment rule to address grid security vulnerabilities.

As Mr. MARKEY pointed out, this bill is revenue-neutral. It does not increase the Federal deficit in any shape, form, or fashion. It is worthy of support.

I want to repeat again, it came out the Energy and Commerce Committee 47–0. I hope the House will unanimously vote for this and send it to the other body.

Mr. MARKEY of Massachusetts. I thank the gentleman from Michigan for working with the majority in such a cooperative fashion. National defense is an area where we should be trying to cooperate, and this bill is a preeminent example of that happening in this Congress. And I want to thank him and the gentleman from Texas (Mr. BARTON) for creating that atmosphere which made it possible.

I think that this is a historic piece of legislation. Mr. WAXMAN and I and all of the Members on our side really do believe that this is the way Congress should work. I congratulate the gentleman for his work on it.

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

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

I just want to say, this is an issue that we sat down together for the last, actually, couple of years examining the facts. Many of us that particularly live in areas—for me, the Midwest, coming from Michigan, we had a devastating tornado come through this weekend, and for many of us, myself included, our electricity went out for a number of hours. And then a number of times, particularly during the winter and even in the summer where these electric storms that come through, sometimes the electricity may be out for a couple of days.

We look to our friends down in Haiti who, many of them still may not have electricity after the devastating earthquake that hit there a number of months ago. Can you imagine if that happened here in this country, where, because of our grid vulnerabilities, you could be perhaps out of electricity for a year or 2, trying to get gasoline to get out of there, trying to get refrigeration for your food, trying to have a job, take care of your family?

Some of us read the book ''The Road.'' Lots of different scenarios that are out there. We need to be prepared. This bill moves us down that road.

And I again want to compliment my friend, Mr. MARKEY, to make sure that this legislation did move through. We had a lot of bipartisan support, a lot of eyes opened and ears too, particularly as we sat through some of those classified briefings. Let's hope that the Senate moves quickly, the President signs it swiftly, and, in fact, we can see legislation move to make sure that those scenarios remain that way and don't become realities.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 5026, the Grid Reliability and Infrastructure Defense—or GRID—Act.

As Chairman of the House Committee on Homeland Security, I am well aware of the need to protect our Nation's critical infrastructure.

Our Committee has held numerous classified briefings and public hearings on threats to the electric grid. Again and again, we received testimony from expert witnesses that our Nation's electric grid has inadequate protections against cyber attacks and against significant disruptions from electromagnetic threats, EMP, such as solar storms and radio frequency devices.

Further, the Federal Government does not have the authority to ensure its security, nor has it partnered effectively with the private sector to do so.

Protecting our electric grid from EMP will require the best efforts from both government and industry. To date, the electric sector has had a difficult time protecting their assets from EMP threats because although the potential impacts are huge, the frequency of their occurrence is very low.

This is one of those cases where government intervention seems necessary to protect our most important national critical infrastructure.

Last year, I, along with my ranking member PETER KING and many other bipartisan members of our Committee introduced H.R. 2195 to give the Federal Energy Regulatory Commission authority to require protections to be put in place for high impact, low frequency events.

H.R. 5026 is the product of collaborative work between this Committee and our colleagues on the Energy and Commerce Committee, most notably Chairman WAXMAN and Representatives MARKEY and BARROW.

Our electric grid is currently strained to capacity.

We saw during the Northeast Blackout of 2003 what can happen when the strained system finally breaks. That blackout interrupted electricity delivery to 55 million people in the U.S. and Canada. Luckily, major outages only lasted a day or so.

But just imagine what would happen if the power did not come back on for a week, or a month, or several months. What would happen?

An elecromagnetic pulse could make such an incredible scenario a reality.

The one that most people have heard about is from a high altitude burst of a nuclear weapon.

Also of concern are smaller radio or microwave devices, usually termed ''Intentional Electromagnetic Interference'' or ''IEMI''.

Of particular concern are ''geomagnetically induced currents'', GIC, caused by solar activity.

A 2008 National Academy of Sciences report warned that our Sun will inevitably inflict a severe geomagnetic storm with the largest geographic footprint of any natural disaster. The damage caused by this event could be $1 trillion to $2 trillion, and recovery could take 4 to 10 years.

The next period of maximum solar activity is only two years away.

From a homeland security perspective, it is important that we take an ''all hazards'' approach to the risk and increase preparedness for both intentional and naturally occurring events.

While some may argue that the threat of a high-altitude nuclear weapon burst perpetrated by a rogue state or a terrorist group is remote, I do not discount it. Given the high-consequence nature of such an attack, I take it very seriously.

On the other hand, scientists tell us that the likelihood of a severe naturally occurring geomagnetic event capable of crippling our electric grid is 100 percent. It will happen; it is just a question of when.

GIC is a natural occurrence just like earthquakes, wildfires, tornadoes or hurricanes.

Similarly, geomagnetic storms occur from time to time as part of the natural activity of the Sun. One such storm, in 1989, disrupted power throughout most of Quebec, and resulted in auroras as far south as Texas.

With the significant investments we are making in ''Green Energy'' and the ''Smart Grid'', we find ourselves at an opportune moment to protect our grid from an EMP and cyber attacks.

As we expand and improve our grid, we must also build in physical and cyber protections from the start, and we must retrofit key elements of the existing grid in order to protect it.

Federal authority and funding are needed if this effort is to succeed. H.R. 5026 represents a critical step forward in our efforts to meet these homeland security challenges and deserves support from this House.

Therefore, I urge Members to join me and support H.R. 5026.

Ms. CLARKE. Mr. Speaker, I rise today in strong support of H.R. 5026, the Grid Reliability and Infrastructure Defense Act, and urge my colleagues to support it. I thank my colleague Chairman MARKEY for bringing this important legislation to the floor.

The GRID Act empowers the Federal Energy Regulatory Commission, in the event of a Presidential emergency declaration, to take actions needed to protect our grid.

I have said this before but it bears repeating: A modern society is characterized by the presence of three things: clean available water, properly functioning sewage and sanitation services, and electricity.

I would further assert that the way our present systems function, electricity is needed to power those other critical systems. So at a minimum, we rely on electricity to function as a modern society.

It is our very reliance on this infrastructure that makes it an obvious target for attack. We know that many of our adversaries—from terrorist groups to nation states—have and continue to develop capabilities that would allow them to attack and destroy our grid at a time of their choosing.

There are two significant threats to the electric grid. One is the threat of cyber attack. Many nation states, like Russia, China, North Korea, and Iran, have offensive cyber attack capabilities, while terrorist groups like Hezbollah and al Qaeda continue to work to develop capabilities to attack and destroy critical infrastructure like the electric grid through cyber means.

If you believe intelligence sources, our grid is already compromised. An April 2009 article in the Wall Street Journal cited intelligence sources who claim that the grid has already been penetrated by cyber intruders from Russia and China who are positioned to activate malicious code that could destroy portions of the grid at their command.

The other significant threat to the grid is the threat of a physical event that could come in the form of a natural or manmade Electromagnetic Pulse, known as EMP. The potentially devastating effects of an EMP to the grid are well documented.

During the Cold War, the U.S. government simulated the effects of EMP on our infrastructure, because of the threat of nuclear weapons, which emit an EMP after detonation. Though we may no longer fear a nuclear attack from Soviet Russia, rogue adversaries (including North Korea and Iran) possess and test high altitude missiles that could potentially cause a catastrophic pulse across the grid.

These are but two of the significant emerging threats we face in the 21st century. Our adversaries openly discuss using these capabilities against the United States. According to its ''Cyber Warfare Doctrine,'' China's military strategy is designed to achieve global ''electronic dominance'' by 2050, to include the capability to disrupt financial markets, military and civilian comunications capabilities, and the electric grid prior to the initiation of traditional military operations.

Cyber and physical attacks against the grid could both be catastrophic and incredibly destructive events, but they are not inevitable. Protections can—and must—be put in place ahead of time to mitigate the impact of these attacks.

The time for action is now, support the GRID Act and help ensure America's future.

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

Mr. MARKEY of Massachusetts. I yield back the balance of my time with the urging of an ''aye'' vote by the Members.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. MARKEY) that the House suspend the rules and pass the bill, H.R. 5026, as amended.

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

The title was amended so as to read: ''A bill to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities.''

A motion to reconsider was laid on the table.

WORLD OCEAN DAY

Ms. CHU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1330) recognizing June 8, 2010, as World Ocean Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1330

Whereas in 2008, the United Nations General Assembly decided that, as of 2009, June 8 would be designated by the United Nations as ''World Ocean Day'';

Whereas many countries have celebrated World Ocean Day following the United Nations Conference on Environment and Development, which was held in Rio de Janeiro, Brazil, in 1992;

Whereas World Ocean Day allows us the yearly opportunity to pay tribute to the ocean for what it provides;

Whereas we have an individual and collective duty, both nationally and internationally, to protect, conserve, maintain, and rebuild our ocean and its resources;

Whereas our present ocean stewardship is necessary to provide for current and future generations;

Whereas the world depends on the health of our ocean for a full range of ecological, economic, educational, scientific, social, cultural, nutritional, and recreational benefits;

Whereas the ocean is linked to adaptation to climate and other environmental change, foreign policy, and national and homeland security;

Whereas we must ensure accountability for our actions, and serve as a model country promoting balanced, productive, efficient, sustainable, and informed ocean, coastal, and Great Lakes use, management, and conservation within the global community; and

Whereas our ocean is in need of strong policies that support ecosystem-based management, coastal and marine spatial planning, informed science-based decision making and improved understanding, government coordination, regional ecosystem protection and restoration, enhanced water quality and sustainable practices on land, changing conditions in the Arctic as well as ocean, coastal, and Great Lakes observations and infrastructure: Now, therefore, be it

Resolved, That the House of Representatives recognizes World Ocean Day.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members 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 gentlewoman from California?

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I'm happy to rise in support of House Resolution 1330. This measure recognizes June 8, 2010, as World Ocean Day.

World Ocean Day offers the opportunity to celebrate the wonders of the underwater world and look carefully at our interactions with the sea.

The timing of this measure is critical. Today we find ourselves in the midst of the worst ocean oil disaster in our Nation's history. With our addiction to oil jeopardizing the vibrant and economically vital marine life of America's seas, we are being reminded daily of the often-forgotten value of

these resources and our responsibility to protect them.

The world's oceans cover more than 70 percent of our planet's surface, and the rich web of life that they support is the result of hundreds of millions of years of evolution. Great human civilizations, from the Egyptians to the Polynesians, relied on the sea for commerce and transport.

And now, in the 21st century, our fate is as tied to the oceans as ever. We still rely on fish for a significant portion of our daily protein needs. And more than $500 billion of the world's economy is tied to ocean-based industries, such as coastal tourism and shipping.

But all is not well in the sea. Increased pressures from overfishing, habitat destruction, pollution, and introduction of invasive alien species have combined in recent decades to threaten the diversity of life in our oceans.

The first observance of World Ocean Day will allow us to highlight the many ways in which oceans contribute to society. It is also an opportunity to recognize the considerable challenges we face in maintaining the capacity to regulate global climate, supply essential ecosystem services, and provide sustainable livelihoods and safe recreation.

As the oil continues to spill into the gulf, it is time to recognize a World Ocean Day and take the first critical steps to saving this vital resource.

House Resolution 1330 was introduced by our colleague, the gentleman from California, Representative SAM FARR, on May 5, 2010. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on May 20, 2010. The measure has the support of over 50 Members of the House.

I thank the gentleman from California for introducing this measure, and I'd also like to thank Chairman TOWNS and Ranking Member ISSA for their support for the bill. I urge my colleagues to support this measure.

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

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

Mr. Speaker, I rise today in support of House Resolution 1330, recognizing June 8, 2010, as World Ocean Day.

It is particularly fitting that today this resolution gives us the opportunity to take some time and appreciate the beauty of our oceans and to think about ways that we can work to protect our oceans for generations to come.

All Americans, as well as people from around the world, realize the importance of oceans. Millions of people enjoy playing, boating, surfing, fishing, or simply being along the beachscape and along our oceans. Oceans fascinate many children who learn about the interesting aspects of the oceans and the animals that live under the sea.

Certainly, in light of the national crisis that is currently occurring in the gulf with the oil leak, this resolution gives us context in which to understand the risks from the delayed response that is occurring to stop the leak in the gulf.

We rely on oceans every day for our regular way of life. Oceans provide thousands of jobs for fishermen, sailors, and many other professions. All Americans are served by oceans in numerous ways, including for food and transport for the vast array of goods that are transported by cargo ships across oceans.

Mr. Speaker, our oceans are an incredibly precious resource, and we should protect them for the future. I ask that my colleagues join in support of this resolution.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 5 minutes to the gentleman from California, Representative FARR.

□ 1130

Mr. FARR. Mr. Speaker, I rise in support of the resolution, which I sponsored with many other Members of Congress. And I would first of all like to thank the committee and the leadership they provided in a bipartisan fashion to bring this bill to the floor.

As has been stated, the ocean is our largest public trust. It covers two-thirds of the planet. It's responsible for one-third of the total gross domestic product of the United States. It is closely linked to our day-to-day activities and, frankly, to the success of our Nation.

Tom Friedman said, ''A crisis is a terrible thing to waste.'' We cannot let the crisis that has happened in the gulf pass us by. We've faced disasters in this country before, and we have moved to act. After Rachel Carson wrote ''Silent Spring'' in 1962, and the Santa Barbara oil spill happened in 1969, the environmental movement took a strong hold in the United States. Congress followed up by adopting the Clean Air Act, the Clean Water Act, the National Environmental Policy Act in short order. We will debate the acts that we have to take following the crisis in the gulf, but today we are joined in unanimous thought that the ocean is important, and it warrants its recognition.

We might say it's a very salty week here in Washington. June is the National Oceans Month. This week is the Capitol Hill Oceans Week, where members of the ocean interests and science community come to Washington to petition their government. And yesterday was World Ocean Day. For over a month now, the Nation has been experiencing the worst marine disaster in history.

World Ocean Day was first recognized in 1992's Earth Summit in Rio de Janeiro, and has been celebrated unofficially ever since. The United Nations took official recognition of the day last year. I am proud to lead the effort here in Congress this year.

The resolution that we are adopting emphasizes we have an individual and collective duty, both nationally and internationally, to be ocean stewards. The resolution also petitions the President to set priorities using his Ocean Policy Task Force. I will continue in my role as representing the coast of California and one of the marine science leading geography areas in the world of marine science to bring to this floor issues important to the ocean. But right now I want to join my colleagues in celebrating that we all agree that it's important to recognize the oceans.

Mr. TURNER. Mr. Speaker, as Congress takes this time to recognize World Ocean Day, I think it is absolutely appropriate for us to ask the administration for answers on the gulf oil leak and the tragedy that is occurring there. I think the American people are outraged, and they want to know how did this happen, they want to know how is it going to be stopped, and how is it going to be cleaned up. I think the administration needs to tell us what their game plan is and what their actions are.

Currently, it is as if the administration is merely telling what BP is saying. And I think the American people want to know, and as Congress takes this action, it would be appropriate for the administration to step forward and say how did this happen, how are we going to stop this, and how are we going to clean it up, and how are we going to make certain this doesn't happen again. I know that in Ohio people look down to the gulf with just outrage of the risk that is occurring to wildlife, our beaches. And they want to know what is this administration going to do, what is the plan, and how is this going to be stopped.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Congressman FARR, thank you for your leadership on this. This is not a new issue for you. I remember your days in the California legislature, where you carried such legislation. You do represent one of the most pristine and one of the most precious parts of the California coast, the Monterey Bay. Therefore, it's appropriate for you to carry and it's appropriate for this Congress to act on this resolution, recognizing World Ocean Day and, beyond that, recognizing the critical importance of oceans to all of us.

It is the birthplace of life. It is the place where we find our climate, our oxygen, a lot of our food, and our commerce. It's also the place that we have over the years trashed. Trash is flowing into the ocean, sewage is flowing into the ocean, pollution of all kinds, and now the ultimate pollution of a blowout of an oil well in the Gulf of Mexico.

It's time for us to not only pay attention to the ocean, which this resolution does; it's also time for us to protect the oceans. We know that climate change,

the increasing carbon dioxide in the atmosphere is leading to the acidification of oceans. And that will kill much of the life of the ocean if it were to continue to increase.

What are we doing about it? Well, we are recognizing it today. We will take this as step one. Yes, the administration needs to be forthcoming with information. But we also need to rein in the oil industry and make sure that any drilling in the oceans is done in a maximum safe way. For the west coast, I have authored the West Coast Ocean Protection Act that would prohibit new leases off the west coast of California, Oregon, and Washington. That is the maximum protection. More needs to be done. This is a starting point.

This is a recognition of our responsibility as Members of Congress to take action not only with a resolution recognizing this day, but with solid laws that require the protection and provide the protection necessary for the ocean.

Mr. TURNER. Mr. Speaker, again as we take up this resolution for World Ocean Day, America has questions for this administration on how they are going to stop this leak, how we are going to protect our oceans and the wildlife, and how this is going to be cleaned up.

You know, most administrations when they take office say, We are ready for the job day one. Well, day one was a year-and-a-half ago, and we still have a crisis in the gulf, and people want to know, Well, where is the administration? We are on day 51 of the leak down in the gulf. Day 51.

Perhaps in addition to World Ocean Day, every day Congress should pass a resolution proclaiming a day in honor of the tragedy that's occurring down in the gulf. Day 51 and we still don't have an answer, we don't know how this is going to be stopped, we don't know what the administration's plans are, and we don't know what the administration's plans are for cleaning this up.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentlelady for yielding.

I rise in support of the resolution, June 8 as World Ocean Day. But for the past 50 days, and for the next 6 months at least, every other day is going to be ''ruin our oceans day.''

We like to think, well, this is all about BP. I think we have to go a little bit further. We have to understand that we have been pursuing a way of life that is not sustainable. It's not sustainable for us as human beings; it's not sustainable for our planet.

So we can be here today to talk about the oceans, and we should; but we have to keep in mind, Mr. Speaker, that our oceans receive billions of gallons of runoff flows, pesticides, metals like mercury and lead, massive amounts of fertilizer, volatile organic compounds, countless other chemicals. Even before the Deepwater disaster, this runoff caused the single biggest dead zone in the Gulf of Mexico.

Our oceans are absorbing the malfeasance of oil companies who are not only responsible for at least three separate major oil gushers as we speak, but are responsible as being one of two major contributors causing climate change. And we are subsidizing them with taxpayers' money. Our oceans are absorbing the malfeasance of coal companies, the other major fossil fuel contributor to climate change. For decades the oceans have been our repository for the greenhouse gases that come mostly from the burning of fossil fuel. The result is that oceans have grown more acidic. Coral is dying; underwater temperature patterns are shifting, undermining entire ecosystems.

There are signs our oceans have reached the limit. Some studies indicate oceans won't be able to absorb any more, if any, greenhouse gases out of the atmosphere. That only increases the urgency with which we must act to achieve a carbon-free and even nuclear-free energy portfolio.

But the ultimate challenge that we have about upholding the environmental integrity of our oceans comes because we have really disassociated ourselves from nature. We see nature as being out there. We see nature as not even being a part of us. And because we are avoiding our responsibility to protect God's creation, the price we are going to be paying in the future will keep getting higher: oceans that are poisoned, a planet ruined, and all of life threatened with extinction.

So we can keep temporizing about what's going on in the gulf, but the fact of the matter is that sooner or later we must come to an accounting with the kind of energy that we are using and the damage it does to the environment and to the human race and all other life on the planet.

Mr. TURNER. Mr. Speaker, I appreciate Mr. KUCINICH from Ohio's comments on the issues of how we need to look at how we are treating the environment. And as we are into day 51 of this crisis in the gulf, Congress has begun to have hearings, the House and the Senate, asking questions about what happened. But I think the administration needs to come forward and give some serious answers to the American people. As people look to the news and to the Web cams of the leak, they want to know from this administration what's the answer. How is this going to be stopped? How is this going to be addressed? How is it going to be cleaned up?

Fifty-one days into this, we don't know yet how this is going to be stopped or what manner by which it should be stopped. We are still listening to BP give us the answers instead of the administration telling us, well, what is the standard? What should be happening? How should we be protecting the coast?

And it makes you wonder, a year-and-a-half into this administration, well, how are we doing on the other oil rigs that are there? Is this administration prepared in determining whether or not the other oil rigs currently represent a threat? What inspections are they doing? What compliance are they doing?

As Congress passes World Ocean Day, the administration should pause and turn to the American people and give us some answers as to what their response is going to be to this 51 days into a terrible crisis down in the gulf.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I am intrigued with my colleague from Ohio's approach, because when the other team was in charge, we had a series of programs that undercut the ability to have government equipped moving forward: the scandals in the MMS, the appointment of people literally from the industry to sort of look at their former colleagues, people who were literally in bed with the people that they were supposed to regulate.

A series of efforts, the litany that we have heard from our colleagues when they were in charge was to cut back on regulation, to move it faster, to do more drill, baby, drill. And with all due respect, I think looking at the history of 10 years of moving in the other direction, to now somehow fault the administration, who inherited an unparalleled economic collapse, problems with EPA, with MMS around the whole array of areas that are a consequence of policies that were put in place by our friends on the other side of the aisle.

I feel it's somewhat ironic that we are celebrating Ocean Day on the 51st day of the disaster. I am hopeful that it is an area that we are not somehow going to spend—I am happy to go toe to toe with my friend in terms of what the Republicans did and their policies to strip the Federal Government of the ability to move forward, but I think what we need to do is talk about where we are going forward to reduce our reliance on imported oil and domestically produced fossil fuels.

We need to move to a cleaner, greener approach, where we have more energy efficiency. We absolutely need to be aggressive in making sure that the laws are enforced. We need to have people who stop being apologists for the industry, whether it's BP or mining disasters, and move forward with a new era of more efficient-energy use, and respect for the oceans.

I am honored to be on the floor with my colleague Mr. FARR, who has been a champion for as long as I have been in Congress in this area that deserves far more attention, far more resources, far more work on the part of the Congress.

I would hope that respect for the oceans, that research and protections

would be something that brings us together so that not only do we avoid disasters like this in the future, but we are able to do a better job with the wide range of areas that are going to make such a difference for the future of the planet.

Mr. TURNER. With all due respect to the gentleman from Oregon, since the Democrats have been in charge of the House for the past 3½ years, if there were any regulatory or legislative issues or resolutions that needed to be passed, certainly we would have seen those and they would have moved forward out of this House. Unfortunately, what we see out of this House is a resolution for World Ocean Day, a resolution for World Ocean Day while we have this crisis going on down in the gulf and the administration is still not giving us answers as to how is this going to be addressed.

□ 1145

The big question that everybody has in the news is not what is BP doing or what is it going to be doing next or is the fix that they currently are pursuing going to work, but what is this administration's answer to how this should be addressed, what should be done. This administration has been in office for 1½ years. This crisis has been going on for 51 days. Surely in the past 51 days the administration should be able to step forward and give the American people a clear answer as to how did this happen, how is it going to be stopped, and how are we going to clean this up. This is something that I think everyone, as we pause for World Ocean Day, would certainly pause for those answers.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield 3 minutes to the gentlewoman from California, Congresswoman CAPPS.

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding, and I rise today to express my strong support for H. Res. 1330, a resolution recognizing June 8 as World Ocean Day.

I want to thank my colleague and dear friend SAM FARR, who represents a neighboring district to mine on the central coast of California, for introducing this important resolution of which I am a proud cosponsor.

We are a water planet, Mr. Speaker. The oceans cover 71 percent of the Earth's surface and contain 97 percent of the planet's water. They regulate our climate. They regulate our weather. We depend on them for the air we breathe, for protein in our diets, for our quality of life.

Yesterday, the international community celebrated World Ocean Day. Now, more than ever, it is time for us to pay tribute to our oceans and to their resources.

Two national commissions have found our oceans are under increasing pressure. They are showing signs of serious decline from oxygen-deprived dead zones to depleted fish populations to contaminated beach waters, and now we must add a massive oil spill to the list. This disastrous gulf oil spill is the worst environmental disaster in our Nation's history.

There is no doubt our addiction to oil jeopardizes the vibrant and economically important marine life of our world's oceans. We are being reminded every day of the often-forgotten value of these resources, and it's our responsibility to protect them.

A national ocean policy is needed, Mr. Speaker, perhaps now more than ever. Such a policy would ensure that activities occurring off our shores, like offshore drilling, that these activities meet the basic requirements of protecting, maintaining, and restoring our ocean ecosystems and resources. President Obama has already erected a task force to develop, with public input, recommendations for a national ocean policy, which are expected soon. This is an important first step that will better protect our oceans.

But there's another step that Congress can take. So I urge my colleagues to join with me not only in supporting this important resolution recognizing World Ocean Day, but as our colleague from Oregon has just stated, moving forward, taking the collective responsibility, the stewardship that we share to defend and care for our water planet.

Mr. TURNER. Mr. Speaker, the prior speaker indicated that the President has pulled together a task force for a national ocean policy and is looking for public input. I think we know what that public input is. It's, Mr. President, tell the American people how this leak is going to be stopped. Tell us how this cleanup is going to occur, and tell us how this is going to be avoided in the future. The public input is, Stop the leak.

I reserve the balance of my time.

Ms. CHU. I now yield 3 minutes to the author of this resolution, Representative FARR, the gentleman from California.

Mr. FARR. I appreciate the support for this bill on both sides of the aisle.

I would just like to address that although the resolved clause is very simple, it recognizes for the first time that Congress recognizes for the first time that we ought to recognize a day when the whole world is trying to recognize the ocean. I mean, it does cover two-thirds of our planet, and it is very important to the ecosystem and the health and well-being of mankind to have a healthy ocean.

And that's, you know, in a way, as the minority speaker said, that's not a big deal when there's a huge crisis going on, but it's the first time Congress has recognized the ocean in that sense. So it is important as a first step. I think what's more important and answers some of the questions that you raise, not just the questions of cleanup in the gulf but a much bigger question that a lot of us in Congress have been asking, is: Where is our national ocean policy?

We have had policy about clean water and how we want to govern that and set up a process for determining how we can ensure that water that we drink and that we disperse into the oceans is clean. We have national policy on air quality of the air we breathe, but we have no national policy on health of the oceans or even use of the oceans for fishing, for mining, for other kinds of purposes. And that is what's lacking.

We're governing in a crisis because we have an oil spill. And what I respect the committee in doing in their unanimous consent is looking at these ''whereases'' in this bill that really calls for these bigger policies so that we don't get into this problematic area, kind of going at things blindly. And I think that's what really the importance is here.

This bill coming at this time—it was introduced before the oil spill began but certainly has developed a lot of popularity because people want to say, Yes, we do recognize the oceans. And I think this is a first start for Congress to really look at a comprehensive package of issues.

We can go into the debates, going to get into a lot of things you heard today. But it's very important that we together, in a unanimous, bipartisan way, look at the fact that the ocean is a very critical resource to the well-being of the world, much less the well-being of the United States. And I appreciate the bipartisan support to bring this bill to the floor, and I ask that we have a unanimous vote on it.

Mr. TURNER. Mr. Speaker, as Congress takes up World Ocean Day, we are 51 days into a crisis in the gulf where this administration, 1½ years into this administration, still has not provided the American people with answers as to how will this leak be stopped, how will this be cleaned up, how will this be avoided in the future. The American people, as we take up World Ocean Day, pause, looking at the 51 days of the continuing crisis in the gulf, and look for answers.

Ms. BORDALLO. Mr. Speaker, I rise in support of House Resolution 1330, introduced by my colleague Mr. SAM FARR of California. The Resolution calls upon the United States to recognize World Oceans Day, where we pay tribute to the oceans for what it provides and recognize our duty to protect, conserve, maintain, and rebuild our ocean and its resources so it may continue to be enjoyed by future generations.

As the Chairwoman of the Subcommittee on Insular Affairs, Oceans and Wildlife, I fully support House Resolution 1330, which brings attention to the importance of our world's oceans in our cultural, social, economic and scientific life. Since 1992, the world has celebrated World Oceans Day, with the first celebrated at the Earth Summit in Rio de Janeiro. This year's theme, ''Oceans of Life,'' is fitting as our oceans contain great biodiversity that sustain our human population.

The people in my home district of Guam fully understand the significance of our oceans. As an island community in the Western Pacific, our economy relies on the natural beauty of our beaches to support our tourism industry. Understanding that our beaches

allow both residents and tourists to engage in recreational activities, the people of Guam remain responsible environmental stewards. The oceans surrounding Guam, which continue to sustain life on the island, are a central part of Chamorro culture. This appreciation of the ocean by all of Guam's residents is rooted in an understanding that it is important to protect our natural resources, which include our coral reefs, fish and marine life.

Unfortunately, the health of our oceans is threatened at all levels. From climate change affecting our ocean's biodiversity to the most recent oil disaster in the Gulf Coast, we must continue to work to address these issues so that future generations are able to experience the educational, recreational and economic benefits of our world's oceans.

With that, I ask all my colleagues on both sides of the aisle to support House Resolution 1330, recognizing World Ocean Day.

Ms. HIRONO. Mr. Speaker, I rise today in support of H. Res. 1330, a resolution recognizing June 8 as World Ocean Day. Hawaii is the only state in the nation that is surrounded entirely by ocean, giving us a unique appreciation for the vast resource that is the Pacific Ocean. Almost every household good in Hawaii was shipped over the ocean. Our state's economy relies on our harbors—large and small—and the beaches that draw visitors to Hawaii. The ocean provides recreational activities such as surfing, swimming, and fishing for our residents and visitors to enjoy. It would be difficult to find an aspect of life in Hawaii that is not somehow affected by the Pacific Ocean.

The Native Hawaiian culture is also deeply tied to the ocean. Polynesian explorers discovered Hawaii traveling tremendous distance in canoes, long before the so-called ''discovery'' of Hawaii by Captain Cook. The Kumulipo chant, known as the Hawaiian creation chant, places the origin of life in the oceans, beginning with the coral polyp.

Hawaii is home to the world's most ancient seal, the Hawaiian monk seal. My district includes the largest marine protected area in the United States, the Papahanaumokuakea Marine National Monument in the Northwestern Hawaiian Islands, as well as one of the most important breeding grounds for the endangered Humpback Whale.

The people of Hawaii have always relied on the ocean, but the situation in the Gulf Coast illustrates that the oceans belong to the world. Countries have political boundaries, but the ocean and its denizens do not. The oil spill in the Gulf of Mexico has devastated that region and now threatens the entire East Coast because of the Loop Current, the Gulf Stream, and other ocean currents.

People in landlocked states also depend on the oceans, which absorb up to a quarter of the world's carbon dioxide. As humans have increased their carbon dioxide output in recent decades, the ocean has grown increasingly acidic. Over the last five years, we have learned that this acidification endangers coral, algae, shellfish, and other small organisms that support the base of the food chain.

What happens to the ocean happens to the world. Whether landlocked or surrounded by ocean, we all depend on the benefits of healthy oceans. Fish stocks, ocean currents, and carbon dioxide do not abide by political boundaries. We, too, must work across our borders to unite with other nations in order to be careful and conscientious stewards of the ocean. For these reasons, I urge my colleagues to support this resolution to recognize June 8 as World Ocean Day.

H.R. 5278

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

SECTION 1. PRESIDENT RONALD W. REAGAN POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, shall be known and designated as the ''President Ronald W. Reagan 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 ''President Ronald W. Reagan Post Office Building''.

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

Ms. CHU. Mr. Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1330, 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.

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

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

The point of no quorum is considered withdrawn.

PRESIDENT RONALD W. REAGAN POST OFFICE BUILDING

Ms. CHU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5278) to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Mr. Speaker, I ask unanimous consent that all Members 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 gentlewoman from California?

There was no objection.

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

Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, it is my great privilege as a member of the California delegation to rise in support of H.R. 5278. This measure designates the United States postal building located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building.''

President Reagan hardly needs an introduction on this floor. Many of those who knew President Reagan referred to him as ''the Great Communicator.'' Thus, it is very fitting that we commemorate his legacy through the naming of this post office.

The son of a shoe salesman, Ronald Reagan was born in Illinois in 1911. He was a construction worker, a lifeguard, radio announcer, and actor. After serving in the Air Force, he returned to acting before successfully running for California Governor, despite never having held public office before.

President Reagan successfully obtained legislation to stimulate economic growth, curb inflation, and increase employment. His contributions on behalf of freedom around the world are unparalleled since the end of World War II. There is no more Cold War. There is no more Berlin Wall, and it was because of the leadership of President Ronald Reagan. He was instrumental in bringing the breath of freedom to millions of people around the world who had spent decades under the yoke of tyranny. President Reagan left a lasting imprint on American politics, diplomacy, culture, and economics.

As a California resident, I am honored to support H.R. 5278. It was introduced by our colleague, the gentleman from Illinois, Representative BILL FOSTER, on May 12, 2010. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported by unanimous consent on May 6, 2010. The measure has the support of the entire Illinois delegation.

I thank the gentleman from Illinois for introducing this measure, and I would also like to thank Chairman TOWNS and Ranking Member ISSA for their support for the bill.

I urge my colleagues to support this measure, and I reserve the balance of my time.

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

I rise today in support of H.R. 5278, to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building.''

Ronald Reagan was born in Illinois in 1911. He attended high school in Dixon, Illinois, after which he worked his way through Eureka College. While at Eureka College, Mr. Reagan began acting in school plays, along with his studies of economics and sociology.

After graduating college, he had a life led with achievements. He was a sports radio announcer, a noted actor appearing in 53 films, two-time president of the Screen Actors Guild, and host of a long-running television series.

As a self-described citizen politician in 1966, he was elected as the 33rd Governor of California by over a million votes. He was then reelected Governor in 1970. His many successes while Governor in California made him into a national political figure as he became a standard bearer within the Republican Party.

After a failed attempt to receive the Republican nomination in 1976, he was selected by his party and was elected by the American people to President in 1980. Shortly after taking office as President of the United States in 1981, he was shot and wounded by a would-be assassin but soon recovered and returned to work showing his trademark of grace under fire.

During Ronald Reagan's Presidential terms from 1981 to 1988, he dealt successfully with a number of momentous economic, political, and foreign affairs challenges. Even as he was faced with matters involving the global interests of the United States in various areas of the world, he did not neglect serious problems in the Western Hemisphere. His style of seeking peace through strength while in office proved to be a tactic that was highly successful and very popular with the American people.

Ronald Reagan remains one of our most popular and beloved Presidents. His two terms as President were marked with many achievements, none greater than being a catalyst for the end of the Cold War. One of Ronald Reagan's most memorable sayings, ''Trust, but verify,'' remains appropriate for us today.

His life was a truly unique American story as he rose from humble beginnings, persevered through hardships, and enjoyed the bounty of dedication and hard work, which was indeed a movie script story that became reality.

Madam Speaker, Ronald Reagan embodied the American spirit, the American Dream. And as he said in his farewell address to the Nation in January of 1989, he spoke of the determination to rediscover our values and our common sense. Ronald Reagan trusted and believed in ''We, the people,'' and I believe he was one of America's greatest Presidents.

And today his statue, which was placed in the Capitol dome, includes pieces of the Berlin Wall which he called to be torn down, ending the grip of communism in Europe.

I ask all Members to support this bill, and I reserve the balance of my time.

□ 1200

Ms. CHU. Madam Speaker, I yield 3 minutes to the author of this resolution, the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Madam Speaker, 6 years ago today, President Ronald Reagan lay in State in the Capitol Rotunda, a high and fitting honor for this consequential President and native son of my congressional district. Today, I bring to the floor a far more modest tribute, a bill that would designate the post office in his boyhood hometown of Dixon, Illinois, the President Ronald W. Reagan Post Office Building.

Born in Tampico, Illinois, in 1911 and raised in Dixon, President Reagan spent his life upholding the strong values of small-town America, but it is easy to overlook the humble Midwestern origins of a man whose career took him from Hollywood to the White House. In his autobiography, President Reagan said of Dixon, ''It was a small universe where I learned the standards and values that would guide me the rest of my life.''

While living in Dixon, President Reagan attended grade school and high school. Decades before standing at the Brandenburg Gate, he stood guard at the beach in Lowell Park where, according to local lore, he saved the lives of 77 swimmers on the Rock River.

For the centennial of President Reagan's birth next year, the communities of Tampico and Dixon are planning numerous commemorative activities to honor this local hero and American icon. There will be a gala event in Tampico in February, followed later that month by the premiere of the ''Reagan Suite,'' an arrangement commissioned by the Dixon Municipal Band and Reagan Centennial Commission. Later in the year, Dixon will host an Alzheimer's Walk and education workshop in honor of the late President.

With the help of my colleagues in the House, we can contribute in a small way to the outstanding efforts of many committed local officials who will make Dixon and Tampico true focal points of the Reagan centennial in 2011.

This is a truly bipartisan bill, with 41 Democratic and Republican cosponsors representing congressional districts from across the country. I urge my colleagues to support it.

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

Ms. CHU. Madam Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. MCCOLLUM). The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, H.R. 5278.

The question was taken.

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

Ms. CHU. Madam 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.

STAFF SERGEANT FRANK T. CARVILL AND LANCE CORPORAL MICHAEL A. SCHWARZ POST OFFICE BUILDING

Ms. CHU. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5133) to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5133

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

SECTION 1. STAFF SERGEANT FRANK T. CARVILL AND LANCE CORPORAL MICHAEL A. SCHWARZ POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, shall be known and designated as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz 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 ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Madam 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 gentlewoman from California?

There was no objection.

Ms. CHU. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, on behalf of the House Committee on Oversight and Government Reform, it is my honor to rise in support of H.R. 5133. This measure designates the United States Postal Building located at 331 1st Street in Carlstadt, New Jersey, as the Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building.

Staff Sergeant Frank T. Carvill of Carlstadt, New Jersey, was killed on June 4, 2004, when his convoy was attacked by improvised explosive devices and rocket-propelled grenades in Baghdad. At 51, Carvill, an Army sergeant with the New Jersey National Guard, was among the oldest soldiers to die in Iraq. He was killed when his Humvee was ambushed in the Sadr City district of Baghdad in an attack that also claimed the lives of four other Guard members.

Carvill had escaped both terrorist attacks at the World Trade Center where he worked as a paralegal. In 1993, he

helped a co-worker down 54 floors to safety. On September 11, 2001, he left the north tower moments before one of the hijacked planes plowed into the building.

Carvill was a voracious reader who loved politics, an outdoorsman who enjoyed kayaking, and a trusted friend who had the same buddies for 30 years.

Marine Lance Corporal Michael A. Schwarz was killed in action on November 27, 2006, from wounds suffered while conducting combat operations in al Anbar Province in Iraq. The son and brother of auto mechanics, Schwarz graduated from Becton Regional High School in 2004. Along with his brother, Frank, Michael Schwarz served in the local volunteer fire department. Their father, Kenneth, headed the department for years.

Friends and relatives remembered Michael Schwarz as fun-loving and outgoing. Friends recalled off-road outings in Schwarz's customized Jeep. Most of all, there was Schwarz's love of the military and his desire to enlist in the Marines, a wish he expressed even when he was a young child.

H.R. 5133 was introduced by our colleague, the gentleman from New Jersey, Representative ROTHMAN, on April 22, 2010. The measure was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on May 6, 2010. The measure has the support of the entire New Jersey delegation.

I thank the gentleman from New Jersey for introducing this measure, and I would also like to thank Chairman TOWNS and Ranking Member ISSA for their support for the bill.

Madam Speaker, the lives of Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz stand as a testament to the courage and dedication of all our brave servicemen and -women who have made the ultimate sacrifice in defense of our Nation. Let us pay tribute to their lives through the passage of this legislation, H.R. 5133, to designate the Carlstadt, New Jersey, postal facility in their honor.

I urge all of my colleagues to join us in supporting H.R. 5133.

I reserve the balance of my time.

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

I rise today to express my support of H.R. 5133, designating the post office located at 331 First Street in Carlstadt, New Jersey, as the Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building.

Carlstadt, New Jersey, is home to 6,000 residents and is barely 5 blocks long. Losing two of their own in the line of duty truly affected everyone in the close-knit environment.

Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz had very different careers; however, the unfortunate similarity of the two was their fate. Both were killed in action while bravely serving the United States in the war on terror.

Lance Corporal Michael A. Schwarz is described by friends as an all-American and fun-loving guy, knowing what was at stake when he joined the Marines right out of Henry P. Becton Regional High School in 2004. Schwarz was passionate about the Marines. It was his dream. His father recalls, ''Since he was maybe 10 years old he didn't like regular clothes; it was always Army clothes. Even when he graduated high school, under his cap and gown he had his camos on.''

He was said to have understood the danger of being in the Marines and was ready to face it head-on. He loved his country, the idea of being a soldier and preserving freedom. He willingly sacrificed his life to better the people of Iraq and to protect the United States. On November 27, 2006, at the age of 20, Lance Corporal Michael A. Schwarz was killed while conducting combat operations in the Iraqi province of Anbar. He was part of the Marine Expeditionary Force of the 1st Battalion, 6th Marine Regiment, 2nd Marine Division.

Army National Guard Sergeant Frank Carvill, a paralegal, left his office at the World Trade Center minutes before the first jetliner hit the towers on September 11, 2001, and was not injured in the terrorist attack. Years before, he had helped assist others in the 1993 bombings of the north tower office. He was an American patriot, assisting others and making personal sacrifices to help those in need while a civilian and as well as being in the military.

Having been enlisted for 20 years in the National Guard, Carvill was 51 when his unit was deployed to Iraq. Carvill was a member of the National Guard's task force in Baghdad to protect convoys and set up traffic control points.

Always willing to help, the day he was to head home on leave, Carvill gave up his seat on the plane to another soldier who had a family emergency. Sadly, on June 4, 2004, the same day he gave his seat to a fellow soldier, Sergeant Frank Carvill was killed when his Humvee was ambushed in a suburb of Baghdad.

The families express that both men made a personal choice to go to Iraq because they believed that what they were doing was right. These men were true American patriots.

I urge my colleagues to support this bill honoring these brave and courageous men who gave their lives to protect and preserve our great Nation. They sacrificed their lives in defense of freedom, and they should forever be remembered.

With that, Madam Speaker, I reserve the balance of my time.

Ms. CHU. Madam Speaker, I yield 5 minutes to the author of this resolution, the gentleman from New Jersey, Representative ROTHMAN.

Mr. ROTHMAN of New Jersey. Madam Speaker, I thank the gentlelady from California for your leadership on this matter and for the very kind words you said about these two heroes, and I'd like to associate myself with your words, as well as the gentleman from Ohio's words which were equally eloquent and true. These were great American heroes who lost their lives defending our country and our country's interests in Iraq.

I wanted to take a few moments, Madam Speaker, to share with you a bit of the pain that the people of Carlstadt still feel in their hearts when they think about the loss of these two citizens. This matter was brought to my attention by a friend, indicating to me that the families would be sympathetic and would be honored if this post office was renamed in honor of Frank T. Carvill and Lance Corporal Michael A. Schwarz. When I called the mayor of the town and I said, Is this true, I don't want to intrude on anyone's privacy, and he assured me that this was, in fact, the case.

As was said before, the town of Carlstadt, New Jersey, is only a few miles from what were the twin towers, and my district in northeastern New Jersey suffered a number of lost lives on that terrible day on 9/11, and then, again, we suffered the loss of these two individuals.

Memorial Day just passed, and I remember saying to all of our veterans and all of our young people gathered at these ceremonies, why is Memorial Day important, and in a sense, why would it be important to rename this local post office after these two individuals. It is not just so that we have a daily reminder in Carlstadt, New Jersey, of the heroism and sacrifice of these two brave individuals—and certainly, we hope and expect that the renaming of this post office will have that effect—but also, Madam Speaker, it will be to remind everyone, whether they knew these two fine heroes or not, of the price of liberty for all of us here in America, paid not only by these two outstanding men but by every man and woman who has paid the ultimate price to defend our country.

So I am indeed honored and proud to have the opportunity to express the sentiment of the people of Carlstadt, New Jersey, who want the families to know, who want their fellow Americans to know, and who want the world to know how proud they are of these two men and that we still live in a country with brave men and women like Army Staff Sergeant Frank T. Carvill and Marine Lance Corporal Michael A. Schwarz, people willing to defend our Nation and protect the greatest Nation on the face of the earth.

Mr. TURNER. I yield back the balance of our time.

Ms. CHU. Madam Speaker, I again urge my colleagues to join me in supporting this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and pass the bill, H.R. 5133.

The question was taken.

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

Ms. CHU. Madam 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.

□ 1215

CONGRATULATING CLINTON COUNTY, OHIO

Ms. CHU. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1121) congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1121

Whereas Clinton County, originally known as the Virginia Military District because it had been set aside to reward the soldiers of the Revolutionary War, was established on February 19, 1810, 7 years after Ohio was admitted into the Union as the 17th State;

Whereas Clinton County was named after George Clinton, one of the Founding Fathers, and the fourth Vice President of the United States;

Whereas Clinton County was a station on the Underground Railroad prior to the Civil War, and a destination for thousands of persons escaping slavery and seeking freedom;

Whereas the county seat of Clinton County is located in Wilmington, a community founded in 1810 and settled by the Dutch, German, English, and Scotch-Irish pioneer stock, as well as by the Society of Friends (Quakers) who migrated to southwest Ohio from Virginia and North Carolina because of their opposition to slavery;

Whereas Clinton County is home to 2 outstanding institutions of higher learning that have prepared generations of students, past and present, for a successful future;

Whereas Southern State Community College is a 2-year institution serving a 5-county rural area where students seeking specific career training acquire the skills and knowledge they need to succeed in the workforce;

Whereas Wilmington College is a 4-year career-oriented liberal arts institution, founded by the Quakers in 1870, that is dedicated to the intellectual, emotional, physical, and spiritual development of its students;

Whereas Clinton County is home to Clinton Memorial Hospital, a community-based rural health facility that has been a leading provider of compassionate, accessible, quality health care to individuals and families in Clinton County and the surrounding region for almost 60 years;

Whereas Clinton County is home to the Murphy Theatre, a local historic treasure and community center that is located in the heart of downtown Wilmington;

Whereas the Murphy Theater was built in 1918 by Charles Webb Murphy, the owner of the Chicago Cubs, and it continues to host a wide range of events;

Whereas Clinton County is home to Cowan Lake State Park, a popular recreational haven that was once a stronghold of the Miami and Shawnee Indians;

Whereas the park offers families an opportunity to enjoy a variety of outdoor activities that include sailing, swimming, hiking, fishing, hunting, and camping;

Whereas Clinton County holds the distinction of being the birthplace of one of the Nation's favorite desserts, the banana split;

Whereas the banana split was invented at Hazard's Drug Store in Wilmington, in 1907;

Whereas each summer, the city of Wilmington hosts the annual Banana Split Festival, a 2-day weekend event celebrated on the second full weekend of June; and

Whereas Clinton County today is home to approximately 43,200 residents in an area that is known to be one of the best places in the United States to live and raise a family: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant history of Clinton County and the county seat of Wilmington, Ohio;

(2) congratulates the citizens of Clinton County and Wilmington, Ohio, on the occasion of their bicentennial anniversaries; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Clinton County and the county seat of Wilmington, Ohio, for appropriate display.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. CHU. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Ms. CHU. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of House Resolution 1121, a measure congratulating Clinton County, Ohio, and its county seat of Wilmington on their bicentennial.

House Resolution 1121 was introduced by our colleague, the gentleman from Ohio, Representative MICHAEL TURNER, on February 25, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it reported favorably by unanimous consent on May 20, 2010. The measure enjoys the support of 50 Members of the House.

Madam Speaker, the history of Clinton County plays a strong part in the history of our country. It was originally known as the Virginia Military District because it had been set aside to reward the soldiers of the Revolutionary War. The county was established on February 19, 1810, 7 years after Ohio was admitted into the Union as the 17th State.

It takes its name, Clinton County, from George Clinton, the fourth Vice President of the United States and one of our Founding Fathers. Before the Civil War later that century, Clinton County would be a station of the Underground Railroad, providing refuge to thousands of people seeking to escape the horrors of slavery.

Today, Clinton County is home to about 43,200 residents. And let us acknowledge them today as we celebrate the bicentennial of their historic home.

In closing, I urge my colleagues to support this measure.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of House Resolution 1121, congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries.

For 200 years now, Clinton County, Ohio, which is in my congressional district, has been an interesting part of American history. What is now Clinton County was initially called the Virginia Military District because the government had reserved the land to give veterans of the Revolutionary War as a reward for their service.

Clinton County was established in 1810 and was named Clinton County in honor of George Clinton. Clinton was one of America's Founding Fathers and served as Vice President under both Thomas Jefferson and James Madison.

Clinton County was a very important part of the anti-slavery movement before the Civil War because it had a station that was part of the Underground Railroad, helping thousands of slaves escape.

Also, a less serious aspect of Clinton County's history is that it is the place where the first banana split was created. And every year Wilmington has its annual Banana Split Festival.

Madam Speaker, I want to thank my Ohio colleagues, all of whom are original cosponsors of this resolution, and thank Chairman TOWNS and Ranking Member ISSA for their support in moving this bill through the committee process.

I urge all of my colleagues to vote in favor of this resolution and congratulate the more than 43,000 residents of Clinton County on the bicentennial anniversary of their county.

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

Ms. CHU. Madam Speaker, I also urge my colleagues to join me in supporting this measure.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. CHU) that the House suspend the rules and agree to the resolution, H. Res. 1121.

The question was taken.

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

Ms. CHU. Madam Speaker, I object to the vote on the grounds 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.

RECOGNIZING THE NATIONAL MUSEUM OF AMERICAN JEWISH HISTORY

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1381) recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1381

Whereas the National Museum of American Jewish History will illustrate how the freedom of America and its associated choices, challenges, and responsibilities fostered an environment in which Jewish Americans have made and continue to make extraordinary contributions in all facets of American life;

Whereas the mission of the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, is to connect Jews more closely to their heritage and to inspire in people of all backgrounds a greater appreciation for the diversity of the American experience and the freedoms to which all Americans aspire;

Whereas the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, was founded in 1976 by members of historic Congregation Mikveh Israel, itself established in 1740 and known as the ''Synagogue of the American Revolution'';

Whereas the National Museum of American Jewish History has attracted a broad audience to its public programs, while exploring American Jewish identity through lectures, panel discussions, authors' talks, films, children's activities, theater, and music;

Whereas the National Museum of American Jewish History is the repository of the largest collection of Jewish Americana in the world, with more than 25,000 objects; and

Whereas the National Museum of American Jewish History is currently building a 100,000-square-foot, 5-story, state-of-the-art museum on Independence Mall, standing just steps from the Liberty Bell and Independence Hall, to serve as a cornerstone of the American Jewish community and a source of national pride: Now, therefore, be it

Resolved, That the House of Representatives recognizes—

(1) the importance of the continuing study and preservation of the unique American Jewish experience; and

(2) the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience and, as such, as the national museum of American Jewish history.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam 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 resolution now under consideration.

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

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Madam Speaker, this resolution recognizes the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum dedicated exclusively to exploring and preserving the American Jewish experience.

I am fortunate to have this outstanding institution in my district. Founded in 1976, the National Museum of American Jewish History currently has the largest collection of Jewish Americana in the world. Even so, it is expanding to a new building on Independence Mall in Philadelphia.

I cannot think of a more appropriate place for this institution than at the heart of our Nation's birth, just steps from Independence Hall and the Liberty Bell. I applaud the museum for its dedication to connecting the Jewish community to their heritage and to reminding Americans of all backgrounds of their freedoms and diversity we all enjoy.

I urge Members to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I congratulate the gentleman from Pennsylvania for bringing this to the floor.

I rise today in support of H. Res. 1381, recognizing the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience.

This resolution simply commends and congratulates the National Museum of American Jewish History for its outstanding work in presenting and preserving the Jewish American experience and in teaching all Americans about the importance of freedom, respect, and diversity.

Opening on July 4, 1976, the museum holds the largest collection in the world of Jewish Americana and is currently expanding to a beautiful new facility appropriately located on Independence Mall in Philadelphia near Independence Hall, the National Constitution Center, and the Liberty Bell. There it will continue to showcase how the freedom of America fostered an environment in which Jewish Americans made and continue to make significant contributions to American life.

The National Museum of American Jewish History shares its current site with a Jewish congregation established in the 1740s. This was one of the first organized Jewish congregations in the colonies and was later called the Synagogue of the American Revolution. Indeed, Madam Speaker, our founding documents and the principles upon which our Nation was built reflect our Founding Fathers' adherence to Judeo-Christian values and ethics.

From the 1 million Jews in the United States in 1900, to the 550,000 Jews who served in the U.S. military during World War II, to the Jewish peoples liberated by American forces, to the approximately 6 million Jewish Americans with us today, Jews, Americans, and Jewish Americans have been intertwined in their support for liberty and have been vital to our self-governing and culturally rich Republic.

Madam Speaker, I would be remiss if I didn't say that this resolution comes at a time when current events have subjected the American Jewish community and Jews around the world to greater concern than they have been subjected to for some time. The statements of madmen who have positions of authority in some countries should have us recall the madman of World War II who said similar things.

The descriptions utilized by those who vent hatred today against those of the Jewish faith and Jewish ethnicity, those words of vitriol and hatred can do nothing but foster uncertainty, fear, confusion, and ultimately can incite violence.

We should recall that a good portion of the world, the free world, stood silently some 65 or 70 years ago when those words were uttered by Adolf Hitler, some saying he is nothing but a madman and Germany is such a distinguished, scientifically advanced, culturally progressive society, that certainly these words of a madman will never take real form. Yet, we know they did.

Today, unfortunately, we hear the words of a madman in the country of Iran. In my judgment, too many people say it doesn't mean much, they are just the rantings of someone without real power and, from a country that has the tremendous history of the Persian culture, they certainly would not act on those statements made by that man. Well, we ought to pay attention to history.

I would advise Members of this Chamber, perhaps, to read George Gilder's excellent work that was published a year and a half ago called ''The Israel Test.'' In there, he talks about the tremendous contribution of Israelis who have come to the United States and become American citizens and also Americans who have gone to Israel and become tremendous citizens of that country, and the continuing relationship between our two countries and our

two cultures, which is to the advantage of both, and the fact that over and over again we have to remind ourselves that those in the State of Israel share common values with the United States and that those common values should not be taken for granted. When they have been taken for granted, they have either been lost or they have been destroyed for some period of time.

So, as we today salute this museum for its historic value, we should remember that museums are, in many ways, invitations to study history so that we might not repeat the terrible mistakes of history but, rather, be inspired by the tremendous advances of history.

So I would like to thank my good friend for offering this resolution. I would urge all my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from the great State of Pennsylvania, ALLYSON SCHWARTZ.

Ms. SCHWARTZ. Madam Speaker, I rise today to speak in support of House Resolution 1381 and have appreciated working with my colleague, Congressman BRADY, to bring this to the floor.

This resolution recognizes the National Museum of American Jewish history, an affiliate of the Smithsonian Institution, as you have heard, the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience.

As the museum completes its new, expanded facility on Philadelphia's Independence Mall, the museum will have a greater capacity to inspire people of all backgrounds with a deep appreciation for the diversity of the American Jewish experience and, more broadly, the freedoms and the opportunities to which all Americans aspire.

Freedom, liberty, and the opportunity to thrive in America is the museum's overarching theme that will be a powerful experience for people of all ethnic and racial backgrounds. The new facility will be better able to tell the American immigrant story of the individuals meeting challenges and embracing and often fulfilling the American values of self-determination, equality, and opportunity.

□ 1230

The museum highlights the great contributions of Jewish Americans that were made over the history of our Nation to the sciences, public service, and the arts. I encourage all of my colleagues to visit this remarkable institution when it opens its new building on November 14, 2010.

For me, the experience of the National American Jewish History Museum is marked by the remarkable yet familiar story of one immigrant to America. Over 60 years ago, a young woman named Renee Perl was forced to flee Austria to escape the Holocaust. She arrived alone on the shores of America as a 16-year-old without family or friends. She arrived after years of fear and uncertainty, deeply grateful for the security that America offered and hopeful about her future. Renee Perl was my mother. She instilled in me a deep love for this country and its capacity to provide not only a safe harbor, but also freedom and opportunity.

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

Mr. BRADY of Pennsylvania. I yield the gentlelady 1 additional minute.

Ms. SCHWARTZ. I thank the gentleman.

Her story and her life are a constant reminder to me of the importance of our democracy and our shared responsibility to meet the goals and ideals of our Nation. The National Jewish American History Museum in its new location honors and elaborates on the stories of Jewish Americans like my mother, both ordinary and extraordinary, which make up the fabric of who we are as Americans. I am proud to honor the occasion of the opening of this new facility and look forward to the role the museum will play in telling a part, and for me a very personal part, of our Nation's history.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I would just say again that I urge my colleagues to support this bill. I hope there is a unanimous vote for it, and I thank the gentleman for bringing it to the floor.

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

Mr. BRADY of Pennsylvania. I thank the gentleman for his support.

Madam Speaker, I yield back the balance of my time and urge the passage of this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 1381.

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.

DIRECTING CLERK OF THE HOUSE TO ENSURE THAT CBO COST ESTIMATES ARE PUBLICLY AVAILABLE

Mr. BRADY of Pennsylvania. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1178) directing the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1178

Resolved,

SECTION 1. INTERNET POSTING OF CONGRESSIONAL BUDGET OFFICE COST ESTIMATES.

(a) INTERNET POSTING.—The Clerk of the House of Representatives shall ensure that cost estimates prepared by the Congressional Budget Office are available to the public by including a link to the official web site of the Congressional Budget Office on the official public Internet site of the Office of the Clerk.

(b) REGULATIONS.—The Clerk shall carry out this resolution in accordance with regulations promulgated by the Committee on House Administration.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Madam 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 measure now under consideration.

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

There was no objection.

Mr. BRADY of Pennsylvania. Madam Speaker, I yield myself such time as I may consume.

The American people are increasingly interested in the nuts and bolts of the legislative process. Americans are especially interested in the Congressional Budget Office's estimates of how pending legislation may increase or decrease the budget deficit.

Under House rules, CBO cost estimates are included in committee reports which are printed once filed with the Clerk and later made available online, but the cost estimates in committee reports are not particularly easy to find online within those committee reports, even if one knows where to look. The gentleman's resolution will make it easier to find cost estimates by having the Clerk link her Web site directly to the CBO public site. This excellent proposal will make CBO spending-related information more widely available than it is now. I have consulted with the Clerk's office, which supports the idea and has assured me the cost will be minimal.

Madam Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to H. Res. 1178, directing the Clerk of the House of Representatives to ensure that cost estimates prepared by the Congressional Budget Office are available to the public. Shouldn't we be spending our time perhaps having the Budget Committee meet and giving us a budget this year? I mean, the distinguished chairman of the Budget Committee, Mr. SPRATT, whom I hold in

tremendous regard, said a number of years ago when the Republicans were in charge, If you can't set a budget, you can't govern. So instead of us giving meat, we're giving what? I don't know what you would call this? It's not even broth.

While I approve of measures that will help the American people know where their money is being spent, that really is the definition of a budget: a budget is the blueprint. In the mid-1970s, we passed the Budget and Impoundment Act for the purpose, purportedly, of making sure that Congress was required to come up with a blueprint that would guide it. Now, it's supposed to be a concurrent resolution, meaning that both Houses pass it. It doesn't go to the President for a signature, so it's an internal document to this institution, that is, the Congress of the United States. And its purpose is to set out markers that will establish the guidelines for spending for the year.

That's one of the reasons we have a Rules Committee that would be required to give a waiver on a budget if an appropriations bill came here in violation of the budget. Well, we're not going to have that this year because we're not going to have a budget. Maybe what we're going to do is we're going to deem things. Remember that from the health care bill: we're going to deem it passed. And when the American people heard about that, they said, well, you can't do that. And finally the majority fell off on that one. But I suppose that's what we're going to do when we bring appropriation bills to the floor. They're going to be deemed to meet the budget that doesn't exist. So instead of us giving us meat like that, we're going to bring up this bill.

What does it do? What does it do? It requires the Clerk of the House to have on her Web site a link to the CBO analysis. Well, that would be important if they weren't available already, but they're available both through Thomas.gov and the CBO Web site. So I thought maybe it's because the Clerk has some responsibility over the Congressional Budget Office, but that's not the case. If you look at all of the obligations that the Clerk of the House has, they have absolutely nothing to do with the Congressional Budget Office.

So what are we doing here? We're bringing a bill to the floor which pretends, it seems to me, to do something about the budget; and it's nothing more than a distraction. The fact of the matter is we do not have a budget this year; we will not have a budget this year. The majority has said they don't want to bring a budget forward. Now, certain news reports have suggested the reason why we will not have a budget is that it will be too embarrassing for us to bring a budget to the floor, particularly before an election. Now, I don't know whether that's true or not, but that has been cited in the public press.

We've been hearing a lot lately from our friends on the other side about the importance of disclosure. Section 301 of their highly touted DISCLOSE Act requires reporting organizations to post a link from their home page to the page where its financial disclosure information is available; yet in this bill there is no requirement for a CBO link for the House's home page or for the Members' home page or from the committee's home page or for Members who voted for the spending that will impact the budget, but just from the Clerk's. I really don't understand what this is really going to do.

It is telling, while the majority attempts to pass measures like this, we're doing nothing to actually take less of the hard-earned tax dollars of the American people. I was home for the last 10 days in my district, or at least preceding yesterday, and I didn't hear a single person beg me to put a link on the Clerk's Web site for this information. They demanded that we do something about the budget. And when I told them at home we're doing nothing about the budget because the majority has decided we're not even going to bring a budget up—this will be the first time since we passed that law in the seventies that the House has not passed a budget. Now I hear them say, When the Republicans were in charge we didn't have a budget. That is true. Sometimes the Senate and the House weren't able to reconcile it, but we always passed a budget document from the House of Representatives.

So we will be making history this year: no budget for the American people. But they can get on a link and they can go to CBO and they can find out what it costs for a particular bill, but they can't tell whether it's in the budget or not because we don't have a budget. We don't even have to have budget waivers this year from the Rules Committee because there's nothing to waive. Where are the points of order against excessive spending? That's what this House is built on, rules that are supposed to protect the taxpayer. We now are exempting ourselves from our own rules.

When I go home, people say, Why doesn't Congress work under the same rules that the rest of the world works under? And I have to agree with them. Now, when I go back to my district and I talk to folks, they talk about the budget for their household. I met with a number of small business people, all the way from a small community in my district called Copperopolis, which celebrated its 150th anniversary, to Folsom, where we celebrated the 150th reenactment of the Pony Express—actually, they may have the Pony Express there, they also have Intel there—down to Citrus Heights in my district, talking to people all the time, and they kept saying, Why are you taxing so much? Why are you spending so much? Why are you busting the budget? Why are you putting all of this heavy debt burden on our kids? And I said, Those are the same questions I'm asking. When I go back, I'll ask them again. So I'm asking right here, Why are we doing it? And instead of us getting serious, we're going to have this: give you a link to the Clerk's office so that somehow you can find the estimate that's already available on two other Web sites.

Now, what are we doing? Have we run out of post offices to name? We have rid the world of the scourge of unnamed post offices in this Congress, and now maybe we're going to start going link by link by link by link. I've been in this Congress for a number of years. I didn't realize it took us to pass a resolution to allow the Clerk to do this. Maybe that's something we have to do from now on.

Madam Speaker, instead of wasting the time of this House, maybe we should actually lower the cost estimates produced by the CBO. That would be a good thing; we'll actually take an effort to try and lower them. But the first way you do that is adopt a budget where you debate it and we come to the floor and we say this is what we can afford and this is what we can't afford. We're not even doing that.

It would be irresponsible for any family in my district to not have a budget. It would be irresponsible for any business in my district to not have a budget. It would be irresponsible for any local government in my district to not have a budget, yet we don't have a budget. So instead of dealing with that, we are here dealing with this bill.

I don't question the gentleman's sincerity in offering this bill. I don't suggest he doesn't want more transparency. But, frankly, transparency over a system that doesn't have the essential foundation of a budget is really a wisp in the wind.

Madam Speaker, I reluctantly oppose this.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I am pleased to yield 5 minutes to the distinguished sponsor of the resolution, the gentleman from New York (Mr. MURPHY).

Mr. MURPHY of New York. Thank you, Mr. BRADY, for yielding.

I rise today in support of my resolution, House Resolution 1178, requiring the Clerk of the House to make available Congressional Budget Office cost estimates for each bill considered by the House by including a link to the official CBO Web site on the Clerk's official Web site.

For every bill that comes to the House floor from committee, there is included a cost estimate or a score. This estimate is included with the conference report. We here in the House all know this and we use these scores to make informed decisions about our votes every day. But the CBO score can be difficult to find for my constituents. I've had many complaints about this from people in my district looking to find out what we are spending our money on here.

The Clerk's office keeps the official records of the bills that we are working

on; and by including this link, it will be much easier for constituents all over the country to get access to this important spending information and how these bills that we're working on will affect the bottom line of government finance.

□ 1245

The CBO score lets us know how this legislation will affect our long-term fiscal solvency and whether it will increase our debt. Obviously, as we live in this time of very great debt, it is something that is very important to my constituents. Making sure that our constituents have the information they need to see how legislation will affect them and their families is not only good policy but good government. By promoting openness and transparency in everything we do here in Congress, we can begin to restore the public's trust in this body.

For me, openness and transparency are things I've been working on since I got here just a year ago, and there are many opportunities for us in Congress to do this and to dialogue more effectively with our constituents so they know what we are doing here in Washington. For me, that includes posting my schedule online so that people can find out what I'm doing every day on their behalf. It includes posting appropriations requests online so that people can see for what money I am asking for my district. This is the kind of transparency that people tell me every day they want to see, and this resolution will do that with respect to CBO scores and making them available about the legislation we are considering here.

This legislation is only one piece of the equation in increasing openness and transparency in Congress, but it is a critical component to ensure that our constituents have the information they need to accurately judge our actions here in Congress and to ensure that we continue to uphold the standards of our office. Beyond reforms like this, it is our responsibility as Representatives to do our own part to promote openness and transparency. It is the only way that we can restore faith in this broken system.

Again, I would like to thank Chairman BRADY and Ranking Member LUNGREN for their support in bringing this resolution to the floor.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Madam Speaker, I appreciate what the gentleman said. However, the CBO scores are already linked for the public to view through Thomas.gov as well as a large number of other House, Senate, and other private Web sites.

To find out how many, we went and we did a Google search. It reveals over 1,180 Web sites which link to the CBO home page. 1,180 Web sites are already linked to the CBO home page. In addition, the estimates are already publicly available on the CBO Web site, so adding a link there from the Clerk's Web page doesn't make it any more available than it already is.

Again, I would just say this: When I was home, not a single person said the way to solve the problem is to put a link on the Clerk's Web site to the CBO estimates that are already available on 1,180 Web sites. What people back home said is, Get a grip on reality. Stop spending too much. Stop taxing too much. Stop putting us into debt—and for God's sake, can't you at least spend time coming up with a budget?

I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I want to thank my colleague from California for his comments.

Madam Speaker, I guess the question I would have is: Is there anything in our rules that would prohibit the Clerk from just doing this without legislation, without a resolution? Has anybody just asked the Clerk to do this?

Do you know?

Mr. DANIEL E. LUNGREN of California. If the gentleman would yield, frankly, I don't know. That has not been presented to us at all.

Mr. WALDEN. It would seem to me that the Clerk works for the House, and if the majority party just wanted to ask the Clerk to put a link on the Web site, it should be able to be done. It shouldn't be a problem.

Besides that, I want to get to the real issue here, which is: Where is the budget?

You know, taxpayers every April 15 are required by law to file their taxes, and this Congress is supposed to come up with a budget. If you go back to 1974, which is when the Budget and Impoundment Control Act was passed, every year, the House has had at least a vote on a budget—not always on time, but at least you've always had a vote. We don't even have a budget. So we're spending time here arguing about whether the Clerk should link to the CBO site when we ought to be having a real debate on America's future and on a budget.

When I was home over this break, I talked to a lot of Oregonians who are fearful and angry about the runaway deficit spending. They understand the implications on their kids and on their grandkids. They don't believe Washington is listening, and I think this is an example of that. We're having a debate on something which, I think, the Clerk could probably do of her own volition. Certainly, the Speaker could ask her to, and I don't think anybody would object. It just doesn't make sense to me. So you don't have an appropriations bill moving. You don't have a budget coming. We can name post offices and we can honor sports teams, but we can't address the very problem that is costing us jobs in America.

I was a small business owner for nearly 22 years. The pressure from this government on the back of small business is killing jobs, and it is keeping people away from creating jobs. The high taxes, the high regulations, the uncertainty in the marketplace are costing the economy and jobs.

Mr. BRADY of Pennsylvania. I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. If the gentleman has no more speakers, I will yield myself the balance of my time.

Madam Speaker, again, the point is that there are 1,180 Web sites already linking to the CBO. If anything would add to the frustration of the American people, it would be in response to their complaint that we are spending too much, taxing too much, putting them in too much debt, and we don't even have a budget, but we're going to give them a link. Maybe Patrick Henry said, ''Give me a link or give me death,'' or something like that. I don't know.

All I'm saying is we almost make ourselves silly here. I know that's not the intent of the gentleman, and I wouldn't suggest so, but back home, this would be considered laughable.

With that, I would ask for a ''no'' vote on this resolution, and I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Madam Speaker, I heard that what we have to do is ask the Clerk.

Why are we doing this? We make laws. We are making a law here now. We are telling the Clerk. We are not only telling this Clerk. We are telling any Clerk that we want to put a Web site on the Clerk's page for our constituents to see.

Then I hear that we're spending time arguing. We're not spending time arguing. You're spending time arguing over something that doesn't pertain to this bill. We're not spending time arguing. We would have gotten done in 5 minutes, but because you wouldn't let me speak and because you're allowed to, you're arguing, not us.

So, with that, I thank the gentleman from New York for his great contribution to transparency. Transparency, transparency, transparency. When we go a little step further, we get a rebuttal. I thank the gentleman for his sunshine—for making people see easily without looking through all of the other Web sites, rather just on the Web site of the Clerk of the House, and we're getting that. So I thank the gentleman from New York for his contribution to transparency and to sunshine in government.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks in debate to the Chair and not in the second person.

Ms. MCCOLLUM. Madam Speaker, I rise today in support of H. Res. 1178, which directs the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, H. Res. 1178, 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. BRADY of Pennsylvania. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

HONORING THE LIFE OF JOHN WOODEN

Ms. SHEA-PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1427) honoring the life of John Robert Wooden.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1427

Whereas John Robert Wooden was born on October 14, 1910, in Hall, Indiana;

Whereas John Wooden began his basketball career at Martinsville High School and helped his team win the Indiana State high school basketball title in 1927;

Whereas John Wooden later became a three-time all-American star guard at Purdue University, helped lead Purdue to the National Championship in 1932, was named the 1932 national collegiate player of the year, and received the Big Ten medal for excellence in scholarship;

Whereas John Wooden served honorably as a lieutenant in the United States Navy during World War II;

Whereas John Wooden began his collegiate coaching career in 1946 at Indiana State Teachers College (now Indiana State University), where he fought racial inequality by refusing an invitation to the 1947 National Association of Intercollegiate Basketball because an African-American player on his team would not be allowed to participate;

Whereas John Wooden became head coach at the University of California Los Angeles (UCLA) in 1948 and quickly established a record of success with his student-athletes both on and off the court that is legendary and unmatched;

Whereas John Wooden led the UCLA Bruins to 10 National Collegiate Athletic Association (NCAA) championships (including 7 in a row), 19 conference championships, 12 final four appearances, four perfect seasons, and a record 88-game winning streak from 1971 to 1974;

Whereas John Wooden was the first person elected to the Naismith Memorial Basketball Hall of Fame as both a player and as a coach;

Whereas John Wooden was foremost an educator who always stressed the importance of team play while inspiring the development of individual talent and academic excellence;

Whereas John Wooden was the personification of teamwork and good sportsmanship, and his name is synonymous with integrity;

Whereas an annual award in John Wooden's name is given to the Nation's top college men's and women's basketball player;

Whereas John Wooden won the lifelong respect of his colleagues, players, and fans for the values he lived and espoused;

Whereas John Wooden's renowned Wooden Pyramid of Success, which stresses industriousness, friendship, loyalty, cooperation, enthusiasm, self-control, alertness, initiative, intentness, condition, skill, team spirit, poise, and confidence as the building blocks for competitive greatness, is one of the most widely recognized blueprints for excellence in any pursuit;

Whereas, on July 23, 2003, John Wooden received the Presidential Medal of Freedom, the Nation's highest civilian honor recognizing exceptional meritorious service;

Whereas, on December 20, 2003, the basketball floor at UCLA's Pauley Pavilion was dedicated as ''Nell and John Wooden Court''; and

Whereas John Wooden, whose death was preceded by his beloved wife Nell, is survived by his 2 children, Nancy and James, 7 grandchildren, and 13 great-grandchildren: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors John Wooden for his exceptional career as a coach, player, educator, and mentor, including his unrivaled achievements during his tenure at UCLA;

(2) pays tribute to his iconic legacy of leadership, and recognizes the respect and admiration he earned through his dedication to the betterment of others; and

(3) expresses condolences on his passing to his children, Nancy and James, his grandchildren, his great-grandchildren, and the countless players, fans, and admirers who mourn his passing.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

GENERAL LEAVE

Ms. SHEA-PORTER. Madam Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 1427 into the RECORD.

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

There was no objection.

Ms. SHEA-PORTER. I yield myself such time as I may consume.

Madam Speaker, I rise today in support of House Resolution 1427, honoring the life of John Robert Wooden.

John Wooden loved basketball. As a young man in Martinsville, Indiana, starting on his high school basketball team in 1927, Wooden led his team to an Indiana State high school basketball title, marking the beginning of a basketball career brimming with great success. In college, at Purdue University, his athletic victories continued, winning All-American honors 3 years in a row, as well as a spot in the Basketball Hall of Fame. The great success on the basketball court Wooden achieved while in school set the foundation for the great athletic accomplishments he would later go on to achieve.

After being offered a spot in the NBA, Wooden turned it down, deciding rather to teach high school English and to coach high school basketball. His only break from the school setting was during World War II, when he served honorably as a lieutenant in the United States Navy.

In 1948, Wooden accepted an offer to coach the University of California team in Los Angeles, the UCLA Bruins basketball team, and he quickly established a record of success with his student athletes both on and off the court. In his first year with the team, he led the Bruins through a near perfect season, winning 22 out of 29 games. Wooden guided the team to 10 National Collegiate Athletic Association championships, seven of which were in a row. In addition, he led the Bruins to 19 conference championships, 12 Final Four appearances, four perfect seasons, and a record 88-game winning streak from 1971 to 1974.

Off the court, John Wooden was admired and respected as much as he was on the court. Foremost an educator, Wooden stressed the importance of team play while inspiring the development of individual talent and academic excellence. The distinguished Wooden Pyramid of Success has been widely recognized as an example for the building blocks to competitiveness and excellence in any quest, not just sports. It emphasizes the skills that Wooden taught, such as friendship, loyalty, cooperation, enthusiasm, self-control, team spirit, poise, and self-confidence. In 2003, he was presented the Presidential Medal of Freedom, the highest honor given to a civilian.

John Wooden lost the love of his life, Nell Wooden, but he is survived by his two children, by his seven grandchildren, and by his 13 great-grandchildren, as well as by the millions of basketball fans who believe there will never be another coach like John Wooden in any sport, and they mourn his passing.

Madam Speaker, I would like to thank Representative WAXMAN for bringing this bill forward.

I wish to honor the legendary Coach Wooden for his immense contributions, not only to the game of basketball, but also for his exceptional career as an educator, as a mentor, and for his dedication to the betterment of others. John Wooden's lasting legacy is carried on today on basketball courts all around the country as he was loved and admired by all who play and who know the game. I wish to express my deep condolences to his family, to his friends, to his former players, and to his countless fans and admirers.

I urge my colleagues to support House Resolution 1427, and I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself such time as I may consume.

Madam Speaker, it is a great honor to be here today, as I am a huge college basketball fan, to rise in support of House Resolution 1427, honoring Coach John Robert Wooden.

Today, we honor Coach Wooden's accomplishments and leadership. Coach

Wooden was born in Hall, Indiana, and he attended Purdue University, where he played on the university's basketball team and where he was the first player to be named a three-time All-American. Coach Wooden also played professionally for the team that later became the Indianapolis Jets. In 1961, he was enshrined in the Basketball Hall of Fame for his accomplishments as a player.

Coach Wooden began his teaching career at Dayton High School in Kentucky. After his service in World War II, Coach Wooden began coaching at Indiana Teachers College, now Indiana State University. In 1984, Wooden was inducted into the Indiana State University Athletic Hall of Fame. In 1948, Coach Wooden began his coaching career at UCLA. In 1 year, Coach Wooden turned the 12–13 losing team to a 22–7 winning team. John Wooden retired from UCLA and from coaching in 1975, but he left a legacy in his wake.

Coach Wooden's list of accomplishments is long and impressive. He led the UCLA men's basketball team to 10 NCAA Men's Basketball Championships, seven in consecutive years. He made the most appearances in the Final Four, the most consecutive appearances and the most victories in the Final Four. He set the record for the most consecutive wins at 88 games—amazing—and won 38 straight victories in the NCAA tournament play. He also led UCLA to eight perfect Pac-8—now Pac-10—conference season championships.

Coach John Wooden's accomplishments on the court are innumerable. Today, we honor him for his accomplishments, and it is a great privilege to be here to honor this great man. Coach Wooden was much more than a coach, for his accomplishments were much greater as a person. Coach Wooden will be much missed by his friends, by his family, by the universities in which he served, also by the numerous players, assistant coaches, ball boys, trainers, and others. Coach Wooden's life was about others and not about himself, and I think, when the good Lord sees Coach Wooden, he is going to ask him how in the world he pulled off those 88 straight wins.

I know one of the things I would like to do with my life is to leave it a little bit better than I found it, and I certainly know that Coach John Wooden left it much better than he found it. I, too, as a fan, will miss Coach—a job well done.

I reserve the balance of my time.

□ 1300

Ms. SHEA-PORTER. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, it is with a heavy heart that I rise to honor the remarkable life and tremendous contributions of John Wooden, who passed away in Los Angeles last Friday.

I want to begin by expressing my condolences on his passing to his family and the countless people whose lives he touched.

John Wooden coached at UCLA when I was there earning my undergraduate and law school degrees. I was in my last year of law school when the Bruins had their first perfect season under Coach Wooden, a season that culminated in a championship win over Duke. Everybody on campus was thrilled. No one could have possibly imagined that this was only the beginning of a historic run that will probably never be matched.

John Wooden would go on to coach the Bruins to an unprecedented 10 NCAA championships, including an incredible seven in a row, and a record four perfect seasons, which includes an 88-game win strike, from 1971 to 1974.

The full list of records broken and accolades earned is far too long to cover here. His accomplishments have made his name synonymous with ''success,'' and it is unlikely that anyone will ever be able to match the accomplishments that he has achieved.

Incredibly, his coaching success was never the most remarkable thing about him. What was the most remarkable was how he inspired people and motivated them to excel, on the court and off.

As soon as a game started, it was clear that he wasn't your typical coach. Absent were the outbursts of cursing so typical from other coaches. Instead, Coach Wooden led with the calmness and poise of someone who knew he had prepared his players for anything they could face.

Basketball was just a means for Coach Wooden to influence his players by instilling life lessons and the value of character. He relished the practice and the preparation far more than the games that brought him glory because they provided him the opportunity to teach. Hundreds of UCLA players attribute so much of the success in their lives to the years they spent with John Wooden. And he was most proud about that.

While Coach Wooden could never be replaced, he will be remembered and celebrated for all time because of his love of the game, his love for his players, and his love for his family.

John Wooden often said, ''You can't live a perfect day until you do something for someone who will never be able to repay you.'' Madam Speaker, Coach Wooden lived a lot of perfect days.

Mr. ROE of Tennessee. Madam Speaker, I yield 3 minutes to the honorable gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Likewise, I rise to honor and pay respects to the life and career of the distinguished Hoosier, Coach John Wooden.

He was born October 14, 1910, in the small town of Hall, Indiana. Coach Wooden was raised on a family farm that had neither running water nor electricity, and money was often in short supply. He played basketball with his brothers in a barn using a tomato basket and a makeshift ball consisting of old rags. Later in life, he would credit his success to the hard work and discipline he learned growing up on the small family farm.

At the age of 14, his family moved to the town of Martinsville, Indiana, where he led the local high school basketball team for 3 consecutive years, winning the State championship in 1927. For his efforts, he was selected three-time All-State.

After graduating high school in 1928, John Wooden attended Purdue University, where he helped the Boilermakers as team captain to the 1932 national championship. He was named All-Big Ten, All-Midwestern conference while at Purdue. He also was the first player ever to be named three-time consensus All-American guard.

His nickname was the ''Indiana Rubber Man'' for his hard play on the basketball court.

When John Wooden graduated from Purdue in 1932, he began not only then as a professional basketball player, but then he sought teaching and coaching by accepting a job as an athletic director, a basketball coach, and English teacher at Dayton High School in Dayton, Kentucky. The first year at Dayton was Coach Wooden's only losing season as a high school coach.

In 1934, Wooden and his wife, Nellie, then moved to South Bend, Indiana, where he accepted another coaching and teaching position at South Bend Central High School. Overall, in 11 years of coaching high school, his record was an incredible 218 wins and only 42 losses.

In 1942, the United States entered World War II, and, like many others of his generation, Coach Wooden answered the call to serve his country, serving as a lieutenant in the Navy as a physical education instructor.

After completing his military service, John Wooden quickly found work at what is now known as Indiana State University. He coached basketball at the school and resumed his string of winning seasons.

In 1948, Coach Wooden then moved to UCLA that offered him the head coaching position. And the rest is history, as described by Mr. WAXMAN.

Coach Wooden will be remembered as an exceptional basketball player, an inspiring coach, and a mentor to many, many people. According to Bill Walton, UCLA's three-time All-American center during the 1970s, ''He taught us how to focus on one primary objective: Be the best in whatever endeavor you undertake. Don't worry about the score. Don't worry about the image. Don't worry about the opponent. It sounds easy, but it's actually very difficult.''

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

Mr. ROE of Tennessee. I yield the gentleman an additional minute.

Mr. BUYER. ''It sounds easy, but it's actually very difficult. Coach Wooden

showed us how to accomplish it,'' end quote.

Today, the highest award in college basketball is named the Wooden Award, which honors the Nation's best player in both men's and women's college basketball.

John Wooden coached, taught, and lived with honor. He was a very special human being. And this is a Hoosier of which many of us are distinguishedly proud about. I know, California, you also love to claim him. I think all of America can claim him. He is a distinguished gentleman.

Ms. SHEA-PORTER. Madam Speaker, I continue to reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Madam Speaker, I thank my friend for yielding. And I have to say that, with the exception of the two floor managers here, we have a Hoosier, Mr. BUYER, and of course two UCLA graduates, Mr. WAXMAN, who's already spoken, and Mr. LEWIS, who is going to follow.

As we take this time to very appropriately remember an amazing life, someone who—as was pointed out when Mr. BUYER mentioned his birth date, October would have marked his 100th birthday. So Coach Wooden lived virtually an entire century.

And I was struck with the quote that Mr. WAXMAN reminded us of, that you've never lived a perfect day until you've done something for someone that cannot repay you. And Coach Wooden is an individual who had a humility but a great inner strength.

And one of the things that was very apparent as you watched him coach and as you saw him involve himself with students and with so many others in the community, there was that gentleness and strength of character that did belie that resolve that he had. But, at the same time, he's someone who was able to be a real winner.

And I think it was pointed out very appropriately right after his passing when Bill Walton and Kareem Abdul Jabbar stood on the floor of the court for the team that in the not-too-distant future is going to become the NBA champion, the Los Angeles Lakers, and remembered the life of Coach Wooden.

And so I want to join with my colleagues in extending our thoughts and prayers to the family members and to all of the students who were able to benefit from the amazing life of Coach John Wooden.

Ms. SHEA-PORTER. I continue to reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I yield 3 minutes to the honorable gentleman from California (Mr. LEWIS).

(Mr. LEWIS of California asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of California. Madam Speaker, I too rise today to express my deep appreciation for the life and work of John Wooden, the great coach from UCLA.

The resolution, by the way, that we are discussing today was originally introduced by my colleague HENRY WAXMAN, who spoke a while ago. HENRY's district includes UCLA within its territory. And HENRY and I have worked together for many, many years and have had in common the fact that we are both, kind of, red-hot graduates of UCLA.

We don't agree upon everything. In fact, some would suggest we almost never agree. The reality is, though, that HENRY and I have worked together for many, many years, and I'm very proud of the fact that he's a close friend.

Beyond that, let me say that the House might be interested to know that HENRY and I are such fans of UCLA that he actually allowed me to name my dog Bruin. And Bruin walks to work with me every day, and, in fact, he's over in my office watching this on the floor and will be most intrigued by the fact that people finally are recognizing John and Nell Wooden for the wonderful, wonderful contribution they've made to our country.

Ms. SHEA-PORTER. I continue to reserve the balance of my time.

Mr. ROE of Tennessee. Madam Speaker, I will close by saying that this country has been much better for the presence of John Wooden here and the role model that he's applied for so many young people. And I would suggest that you go out and read his book, or books.

And one of the quotes, and I'm paraphrasing this, that struck me that he has said—I think his players would say Woodenisms—but it is: ''It's much more important what kind of individual you are than what kind of athlete you were.'' And I think we all need to keep that in mind as we go forward in our day.

And I appreciate the opportunity to be able to honor Coach Wooden today, one of my heroes.

I yield back the balance of my time.

Ms. SHEA-PORTER. Madam Speaker, I would also like to point out I have a basketball player in my home, and I certainly had the biography because the man that we're talking about, the great hero, John Robert Wooden, did indeed show Americans how to play a sport and how to play it honorably and how to play on and off the court.

I urge my colleagues to vote ''yes'' on this resolution.

Mr. LEWIS of California. Madam Speaker, I rise today to honor the extraordinary life of John Wooden who became an angel at age 99 on June 4, 2010. Our thoughts and prayers are with his family and friends during this difficult time.

I appreciate the efforts of my colleague, fellow UCLA graduate, and friend HENRY WAXMAN who authored this resolution honoring Coach Wooden. While HENRY and I haven't always agreed on policy issues, I have long valued his friendship and our shared love of all things UCLA. For those who do not know just how strongly I feel about my alma mater . . . my dog happens to be named Bruin.

It is a humbling moment to rise on behalf of thousands of UCLA alumni who are proud not just to graduate from a great university but to be associated with John Wooden, the preeminent basketball coach for all time.

From 1964 to 1975, his Bruin teams won 10 national championships, including seven in a row. No other men's basketball coach has won more than four. He led UCLA to four perfect seasons. No other coach has had more than one undefeated season. Wooden's teams won with legendary players known the world over and were victorious with players whose names are remembered only by the UCLA faithful.

But Coach Wooden was so much more than statistics, championships, and career honors. He was a reminder of values both endearing and enduring during a time of great social and political upheaval. Bruins and basketball lovers could disagree over the headlines in the newspapers but could unite around the humble leadership of Coach Wooden.

It is his role as an educator where he has made his greatest mark. Wooden developed the ''Pyramid of Success'' a simple, yet profound, representation of the ideals that form the basis of Wooden's outlook on life and explain much of his success on and off the court. Emphasizing such traits as skill, poise, and confidence, the Pyramid of Success has helped millions be their best when their best was needed.

Wooden's maxims benefit us all. Be quick, but don't hurry. It's not how tall you are, but how tall you play. Character is what you really are; reputation is what you are perceived to be.

Wooden's supreme devotion was to his family. He married his beloved Nell, the only woman he ever dated, and wrote her love letters every month on the anniversary of her passing. When UCLA's basketball court at Pauley Pavilion was recently renamed in their honor Wooden insisted her name came first. He and his wife symbolized the very best of family life.

Coach Wooden often said ''make each day your masterpiece.'' While he had many days that were masterpieces, the 99 years John Wooden graced us with his presence were his magnum opus.

Ms. RICHARDSON. Madam Speaker, I rise today in support of H. Res. 1427 which honors the life of John Wooden, the legendary basketball coach of the UCLA Bruins, who died this past Sunday, June 6, at the age of 99.

Coach Wooden's success as a college basketball head coach is unparalleled. But his on-court success was matched by the positive impact that he had on the lives of his players. Coach Wooden was the very embodiment of what a coach should be. He was a teacher, a mentor, and a friend. As an alumnus of UCLA and a former college basketball player, I am inspired and awed by Coach Wooden's legacy and proud of his contributions to the game of basketball.

Born in 1910 in Hall, Indiana, John Wooden began his basketball career at Martinsville High School, where he helped lead his team to a state championship. He went on to star at Purdue University, where he was a three-time All-American and the 1932 national collegiate player of the year. He is the first and only person inducted into the Naismith Basketball Hall of Fame as both a player and a coach.

But John Wooden's remarkable success as a player is often overlooked because of the historic achievements of his coaching career. John Wooden began his coaching career at UCLA in 1948 and immediately established a record of success that has made him an American icon and the gold standard of college basketball coaches. Coach Wooden led the UCLA Bruins to 10 national championships, a record no other coach in college basketball history has come close to matching. Between 1967 and 1973, Coach Wooden's Bruins won an incredible 7 consecutive national championships. No other coach has more than three. In addition, he led the Bruins to 19 conference championships, 12 Final Four appearances, 4 perfect seasons, and a remarkable 88 game winning streak, which remains the longest in history. The record 38 game NCAA tournament winning streak that his Bruins compiled in winning the first 9 national championships is surely as close to unbeatable a record as any in all of sports. The next longest winning streak is a mere 14 games, compiled by the Duke Blue Devils from 1992–94.

As a former college basketball player, I understand the long hours of hard work and intense dedication needed to achieve a single winning season. So, the monumental record of success compiled by Coach Wooden is staggering. But, as Coach Wooden would be the first to explain, his monumental achievements were the product of an intense focus on the details. Coach Wooden was famous for starting the first day of practice each season with a tutorial on how to properly put on athletic socks in order to avoid blisters. It was this outlook on the game—this understanding that attention to detail is a fundamental first step to achieving great things—that made Coach Wooden such a master.

John Wooden's success on the court was topped only by the positive effect that he had on the lives of his players. All of Coach Wooden's players will attest that, while he surely made them better basketball players, his most lasting impact on their lives was his ability to make them better people. Coach Wooden was an educator and a mentor in the truest sense. More than personal talent, he stressed the importance of loyalty, companionship, cooperation, and enthusiasm. He imparted upon his players lessons that led to life-long success.

The words of wisdom he imparted to the players he coached helped them become champions on and off the court. Who can forget these famous quotes of Coach Wooden:

''Don't confuse activity with achievement.''

''Be quick but don't hurry.''

''Failing to prepare is preparing to fail.''

''It's what you learn after you know it all that counts.''

''The main ingredient of stardom is the rest of the team.''

''Things turn out best for the people who make the best of the way things turn out.''

''Failure is not fatal, but failure to change might be.''

''Talent is God given. Be humble. Fame is man-given. Be grateful. Conceit is self-given. Be careful.''

For his contributions to the game of basketball and to the lives of so many young Americans, Coach Wooden was deservedly awarded the Presidential Medal of Freedom. Coach Wooden is an American icon who will be missed dearly, but whose legacy will continue to shine in the sports world and throughout American life.

I urge my colleagues to join me in supporting this resolution.

Ms. SHEA-PORTER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 1427.

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.

□ 1315

PROVIDING FOR CONSIDERATION OF H.R. 5072, FHA REFORM ACT OF 2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1424 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1424

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Financial Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of June 11, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. For purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. PERLMUTTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1424.

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

There was no objection.

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

The rule provides for consideration of House bill 5072, the FHA Reform Act of 2010. It is a structured rule which makes in order 13 amendments. The rule waives all points of order against the bill except those arising under clause 9 and 10 of rule XXI. It further considers the amendment in the nature of a substitute from the Financial Services Committee be considered as read. Finally, the rule provides authority to the Speaker to entertain motions to suspend the rules on Thursday and Friday of this week.

Madam Speaker, H.R. 5072, the Federal Housing Administration Reform Act of 2010, provides FHA with the necessary tools to strengthen its mortgage insurance program and overall financial position. The collapse of the private sector in the wake of the financial crisis left a large void in the housing market. Banks didn't have the capital to lend, so potential home buyers were left out in the cold. FHA played a critical role in filling this void, providing a much-needed catalyst to the real estate industry, which was left reeling from the subprime debacle. This preserved hundreds of thousands of jobs in the real estate industry.

As a result of taking on a more prominent role, FHA's market share increased from about 4 percent to now more than 30 percent of total purchases, 88 percent of which are first-time home buyers.

This bill makes several necessary reforms which will make it more efficient and accountable. First, it provides FHA with the authority to raise the annual mortgage premium for new borrowers. It also provides FHA with enhanced authority when FHA finds evidence of fraud or noncompliance by a mortgagee. If a lender or underwriter is found to be violating FHA regulations when underwriting loans by making risky loans or cutting corners, the FHA can terminate that underwriter or lender's ability to lend under the program. The bill also improves FHA's risk management, and under the bill, the FHA will provide additional data which will give a clearer overview of FHA's fiscal position.

The bill we are considering here today is bipartisan and incorporates many changes sought by the Housing and Urban Development Department, industry stakeholders, and Members of Congress. It passed the Financial Services Committee by a voice vote with little opposition. Most important, the Congressional Budget Office analyzed the bill and estimates it will save $2.5 billion over the next 5 years.

FHA plays a critical role in the marketplace, and this bill strengthens the program so that it can continue its role in a sound manner. FHA was created during the Great Depression to stimulate the economy, particularly with regard to real estate. This purpose is equally important today, so it is crucial that we make reforms to the program that will allow it to keep up with the industry. This bill will promote responsible lending and reduce the deficit by $2.5 billion. I look forward to the debate on this bill, which will restore greater confidence in the housing industry.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I thank the gentleman, my friend from Colorado, for giving me such time as the Republicans may have, and I yield myself such time as I may consume.

Madam Speaker, this will be the 31st time that I have handled a rule on this House floor in this Congress, and this is the 31st time that I have yet to handle an open rule. In fact, out of the over 120 rules of this Congress, we have not debated one open rule. Not one open rule this Congress.

I don't believe that closing debate, limiting amendments, and shutting Democrats and Republicans out of thoughtful ideas is a good way to run this House. And I know and you know, and I say this often, that our Speaker, Speaker PELOSI, promised when she told the American people that she would run the most open, honest, and ethical Congress, I don't think she had this in mind, and I know we didn't as Republicans; and I don't think the American people did, not to have one open rule this Congress.

I know we are getting ready to finish this Congress in a couple months. But one would think that when the Speaker spoke those words, she had something in mind other than closed rules or some modified rules. Open, honest, ethical. Not one open rule this Congress.

One thing that I do have the opportunity to say today, however, Madam Speaker, is that the call for a vote on the previous question to allow for this week's YouCut winner will be good. YouCut is the new Republican online voting tool for Americans to pick what wasteful government spending they would like to see cut every week and which should be an agenda on this floor every week.

I admire the majority for finally having a bill that saves the taxpayer money. Don't know how many times that's happened in this Congress or under this Speaker. But what I can tell you is hundreds of thousands of Americans this week have been on the YouCut site, and they came up with lots of answers. So I applaud the Democrat majority for coming up with, finally, a bill which will save taxpayers money.

Additionally, today we are here to discuss an important step in providing the Department of Housing and Urban Development, also known as HUD, with the tools it needs to supervise and monitor the single-family mortgage insurance program run through the Federal Housing Administration, known as FHA. That's what we are here for, and I am glad that this bill is here. Saving money and running the government more efficiently, and providing the tools, is what Congress should be for.

It is necessary to understand why these changes are important. And in my opinion, my colleagues, who really work across party lines, need to do more of this kind of work of helping rather than providing more rules and regulations. The continued importance of protecting the taxpayer is primary and important to people who are paying the taxes. They want to know that there should be more work like this being done in Washington.

As the housing market collapsed over the last 2 years, private lenders have scaled back their activities, with the FHA significantly increasing its share of the single-family mortgage market from less than 5 percent to now more than 30 percent. With higher mortgage share comes increased taxpayer exposure. The elevated levels of delinquencies and foreclosures across this Nation have had a detrimental effect on the financial health of the FHA, which is why reforms in this legislation are an essential piece of fixing and addressing this problem today.

I applaud the gentleman, Mr. FRANK, and I applaud the gentlewoman, Mrs. CAPITO, for working together, for essentially bringing a huge part of Mrs. CAPITO's bill to the floor today. The taxpayers have already paid their fair share for bailouts and failed stimulus programs, resulting in record debts and record deficits. It's important to bring some stability and to recognize problems before they happen.

H.R. 5072 incorporates a majority of the provisions from my friend, Ranking Member SHELLEY MOORE CAPITO's, legislation, H.R. 4811, the FHA Safety and Soundness and Taxpayer Protection Act. This legislation from Representative CAPITO provides additional enforcement, the financial and risk assessment tools necessary to adequately administer the program, to detect fraud and abuse, and to strengthen underwriting standards and, perhaps best of all, to protect the taxpayer.

While the legislation is a step in the right direction, it is important to note that the benefits of using government subsidies to promote homeownership to be more balanced against the potential risk of insuring less creditworthiness with borrowers, and exposing the taxpayer to additional risk, is perhaps the best part of this bill. It is extremely important to have proper underwriting, and to ensure that potential home buyers have the appropriate amount of personal funds invested in the transaction to make sure that the housing market does not collapse again.

Madam Speaker, while this legislation is an important step, Congress should do more to protect the taxpayer from having to suffer the consequences of bailouts in another government housing program.

Congressman SCOTT GARRETT of New Jersey, also on the Financial Services Committee, offered several amendments which were not made in order by the Rules Committee, and so they will not be voted on today on the floor.

□ 1330

These amendments, however, are worthy of speaking about it. They would have protected taxpayers from yet another government bailout as we were setting the rules for the future to say the Federal Government should not be in the bailout business.

My friends on the other side of the aisle once again continued to shut out not just SCOTT GARRETT but taxpayers and people who had ideas, that are called Members of Congress, and not allow a debate on commonsense solutions that save the taxpayer money.

Once again, I applaud the gentleman, Mr. FRANK, for bringing this bill to the floor, but we need more and more discussion about how we limit taxpayer exposure.

I believe that Congress and the administration must be extremely cautious and always vigilant in their oversight of this program and others to make certain that the program is adequately capitalized and is run in a safe and sound manner that protects the taxpayer from the need not only for another bailout but wasteful government spending.

Additionally, as the housing market begins to stabilize, we must begin to look for ways to decrease reliance on the Federal Government guarantees and encourage the reentry of private capital and investment in the mortgage market.

Madam Speaker, at this time I would like to yield 4 minutes to the gentleman from Virginia (Mr. CANTOR) to discuss his ideas on this bill.

Mr. CANTOR. I thank the gentleman for yielding.

Madam Speaker, recently, we found out that the national debt has surpassed $13 trillion. That means that each American owes approximately $42,000. I align myself with the remarks of the gentleman from Texas in applauding the gentleman from Colorado and Massachusetts in bringing this bill to the floor that actually does save taxpayer dollars for the American people. I also want to recognize the leadership of Ms. CAPITO from West Virginia, whose bill this originally was.

Here's an idea, Madam Speaker. Rather than simply talking about how shocking our dangerous level of national debt is, why don't we actually do something about it today. America is at a crossroads, and the choices we make today will determine the kind of country we will be.

The Republican Economic Recovery Working Group launched the YouCut program to change the culture in Washington, and it's clear from news reports, Madam Speaker, that it's starting to do so. We saw the White House just last week ask each government agency to cut 5 percent from their budgets. While we applaud their intentions, House Republicans are offering a way to cut spending—not tomorrow, not next week, but right now—with YouCut.

There is no doubt that our debt situation is reaching a crisis point that demands a united, bipartisan effort to solve it. I'll be the first to raise my hand to say that Republicans have played our part in contributing to the problems in the past. But for those Americans out there struggling to pay their mortgages, does it really matter to them whose fault it was?

I come to the floor today, Madam Speaker, to urge my Democratic colleagues to join us in supporting this week's winning YouCut proposal to reform Fannie Mae and Freddie Mac, which received 45 percent of the vote on YouCut. SCOTT GARRETT and JEB HENSARLING's proposal would save $30 billion in taxpayer money over the next decade.

The two government-sponsored enterprises have racked up a taxpayer-funded tab of $145 billion and counting. According to the Congressional Budget Office, if we don't reform Fannie and Freddie, that price tag will only rise. There's no doubt that reforming Fannie and Freddie will be a challenging task, but taking on this kind of challenge is why our constituents gave us the privilege of serving in this House in the first place.

Mr. PERLMUTTER. Madam Speaker, I appreciate the gentleman's support of the underlying bill and the savings of $2.5 billion and that they'd like to proceed and make some cuts to Fannie Mae and Freddie Mac over the course of the next year, and that is something that ultimately we have to address.

Under Mr. FRANK and under this Democratic Congress, we've already worked on reforms to Fannie Mae and Freddie Mac, unlike my friends on the Republican side of the aisle. And I just remind them what their chairman of the House Financial Services said about the efforts to reform and revamp Fannie Mae and Freddie Mac back when the Republicans were in charge of both the White House and this Congress.

There was an effort to reform Fannie Mae and Freddie Mac between Mr. Oxley and Mr. FRANK, but instead of getting any assistance, he fumed particularly about the White House. This was from an article in the Financial Times. It was by Mr. Oxley. This is an article written and quoted from Mr. Oxley in the Financial Times last September, September 9, 2008, where he fumes against criticism that the House didn't try to reform Fannie Mae and Freddie Mac back a few years ago. He says, ''All the hand-wringing and bed-wetting is going on without remembering how the House stepped up on this,'' to try to reform Fannie Mae and Freddie Mac. He said, ''What did we get from the White House?'' A White House that was controlled by the Republicans. ''We got a one-finger salute'' in trying to reform Fannie Mae and Freddie Mac.

Well, unlike under Republican leadership, we've been working on reforming Fannie Mae and Freddie Mac, and we have been looking for ways to cut costs and expenses of the United States. And one of those places we're already doing something about, which makes their suggestion looks like peanuts, and that's in Iraq.

The Republicans, under the leadership of George Bush and the Republican Congress, cut the taxes for the wealthiest 1 percent, prosecuted two wars without paying for them, left Wall Street in disarray by failing to police Wall Street. And what did we get? We got a financial meltdown and a giant debt, $1.3 trillion, when Barack Obama took office. And now they're complaining about the costs that they left in place based on their way of running the country.

With that, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, a couple times ago when I was on the floor and we were doing the rule, we got into this debate about blaming George Bush for everything, and I would simply remind my colleague, as I did that day, I'd pin the tail on the donkey. We know who controls the spending and taxing around here.

Madam Speaker, at this time I yield 3 minutes to the favorite son from Dallas, Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, the American people understand that this Nation is facing a debt crisis. Congress, under control of our friends on the other side of the aisle, the Democrats, has seen the deficit increase almost tenfold since they took control of Congress. We know that President Obama has now submitted a budget which will double the national debt in 5 years and triple it in 10 from 2008.

Madam Speaker, I serve on the President's Fiscal Responsibility Commission, and we have recently heard testimony that when a nation's gross debt equals 90 percent of its economy—in this case, GDP—that the needle has hit the red zone, that you can lose economic growth. And, on average, history tells us you can lose 1 percentage point, a full third. The Congressional Budget Office is predicting 3 percent economic growth. It could be 2 percent.

Madam Speaker, the United States' gross debt is now at 89 percent of GDP, and the American people now know it's either you cut or your children may one day face bankruptcy.

Spending is out of control. Our children are facing a future with fewer jobs, shrinking paychecks, smaller homes, an American Dream that is constricted and diminished. We are on the verge of being the first generation in America's history to leave the next generation with a lower standard of living.

And just this morning on the Budget Committee, Chairman Bernanke said that it is important that the Congress act today on the government-sponsored enterprises; it is important that the Congress act today on enacting a budget; it's important that the government act today to reduce the national debt that has an impact on economic growth and jobs today.

But we have no plan, at least listening to the gentleman from Colorado. If we had a plan to deal with the GSEs, it has not ended in a success that the American people recognize. We're now looking at $147 billion of taxpayer bailout. Between the government-sponsored enterprises and the FHA, they now control approximately 95 percent of the market. More government control.

And that's why the gentleman from New Jersey, Mr. GARRETT, and I have introduced H.R. 4889, the GSE Bailout Elimination and Taxpayer Protection Act, to end this. And, instead, what we have from our other friends from the other side of the aisle is they actually exempt the government-sponsored enterprises who are at the epicenter of the financial crisis from the new legislation.

Again, it is time that we put Fannie and Freddie on a road to market competition to end the perpetual bailouts, to save taxpayers money, because it's either you cut or your children pay for it.

Mr. PERLMUTTER. Madam Speaker, I now yield 5 minutes to my friend from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. First, I want to acknowledge the praise given to the gentlewoman from West Virginia (Mrs. CAPITO), and, I would add, I was thanked, but the gentlewoman from California (Ms. WATERS) worked closely with Mrs. CAPITO to bring this bill forward.

Secondly, on the deficit, this Friday morning I will be at a meeting. The gentleman from Texas (Mr. PAUL) and I are beginning an enterprise to pull back the excessive overreach of America militarily. We are spending more money now defending Western Europe from an enemy unknown to anybody—including those in Western Europe—than we're spending on virtually any domestic program. So, yes, I welcome that, and I'll look to see where we are on that.

I support President Obama's efforts to save money in the space program. Frankly, when people tell me that we have got a serious debt crisis but they're willing to commit hundreds of billions of dollars to send a human being to Mars so he or she can be brought back—and the President is not, I think, correct on this—then I am also skeptical.

Some of my friends in the Agricultural Committee and in the South who support sending $147 million of American tax dollars to the Brazilian cotton farmers to offset the subsidy given to American cotton farmers, I doubt their true depth of their commitment to cutting the budget.

But let me talk about revisionist history.

The Republican Party controlled the Congress from 1995 to 2006. No legislation changing Fannie Mae and Freddie Mac went through. President Bush controlled the executive branch for 2000 to 2008. What he did—he said he wanted some reform. You've heard the former chairman, the former Republican chairman Mr. Oxley, denigrate Mr. Bush's cooperation there. But in 2004, the Bush administration ordered Fannie Mae and Freddie Mac to increase the number of mortgages they bought for people below the median income. And at the time I said I thought that was a mistake; wrong for the people who were being pushed into this, wrong for Fannie Mae and Freddie Mac, and, in fact, it led me to change my opinion.

In 2003, I didn't think Fannie Mae and Freddie Mac needed change, but George Bush converted me. He converted me when he sent them much too deeply, by his decision, into more subprime mortgages. I thought it was better to use Fannie Mae and Freddie Mac for affordable rental housing. Once that happened, I joined Mr. Oxley in 2005 in an effort to pass a bill, and I supported a bill that passed in the House.

Now, we're going to hear from some Republican Members today who say nothing was done. You know what their problem was, Madam Speaker? They couldn't get the support of their own Republicans. The Republican leadership of the Financial Services Committee today, the Republican leadership of the House today joined Mr. Oxley to be repudiated and yet it had some amendments.

But let's be very clear. The bill that passed the House in 2005, which I, by the way, ultimately voted against not because of anything to do with Fannie Mae and Freddie Mac, because of restrictions that were added by the Rules Committee in the self-executing rule to housing programs through affordable rental housing that would have, for example, kept the Catholic church from participating in that.

But on the substance of the bill you will hear that, well, there were amendments and many of us opposed those amendments. That's true. I opposed some of those amendments. The chairman of the committee, Mr. Oxley, opposed those amendments. The Republican leader today, Mr. BOEHNER, opposed those amendments. The majority of Republicans on the Financial Services Committee today opposed those amendments. No amendment offered in either the committee or on the floor of the House by the handful of Republicans who will be here today blaming the Democrats, when the Republicans controlled the White House and the Republicans controlled the House and the Republicans controlled the Senate, the House passed the bill, and a handful of Republicans opposed it. And no amendment they offered on the floor or in committee got a majority of Republican votes. If no Democrat had voted on that bill, the outcome would have been exactly the same.

In 2007, when the Democrats took the majority, I became the chairman, and for the first time, the Congress did, in that Congress, pass a bill to reform Fannie Mae and Freddie Mac. It was held up in the Senate, unfortunately. We did it in 2007. But under that bill, Secretary of the Treasury Paulson, acting on behalf of President Bush, put Fannie Mae and Freddie Mac into conservatorship.

So when people say nothing's been done, in fact, the most drastic reform to date in the financial area came when Secretary Paulson, under authority given to him by the Democratic Congress in 2008, put Fannie Mae and Freddie Mac into conservatorship. The debts that are owed are the debts that were incurred during the period when George Bush was President and when the Republicans were unable to enact legislation to reform Fannie Mae and Freddie Mac.

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Now, there was some here who were on the other side. I was unconvinced of the need to do that in 2003. In 2004, when the Bush administration pushed Fannie Mae and Freddie Mac more deeply into buying sub-prime mortgages, I opposed that, as I will put in the RECORD, and then joined Mr. Oxley in trying to reform it.

Fannie Mae and Freddie Mac are today in conservatorship. They got up and testified before our committee, unchallenged by any of the Republicans who were tougher in his absence——

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

Mr. PERLMUTTER. I yield the gentleman an additional 2 minutes.

Mr. FRANK of Massachusetts. As Secretary Donovan testified, unchallenged by any of the Republicans, Fannie Mae and Freddie Mac are not now costing the taxpayers any money. The money that is owed is from the prior activity before Secretary Paulson put them into conservatorship with authority that he did not get from a Republican Congress but from a Democratic Congress, and Secretary Paulson said it wasn't a perfect bill but it was a bill that he could work with.

Since then, Fannie Mae and Freddie Mac have been in conservatorship. They have already been drastically changed, and they are not costing the taxpayer moneys. Clearly, we have to take a next step, but we have consulted with the Realtors, with the home builders, with advocates for low-income housing, with virtually everyone concerned with housing, and their recommendation is, yes, keep them in conservatorship and replace them.

The Republican plan that you have heard, the plan of the minority of Republicans from 2005, abolishes them with no replacement, and so housing finance is left in a turmoil. We have Ginnie Mae, we have the FHA, we have the Federal home loan banks, we have Fannie Mae and Freddie Mac. Yes, we believe there should be a sorting out of these things, but let's again just summarize.

I have been told that it was my fault that during the Republican years in Congress we didn't pass a bill on Fannie Mae and Freddie Mac. Well, Mr. DeLay of recent memory was in charge of the House agenda then, and I have to disclaim the notion that I was secretly advising Mr. DeLay, and I'll prove that to you, Madam Speaker. If I were giving Mr. DeLay advice, I would have told him not to go on the dance show. It wouldn't have just been Fannie Mae and Freddie Mac that would have benefited; a lot would have benefited.

But we were frustrated by him. He was in charge of the housing agenda. A few Republicans wanted to change it. They were outvoted by the Republican majority. When the Democrats took office—and you can read this in Secretary Paulson's book—we cooperated with the Paulson administration. We gave them the authority to put it into conservatorship. They are now both in conservatorship, and we await the next step.

Mr. SESSIONS. Madam Speaker, I am glad the gentleman was forthright that he tried to kill the bill that passed the House, went to the Senate and died, the GSE reform bill. The gentleman did say he voted against it, and he did.

I would also remind the gentleman, today is today, and where's the budget? Where's the budget for the House to vote on? Where's the budget? Deafening silence. We should be doing the budget, the budget where the people of the United States find out what the glide path and direction should be for this country for all this spending. Deafening silence, Madam Speaker. Where's

the leadership there? We were talking about a small FHA bill. How about for the United States, all the spending that's going to happen? So, once again, pin the tail on the donkey.

Madam Speaker, at this time, I yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Before I begin, I just have to respond to the chairman's remarks. You know, Mr. Chairman, I'd ask you to listen to what the gentleman from Virginia said before. We're not about at this point in time looking back. We're about looking forward. We're not about looking at pointing blame. I know you have been on the floor for Special Orders speaking for over an hour saying that you're not at fault and you come here again to say that you're not the responsible party, that nothing to do with it as far as the problems with the GSEs, Fannie Mae or Freddie Mac can be laid at your footsteps and it's all the Republicans' fault.

We're not here about trying to point blame to actions that were taken in the committee. We are not here to point blame when you said let's roll the dice and see what happens. We're not here to point blame at you to say that when you said repeatedly in the past that there's not a systemic risk with the GSEs, we're not here to bounce that. We are where the American public is, to look forward to see what we can do now with the crisis that we're in.

I rise today with a message from the American people and that they are simply tired of this pointing blame and they are tired of the hollow promises of reform from Speaker PELOSI and the Democrat majority. They are tired of hearing that Fannie Mae and Freddie Mac are projected to cost the taxpayers upwards of $389 billion. So they're probably a little bit shocked when they hear you say that it's not going to cost the American public anything. We know that it will cost upwards, for the past actions, $389 billion, and going forward who knows exactly what it will cost the American taxpayers.

Since taking over Fannie Mae and Freddie Mac, the two government-sponsored mortgage-backing companies, American taxpayers have spent so far $145 billion for these two companies, and here's the important point. This is what we're trying to make here is that Congress still has not considered any proposals whatsoever to reform these companies and recoup those taxpayer dollars. We're about to go into conference, and there is nothing in the Senate or the House bills that deal with that situation.

We, on the other hand, in this YouCut proposal that's on the floor right now, would suggest that we can save the American taxpayers how much money? Up to $30 billion. Look, I know that originally Congress put a cap of $200 billion on it, and then the administration lifted that cap and raised it up to $400 billion that it could cost the taxpayers, and then in the dead of night on Christmas Eve 2009, they lifted that cap and went even further and said it's unlimited over the next 3 years what it will cost the American taxpayers to bail out Fannie and Freddie. I know that the administration did all that. I also know that it's nowhere projected or listed really honestly in the budget that we're still waiting to hear, as the gentleman from Texas just pointed out.

We know also that, as we say, there is no plan from the majority or from this administration to try to rein that in to save these $30 billion, and that is why we come to the floor to do just that because the American taxpayers, American voters have said, through YouCut, that that is exactly what we need to do.

Professor Hal Scott from Harvard Law School noted how incomplete the financial services regulatory reform legislation is. He said this: ''It doesn't address GSE reform,'' Fannie Mae and Freddie Mac, ''which arguably is the most costly part of the entire bailout process. If you look at the money we've actually spent on the bailout, the GSEs are costing us billions.'' There is no solution from the White House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks in debate to the Chair and not to others in the second person.

Mr. PERLMUTTER. Madam Speaker, I would just remind the body that we're here on the FHA bill, the reformation of FHA which my friends have applauded, and that's really what we're here to talk about, a savings of $2.5 billion, more accountability from FHA, which has had to fill a vacuum in the housing market because of the loss of so many lenders who got so involved with sub-prime loans.

So I'd also say to my friend Mr. GARRETT, Madam Speaker, that I think that sometimes if you take a look at the past actions that we saw under the Republican Party and their failure to rein in Fannie Mae and Freddie Mac, rein in a Wall Street that was out of control, cut taxes and not pay for wars, that gives you an idea of what they may be doing in the future. And that's what the people of this country want to have an idea of what to expect, and looking back at the past actions, I would say, gives you a good indication.

With that, I yield 2 minutes to my friend from Texas, Ms. JACKSON LEE.

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. My good friend is absolutely right. We're here today to talk about the reform of FHA and to really give relief to the borrowers who will have the ability to see the current cap on mortgage insurance premiums increase and generally give opportunity for Americans to make whole and make good on the home buyers market to get back into the market.

The sub-prime debacle, the whole foreclosure devastation, tragedy happened on the last administration's clock, the Republican administration's clock. So I wonder now when we stand here to try to help new home buyers get into the market, work with the real estate industry, and make people whole, there seems to be an opposition.

The whole GSE reform was something that could have been done under the last administration's clock, but they wanted to take a sledge hammer and axe and destroy the opportunity for individuals to be able to access the kind of moneys and resources so you could get into a home.

I support this legislation, H.R. 5072, the FHA Reform Act, because what it will do is to give Americans back their wealth again, allow them to buy homes, give them the insurance premiums that they need, and to get us back on track. This is the right direction. Let's keep going forward to help America stay strong.

Mr. Speaker, I rise in strong support of H.R. 5072—"FHA Reform Act of 2010". The Chair of the Financial Services Committee, BARNEY FRANK, Chairwoman MAXINE WATERS of the Subcommittee on Housing and Community Opportunity, and the co-sponsors of this bill must be applauded for moving this important legislation to the floor. This legislation amends the National Housing Act to authorize the Secretary of Housing and Urban Development, HUD, to increase the maximum annual premium payments for mortgage insurance, and makes the charging of the premiums discretionary instead of mandatory.

The Federal Housing Administration, FHA, has its origins in the post-depression era. However, in the last several years, FHA has been a major force in breathing life into the depressed housing market. With 51 percent of African Americans homebuyers and 45 percent of Hispanic families who purchased homes in 2008, using FHA financing, FHA is far and away the leader in helping minorities purchase and maintain their homes.

Subprime mortgage loans, which were at the heart of the housing crisis, were disproportionately made to blacks and other minorities. For example, Wells Fargo loan officers described the high interest rate mortgages targeted at Black homeowners as "ghetto loans," an unacceptable and terribly offensive reference. As a result, a disproportionate number of blacks and minorities have been forced into foreclosure. In predominantly Black neighborhoods, 1 in every 8 loans dispersed by the large lender, Wells Fargo, resulted in foreclosure, while in predominantly White neighborhoods, only 1 of every 59 Wells Fargo loans resulted in foreclosure.

With the increase in foreclosures, foreclosure rescue and loan modification scams have been on the rise. The Internet has been flooded with schemes by fraudulent organizations and individuals who are charging fees for counseling services, a service that HUD provides free of charge. Some of these scams go as far as to require homeowners to sign over or transfer the deeds to their homes, and many are simply absconding with the mortgage payments that homeowners are struggling to make.

Something must be done to protect these hard working Americans, who are already facing financial distress and the potential loss of their home, from these predatory schemes. The Home Affordable Modification Program (HAMP) was implemented just over a year ago to aide homeowners in modifying their loans as opposed to turning to these fraudulent schemes. Unfortunately, the program has been unable to keep pace with the quickening pace of foreclosures.

In 2010, over 40 years since the Federal Housing Administration was established, FHA is playing an increasingly important role in stabilizing economically disadvantaged communities, while providing assistance to families across a wide-range of incomes. As John Taylor testified before the Financial Services Subcommittee Housing and Community Opportunity, ''research by Dan Immergluck shows that FHA lending is more likely in communities experiencing high unemployment, smaller metropolitan areas, metropolitan areas experiencing large home price declines, and Zip codes with lower median home values. In other words, FHA lending has increased while conventional lending has decreased in communities hardest hit by the current severe recession.''

Despite this, more must be done to protect home owners and enable prospective homebuyers. This reform bill is a vital step toward that end. Section 4 of this legislation authorizes the Secretary of Housing and Urban Development to terminate approval of a mortgagee to originate or underwrite single family mortgages if the mortgagee's rate of early defaults and claims is excessive. This will help to reverse the damage caused by predatory lending, and help families keep their homes. This will have a ripple effect throughout countless cities because entire neighborhoods are currently at risk of being abandoned due to foreclosures. Saving these neighborhoods will keep communities intact, and will preserve neighborhoods for revitalization that is vital to the nation's economic recovery efforts.

Section 14 of this legislation authorizes the Secretary of Housing and Urban Development to reimburse servicers of HUD-insured residential mortgages for the costs of obtaining the services of specified independent third parties, including a HUD-approved housing counseling agency, to make in-person contact, at no charge, with mortgagors whose payments are 60 or more days past due, solely to provide information regarding: (1) HUD-approved housing counseling agencies; and (2) mortgage loan modification, refinance, and assistance programs. During these trying economic times, this HUD-approved counseling must be a vital tool for families at risk of defaulting on their mortgagees, as they decide on the best financial course of action at no cost to them.

It is my hope that this legislation will help to enable these disadvantaged groups, as well as struggling homeowners to retain their homes if they own one, or to buy homes for the first time if they do not. As Graciela Aponte of the National Council of La Raza testified before the Financial Services Subcommittee on Housing and Community Opportunity, ''communities of color, low-income families, and first time homebuyers—FHA's target market—have been disproportionally impacted by the toxic subprime mortgages on the housing market.''

Thank you, Mr. Speaker. Once again, I strongly urge my colleagues to join me in supporting the FHA Reform Act of 2010, H.R. 5072. Legislation this important to the American homeowner and to our economy must be passed immediately.

Mr. SESSIONS. Madam Speaker, at this time I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I rise today on behalf of thousands of Americans who, through YouCut, have overwhelmingly asked that Congress address one of the most egregious examples of Washington's fiscal irresponsibility, the ongoing bailouts of Fannie Mae and Freddie Mac.

These two failed mortgage giants directly fueled the financial turmoil that has cost millions of Americans their jobs, their savings, and their homes. Already, bailouts of Fannie and Freddie have cost taxpayers $145 billion, with a final tab estimated to reach over $380 billion, more than the entire TARP bailout.

Despite these alarming facts, the Democrat overhaul proposals designed to address the financial crisis completely ignore the two most visible and costly contributors to the crisis. Madam Speaker, there are two 800-pound gorillas named Freddie and Fannie in this room. They are responsible for over $5 trillion for outstanding liabilities, and they are now owned by the taxpayers. The American people cannot afford the risk, and they are tired of watching Congress fail to act.

Today, with the support of thousands of YouCut participants, we have an opportunity to save taxpayers $30 billion or more by taking immediate action to reform the failed mortgage giant. I urge my colleagues to vote against the bailouts and show the American people that Congress is listening.

Mr. PERLMUTTER. I would ask the Speaker how much time I have left and how much time Mr. SESSIONS has left, and I would ask my friend how many speakers he has left.

The SPEAKER pro tempore. The gentleman from Colorado has 15 minutes remaining. The gentleman from Texas has 10½ minutes remaining.

Mr. SESSIONS. If I could answer the gentleman's question, Madam Speaker, of how many more speakers, I've got three or four more speakers.

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

Mr. SESSIONS. Madam Speaker, at this time I yield 3 minutes to the gentlewoman from Charleston, West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Speaker, I would like to thank Mr. SESSIONS from Texas and I would like to thank Mr. FRANK, the chairman of our committee, for the work that we've done on the underlying bill, the FHA reform bill. It is an important bill, and we will be debating that and talking about that quite a bit for the next 2 days.

What I've heard over the last week when I was home for the district work period is that people are really concerned about the spending and overspending that's going on here in Washington. Folks in West Virginia are tightening their belts and making difficult decisions, but they don't see that happening here in Washington.

Right today, we have before us in the previous question vote, we're going to have an opportunity to make a cut in government that makes a lot of sense. Over 315,000 Americans have voted to perform this cut on government spending by voting to reform Fannie and Freddie. We estimate that we could save approximately $30 billion over 10 years—that's significant—by ending some of the government conservatorship, shrinking their portfolios of Fannie and Freddie, establishing minimum capital standards, and bringing transparency to taxpayer exposure.

Since going into conservatorship—and many folks have been quoting this figure—the U.S. taxpayer has supported the GSEs to the tune of over $145 billion.

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As we heard from Mr. GARRETT from New Jersey, that is limitless, how far that can go.

One of the things I don't think taxpayers realize when they made this vote on YouCut was that recently the Treasury Department and the Federal Housing Finance Agency approved compensation packages for the chief executive officers of Fannie and Freddie of $6 million each, including $2 million incentive payments for each executive.

These compensation levels are 30 times that of a Cabinet Secretary, and they were approved for entities that are owned basically by the taxpayers and entities that have borrowed large sums from the taxpayers.

And I think by this YouCut vote what Americans are saying is, ''Enough is enough.'' We have heard a lot about the past and whose fault it is, quite frankly, over the last week. I didn't hear anybody wanting to cast blame; they want people to solve problems. That's what they have sent us here to Washington to do. We need to look forward to solve these problems.

So, as we all know, both Republicans and Democrats, lots of times the American people are a lot farther ahead of us in their thinking and in their commonsense solutions. And one of these is this YouCut proposal before us today, which will give us an opportunity to put their voices before us and for us to give them a sign of approval that, yes, $30 billion from Fannie and Freddie to save government money, to also end the conservatorship of Fannie and Freddie.

That's another thing I hear in town hall meetings across the district: People don't know who Fannie or Freddie are. They are costing each American taxpayer dollars every day to the tune of over $145 billion in total.

So, with that, I would ask that we vote ''yes'' on this YouCut proposal. It makes good, common sense.

Mr. PERLMUTTER. I would remind my friend from West Virginia—and I do appreciate that $30 billion over 10 years—take a look at their proposition. It is for another bill for another day. We are dealing with FHA, which saves $2.5 billion today.

Also, I would remind her, Madam Speaker, that, over the course of this year and last year, we started drawing down in Iraq, which was costing this country upwards of $100 billion a year, not $30 billion over 10 years, $100 billion a year, not paid for by the Bush administration. So, as we draw down from 160,000 troops to some 50,000 or 40,000 troops this summer, we are going to save far more money than the Republicans and this Fannie Mae proposal project.

I yield 2 minutes to my friend from Massachusetts (Mr. FRANK) to respond to some of the things my friend from West Virginia said.

Mr. FRANK of Massachusetts. First, to underline it, under authority that the Bush administration asked for and didn't get until the Democrats took over Congress, Fannie and Freddie were put into conservatorship. That's a very drastic reform of where they were.

The $145 billion that, regrettably, is being lost was lost before the conservatorship. We put an end to those losses. And that's the current testimony of Secretary Donovan.

And then as to compensation, I welcome my friend from West Virginia, belatedly, to the cause of limiting the compensation. Because the Committee on Financial Services put a bill out to specifically limit the compensation of the GSEs. We had general compensation limitations for TARP recipients, but we had one that would have limited GSE recipients, as well. And the gentlewoman from West Virginia voted against it, as did most of the Republicans.

So we had a general compensation restriction, and we had one for—I take it back. It was any recipients of government aid, including the GSEs and the TARP recipients. And the Republican Party voted ''no.'' So they are now opposed to raises which they refused to vote to block. That's the pattern.

And I stress again, Fannie and Freddie have already been drastically reformed. They are in conservatorship. That is a very significant form of limitation. They are not being run remotely the way they were in the past when the Bush administration and others pushed them into buying too many loans from low-income people. And we do believe they need to be replaced, but in a way that does not further destabilize housing finance.

That's why the realtors and the home builders and a number of groups concerned about the deficit oppose this Republican plan simply to abolish them without replacing housing finance mechanisms. But they are currently being run in conservatorship.

And, again, I repeat, as Secretary Donovan said, unchallenged by the Republicans when he was testifying, they are not now losing the money. The losses predated the conservatorship, and the responsible thing to do was to replace them responsibly.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK), former mayor of Charlotte, North Carolina, now a Member of Congress.

Mrs. MYRICK. Thank you for yielding.

Mr. Speaker, the American people get it. They understand Fannie Mae and Freddie Mac need to be reformed.

The Federal Government has spent, as you have heard over and over, $145 billion in taxpayer dollars to prop up these two government entities. And through YouCut, the American people have voted to have shrink the portfolios of Fannie and Freddie. And, most importantly, they have demanded transparency, something that has been missing for a long time in the Federal Government relative to spending.

The Congressional Budget Office estimates that these changes will save up to 30 billion taxpayer dollars. And it's no secret, we can't keep spending money that we don't have.

The American people know this, and they have gone to YouCut to have cast hundreds of thousands of votes over the last 3 weeks to demand we cut reckless spending out of our budget.

We need to do what we were sent to D.C. to do, and that is to vote for the wishes of the people that we represent back home. And a vote to reform Fannie and Freddie is a vote to save the American people, taxpayers, $30 billion.

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

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Wheaton, Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

Mr. Speaker, you know, I came here to the floor a couple of minutes ago, and I thought, ''Surely, I am not going to hear and see the tired, old, symbolic show pony of George W. Bush and his administration being trotted out in this Chamber once again,'' but I wasn't disappointed.

It just amazes me, Mr. Speaker, at the lack of creativity and forward-thinking and problem-solving that we see animated on the other side of the aisle, that all they can do is look in this rear-view mirror and wring their hands and moan and grown and say, ''Well, it's George W. Bush's fault.'' I think the American public is just tired of that. I think the American public isn't persuaded by it.

I offered an amendment very straightforwardly last night—it was offered by Mr. SESSIONS of Texas in the Rules Committee—that would have said a very simple thing. It would have said, if you are running Fannie and Freddie, if you are an employee of Fannie and Freddie, new rules. And the new rule is you are not going to make any more than we pay the chairman of the Joint Chiefs of Staff.

Not particularly controversial, not particularly groundbreaking, but it makes a lot of sense. I mean, if the majority has now found this robust desire to truncate compensation, why in the world wouldn't we focus in on this area that we tend to agree with?

And, frankly, the argument that these entities are no longer losing money, I think, is not persuading the citizens of the Sixth District.

I see the chairman wants to be recognized, and I would be happy to yield to the gentleman from Massachusetts. I only have 3 minutes.

Mr. FRANK of Massachusetts. But the fact is that it's not losing money—whether it's persuasive or not, the fact is uncontested that it's not losing money. The CBO talks about past debt.

Mr. ROSKAM. You made that argument earlier, and I am going to reclaim my time. I have gone to the Mr. FRANK School of Floor Management and learned well.

Mr. Speaker, here was the opportunity for the majority to say, ''We are going to focus in on this. We are not going to put up with any more nonsense of spending $145 billion.'' And the price tag, let's be honest, is up to $400 billion and rising.

We know what we need to do here, Mr. Speaker. We know when to do it. And I urge us to be like-minded in stopping this approach that the majority has and a complete failure to deal with Fannie and Freddie in a responsible way, in my view, and not support the motion.

Mr. PERLMUTTER. Mr. Speaker, sometimes you have to remind people from time to time about what happened in the past, because it's important. History is important.

I would remind my friend from Illinois, you know, that there was an effort to reform Fannie Mae and Freddie Mac when it was purchasing a lot of lousy loans that have resulted in these losses. But, instead, what did the reformation, the reforming of Fannie Mae and Freddie Mac get back when you could have stopped these losses? We got the one-finger salute from the White House, a Republican White House that, for some reason or other, did not want to reform Fannie Mae and Freddie Mac.

And I have to tell you, Mr. Oxley, by giving that statement, we got a one-finger salute. When he made his statement on September 9, 2008, he described perfectly what the White House wanted to do with Fannie Mae and Freddie Mac. The White House, at that point, under the Bush administration, just, ''Let's buy all these lousy loans. Let's just keep it going.''

Well, that bubble burst. And the American people and the Democratic Congress and the Democratic administration are having to pick up the pieces now from that imprudent, improper approach to housing finance.

We want people to have homes that they can afford in this country. If they

can't afford them, then, okay, they don't get them. The FHA bill that is before the House today provides, in a proper and prudent way, insurance for those home purchases to people who can afford and can show their ability to make these payments.

That is the purpose of the bill today. My friends on the other side want to talk about some other thing that they didn't do 3 or 4 years ago.

Mr. Speaker, I yield 30 seconds to my friend from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I just want to talk about the past that the gentleman from Illinois is so desperate to cover up.

The House voted on a bill that would have limited compensation to Fannie Mae and Freddie Mac executives a year ago. It was not on other corporations; it was on TARP recipients, Fannie Mae and Freddie Mac.

It came out of committee, it came to the floor of the House, and the gentleman voted against it. If he had helped us a year ago—it passed the House but it died in the Senate—if we had been able to get that bill through, we would have limited these.

So the gentleman over a year ago—and I know that's history and he doesn't like to talk about history, particularly when it doesn't reflect well on his argument—but he voted against that limitation.

The SPEAKER pro tempore (Mr. CUELLAR). The time of the gentleman has expired.

Mr. PERLMUTTER. I yield the gentleman 15 additional seconds.

Mr. FRANK of Massachusetts. The reason we talk about the history is very simple: Every dollar that is lost and is about to be lost was lost because there was a delay in reform.

The losses are not resulting from current operations. Secretary Donovan said that before the committee, and no Republican challenged him. We are stuck with losses that happened before we were able to put it into conservatorship by our votes and stop the bleeding.

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

Mr. PERLMUTTER. I would ask the Speaker how much time remains.

The SPEAKER pro tempore. The gentleman from Colorado has 9¼ minutes.

Mr. PERLMUTTER. I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank my friend for yielding.

I appreciate the revised view of history itself. For some time, my Republican colleagues have been trying to blame those of us who try to expand housing, decent housing for lower-income people, for the crisis, including Fannie Mae and Freddie Mac.

I think the record is very clear. Twelve years of Republican rule, no bill became law to change Fannie and Freddie Mac's operation. George Bush in 2004—not ancient history—expands, by his mandate, the number of low-income loans that they have to purchase, loans from low-income people.

That is why we have the debt. That is why this is relevant. The Democrats take power in 2007 and, working with Secretary Paulson, as he documents in his book—and he notes, by the way, that some Republicans were mad at him for working with us. But the result was a good bill that allowed him to put Fannie and Freddie into conservatorship. And, post-conservatorship, we have not had the problems.

□ 1415

If you abolish Fannie and Freddie tomorrow, you wouldn't save a penny because we would still have the debts that accrued when it was run previously, an unreformed Fannie and Freddie—unreformed because the Republicans wouldn't touch it, unreformed probably because President Bush pushed them into more loans. To talk about what you do in the future you have to understand the source of the problem; that's what we get in history.

So Fannie and Freddie have been drastically changed and they are in conservatorship. The question is, what do you do next? They have played an important role in housing finance. They are playing a constructive role now as opposed to the destructive role they played before. And I was slow in recognizing that; it wasn't until 2004 that I did. But in 2005, I joined many Republicans in trying to support a bill until it was hijacked from any housing purposes. By the way, the fact that I voted against the bill finally had no impact. The bill passed the House. It died in the Senate because Senate Republicans didn't like it. Senate Democrats offered the House Republican bill; that caused the end of the war.

But let's talk about going forward. Fannie Mae and Freddie Mac are now run by a conservator. Unfortunately, their salaries aren't capped because the Republicans helped sabotage a bill which we supported to cap their salaries. But it is now being run in a way that helps promote financial—and does not have the mistakes of the past. There are not these problems. The money owed is money that results from past decisions that are no longer being taken because of the conservatorship.

The question is, what do you do going forward? The National Association of Realtors, the National Association of Home Builders, everybody involved in housing finance argues—very correctly, I think—that simply having Fannie and Freddie disappear—again, not the old Fannie and Freddie, they have disappeared, the agencies that caused us the problems no longer exist. My colleague from Illinois, with a fresh figure of speech, said they were 800-pound gorillas. Well, if they are gorillas, they are deeply chained, they are in cages, and they are being fed and are quite docile. Yes, they need to be replaced, but you need to take all of the various aspects of housing finance and figure out how to do it going forward. The Republican bill doesn't do that; that's too hard.

Railing against the mistakes of the past—and they say they don't like history? But their bill is a firm statement against the operation of Fannie Mae and Freddie Mac before it was put into conservatorship and deals, unfortunately, with debts that we are stuck with. Going forward, how do you untangle the private shareholder corporation and a public mandate to try and subsidize housing to some extent? What agency should you have? What's the role of the Federal Housing Administration and Ginnie Mae and the private sector and the secondary market entities? We need to think about that. They haven't done that. Their bill includes nothing to replace Fannie Mae and Freddie Mac. So passing their bill tomorrow—or last week—wouldn't save us anything because their current operations aren't losing money, and it wouldn't discharge us from the debts that occurred when it was being run on their watch under their rules.

We do stop the bleeding by putting them into a tough conservatorship. You can read Hank Paulson's book, and he tells you how they were going to resist that. He insisted and fired the board of directors and shareholders were substantially diminished or wiped out. And new rules, new loans are going forward that aren't the kind of bad loans that were made, and now our job is, responsibly, to try and replace it. And what you get from the Republicans is confession. They are very angry at the fact that when they were running the place in the White House and here, Fannie Mae and Freddie Mac were able to run up all those debts and they never were able to do anything to stop it. I didn't see that early on. I saw it—and in fact acted on it—quicker than many of them. We have now stopped the bad stuff and we are not incurring losses, and the question is, what do you do going forward? And that is a harder question than my Republican colleagues are prepared to grapple with.

I thank the gentleman from Colorado.

Mr. SESSIONS. Mr. Speaker, I gather that the gentleman from Colorado is now, by shaking his head, through with other speakers, and I will go ahead and offer my close. And I thank the gentleman very much.

Mr. Speaker, I think it's interesting that we blame George Bush, and yet he never got a bill to sign. It's a pretty interesting concept when we blame the President for something that never came to his desk.

Mr. Speaker, Republicans continue to offer commonsense solutions to rein in the current spending spree by our Democratic colleagues. We, like the American people, would like to see some transparency and accountability from our elected leaders.

I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to vote on the previous question.

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

There was no objection.

Mr. SESSIONS. The legislation before us today brings some stability to the currently wavering housing market; but Americans are still concerned, Mr. Speaker, about the Democratic agenda, the Democratic agenda of taxing and spending, the Democratic agenda that the three largest political items by this Speaker, NANCY PELOSI, and President Barack Obama will lose 10 million American jobs, ten million American jobs that still hang in the balance based upon the whims of this majority party.

Mr. Speaker, I think that increasing deficits, increasing spending, more taxes on business, shrinking job numbers, it's a sad day if we want to look back and blame everything on George Bush, and yet we know why this is happening. For that reason, I encourage a ''no'' vote on the previous question to bring some fiscal sanity and restraint to this body and a ''no'' vote on the rule.

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

Mr. PERLMUTTER. Mr. Speaker, I appreciated the initial comments by Mr. SESSIONS and a number of the other Republicans about the bill that is before us—or hopefully will be before us, the FHA Reform Act of 2010, which is a bill that provides more accountability to FHA, saves money, $2.5 billion over 5 years with FHA, and FHA has had to fill a vacuum left by a lot of the subprime lenders that made lousy loans and are now out of business. So it is a substantial agency that helps move housing in America, it is done in a prudent fashion, and the reforms in the bill make it even more prudent.

Now, my friends on the other side want to turn it into a Fannie Mae and Freddie Mac bill, but that's not what is before us. Apparently, they want to do it because they have a lot of guilt that they didn't do it 5 years ago when we could have saved this country $100 billion or more, but it wasn't done. Even the chairman, the Republican chairman of the House Financial Services at that time, wanted to see some reforms, but the Republican Senate and the Republican administration under Mr. Bush didn't want to. And you can't be more descriptive than Mr. Oxley was when he spoke of the reception that the reforms got from the White House when he said we got a one-finger salute. I mean, that's about as descriptive as it gets. They didn't want to reform it. Now they want to reform it, and they want to forget about history.

We're here, though, on the FHA bill. We're here to help turn this economy around. You want to talk about cuts? Well, let's look at Iraq. Let's look at some other things that—there may be savings in Fannie Mae and Freddie Mac over a period of time, there are bigger savings elsewhere, and we should be looking at those things. But we've got to get this country back to work, and that's what Democrats are doing.

Under the Bush administration to January 2009, we lost 780,000 jobs in that month alone. In April of this year, we gained 290,000 jobs, a swing of well over 1 million jobs per month. We've got to get people back to work. We've got to watch spending. But we've got to get the revenue side, and we've got to get people back to work. We've got to help them with their homes. This FHA insurance bill provides a reasonable and prudent insurer to assist with the purchase and sale of homes.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1424—OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution add the following new sections:

SEC. 4. Immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4889) to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and the dissolution of such enterprises. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4889.

SEC. 5. Immediately upon the final disposition of H.R. 4889, the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4653) to provide on-budget status to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the house shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4653.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from

Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. PERLMUTTER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 1424 will be followed by 5-minute votes on adoption of House Resolution 1424, if ordered; the motion to suspend the rules on House Resolution 989; and the motion to suspend the rules on House Resolution 1178.

The vote was taken by electronic device, and there were—yeas 230, nays 180, not voting 21, as follows:

[Roll No. 339]

YEAS—230

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

NAYS—180

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Barrett (SC)
Berkley
Boyd
Calvert
Campbell
Ellsworth
Harman
Hoekstra
Hoyer
Inglis
Johnson (GA)
Kennedy
Kilpatrick (MI)
McHenry
Miller, Gary
Miller, George
Pomeroy
Richardson
Scott (GA)
Watson
Yarmuth

□ 1454

Messrs. DJOU, McKEON, BILBRAY, SHUSTER, BONNER, BISHOP of Utah, WHITFIELD, and BILIRAKIS changed their vote from ''yea'' to ''nay.''

Ms. LINDA T. SÁNCHEZ of California changed her vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 239, noes 172, not voting 20, as follows:

[Roll No. 340]

AYES—239

Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil

Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu

NOES—172

Aderholt
Akin
Alexander
Austria
Bachmann
Bartlett
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Djou
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Bachus
Barrett (SC)
Berkley
Bilirakis
Boyd
Calvert
Campbell
Ellsworth
Giffords
Harman
Hoekstra
Inglis
Kennedy
Kilpatrick (MI)
Lewis (GA)
McHenry
Miller, Gary
Richardson
Watson
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1502

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. BILIRAKIS. Mr. Speaker, on rollcall No. 340 I was unavoidably detained. Had I been present, I would have voted "no."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

URGING U.S. ACTION AND INTERNATIONAL AGREEMENT ON OCEAN ACIDIFICATION

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Without objection, 5-minute voting will continue.

There was no objection.

The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 989) expressing the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies, 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 Washington (Mr. INSLEE) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 170, not voting 20, as follows:

[Roll No. 341]

YEAS—241

Ackerman
Adler (NJ)
Alexander
Andrews
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Gutierrez
Hall (NY)
Halvorson
Hare
Hastings (FL)
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kildee
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Reichert
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watt
Weiner
Welch
Wittman
Woolsey
Wu

NAYS—170

Aderholt
Akin
Altmire
Austria
Baca
Bachmann
Bachus
Bartlett
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Cantor
Cao
Capito
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello

Critz
Culberson
Davis (KY)
Dent
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Green, Gene
Griffith
Grijalva
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Holden
Hunter
Issa
Jenkins
Johnson, Sam
Jordan (OH)
Kanjorski
King (IA)
Kingston
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mollohan
Moran (KS)
Murphy, Patrick
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reyes
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Space
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Barrett (SC)
Barton (TX)
Berkley
Boyd
Calvert
Campbell
Dingell
Ellsworth
Harman
Hoekstra
Inglis
Kaptur
Kennedy
Kilpatrick (MI)
McHenry
Miller, Gary
Waters
Watson
Waxman
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1511

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. POSEY. Mr. Speaker, I wish to make a parliamentary inquiry, please.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. POSEY. Mr. Speaker, I make a point of order that the bill we are about to vote on allows CBO scores to be posted on the Clerk's Web site. Would it be in order to amend the bill to also include the Nation's debt clock on the Clerk's Web site?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry, nor a point of order.

Mr. POSEY. Mr. Speaker, I think that is a legitimate question for a point of order.

The SPEAKER pro tempore. The gentleman's parliamentary inquiry is not properly stated, it is a matter for debate.

DIRECTING CLERK OF THE HOUSE TO ENSURE THAT CBO COST ESTIMATES ARE PUBLICLY AVAILABLE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1178) directing the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk, 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 Pennsylvania (Mr. BRADY) that the House suspend the rules and agree to the resolution, as amended.

Without objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 390, nays 22, not voting 19, as follows:

[Roll No. 342]

YEAS—390

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (FL)

NAYS—22

Bishop (UT)
Boehner
Brady (TX)
Broun (GA)
Carter
Chaffetz
Coble
Dreier
Flake
Harper
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lewis (CA)
Lungren, Daniel E.
Nunes
Petri
Sensenbrenner
Simpson
Westmoreland
Young (AK)

NOT VOTING—19

Bachus
Barrett (SC)
Berkley
Boyd
Calvert
Campbell
Ellsworth
Fattah
Gutierrez
Harman
Hoekstra
Inglis
Kennedy
Kilpatrick (MI)
McCollum
McHenry
Miller, Gary
Watson
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1520

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

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Directing the Clerk of the House of Representatives to ensure that cost estimates prepared by the Congressional Budget Office are available to the public.''.

A motion to reconsider was laid on the table.

Stated for:

Ms. MCCOLLUM. Madam Speaker, on June 9, 2010, I was detained and missed the vote on H. Res. 1178. I would have voted "yea" for this resolution.

MOTION TO INSTRUCT CONFEREES ON H.R. 4173, WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Financial Services, I move to take from the Speaker's table the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes, with the Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. BACHUS. Mr. Speaker, I have a motion at the desk.

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

The Clerk read as follows:

Mr. Bachus of Alabama moves that the managers on the part of the House at the conference on the disagreeing votes of the 2 Houses on the Senate amendment to the bill H.R. 4173 be instructed as follows:

(1) To disagree to the provisions contained in subtitle G of title I of the House bill.

(2) To disagree to section 202 (relating to the commencement of orderly liquidation and the appointment of the Federal Deposit Insurance Corporation as receiver) and section 210 (relating to the powers and duties of the Federal Deposit Insurance Corporation as receiver) of title II of the Senate amendment.

(3) To not record their approval of the final conference agreement (within the meaning of clause 12(a)(4) of House rule XXII) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

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

This motion to instruct directs the conferees to insist that this legislation end the possibility of taxpayer-funded bailouts once and for all by stipulating that bankruptcy is the only available option for liquidating a failed financial firm. The motion also requires that the conferees and the public, by extension, have at least 72 hours to review the contents of the conference report before its final approval.

We've heard time and time again that the Democrats ''resolution authority'' to wind down systemically significant financial institutions ends the too-big-to-fail doctrine and protects taxpayers. That's an outrageous and false claim. Read the bills. Both the House and the Senate let the FDIC do the following: lend to a failing firm, purchase the assets of a failing firm, guarantee its obligations to creditors, take a security interest in its assets, and even sell or transfer assets that the FDIC acquired from it.

And while the House establishes a $150 billion bailout fund to pay for the resolution of a failing firm, with an extra $50 billion line of credit with the Treasury if the original $150 billion is exhausted and cannot fully fund the bailout, the Senate approach is no better. The Senate would allow the FDIC to potentially provide trillions of dollars from the Treasury in order to pay off a failed firm's creditors and counterparties in the aftermath of its failure with the hopes that the funds can be recouped at some later date. But only a hope.

The Senate bill institutionalizes backdoor bailouts that have so infuriated the American people by conferring on the FDIC the exact same tools that were used to rescue the creditors of Bear Stearns, AIG, Fannie Mae, and Freddie Mac with the taxpayer price tag today of over a trillion dollars. This would continue the misguided too-big-to-fail bailouts that allowed U.S. regulators to pay Goldman Sachs and other large European banks 100 cents on the dollar at the expense of hundreds of smaller institutions and companies which were considered too insignificant or small to save or to pay.

The Democrats like to call their plan a ''death panel'' for large financial firms, but if you read the bill, in reality, it is nothing less than the taxpayer-funded life support to pay off the creditors of the failed institutions but not necessarily all of the creditors. They could pay some of the creditors and let others hang out to dry. We saw that with AIG and other bailouts.

And don't forget the so-called too-big-to-fail institutions have only grown larger and more dominant through the regulator-directed but taxpayer-funded bailout process, a process this legislation institutionalizes.

The better, more equitable approach to dealing with failed nonbank financial institutions—the only way to make sure taxpayers are protected from paying for Wall Street mistakes—is bankruptcy, first proposed by House Republicans. Unlike the FDIC, which can funnel unlimited amounts of taxpayer cash to a failing firm's creditors as part of a so-called resolution, a bankruptcy court has neither the authority nor the funds to make creditors whole. Bankruptcy is an open, transparent process administered according to clear rules and settled precedent and preferences, preferences that, in this bill, could be disregarded.

By contrast, the resolution authority proposed by the Democrats would be carried out entirely behind closed doors with no guarantee of adequate stakeholder participation and protection and without a bankruptcy judge to ensure a fair and equitable outcome. The Democrats have been careful to include in their bill a provision that explicitly states that taxpayers will bear no losses from the government's exercise of resolution authority. But that promise, like the promise we heard in Fannie and Freddie, is an empty one, not worth the paper it is printed on.

You will remember, on this floor we heard the Secretary of the Treasury say, $300 billion that will never be used. It was used, and almost another trillion dollars more was guaranteed.

The only way to ensure that the pockets of taxpayers will not again be picked by Wall Street and government bureaucrats with the help of this Congress—a coalition which sometimes I refer to as the reckless and the clueless—is to insist that failing firms be resolved through bankruptcy.

In conclusion, let me remind my colleagues that for 99.9 percent of core companies and all individuals who find themselves unable to meet their obligations or their creditors, bankruptcy—not a government bailout—is the only alternative. It ought to be the alternative for failing too-big-to-save corporations as well.

□ 1530

This motion to instruct would eliminate the two big to fail/too small to save double standard in the Democrat bill that has so infuriated the American people and makes bankruptcy the only option for the systemically significant firms, many of which created the crisis our economy and the American people face today. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have just seen an elephant stick wielded on the floor of the House. The elephant stick refers to the man who's walking around the Mall here in Washington carrying a big stick, and people say, Why do you have that big stick. He said, Well, I've got to keep away all the elephants, and the people say to him, Well, there aren't any elephants here, and he said, Right, my stick works.

My friend from Alabama is determined to prevent from happening what's not going to happen, what's not authorized in the bill. It is true that we had bailouts, and of course, what we also have here is the latest in a series of stunning repudiations of the Bush administration by its former loyal followers. All the bailouts the gentleman mentioned, of course, happened under the administration of President Bush, and I believe President Bush's administration did the best they could with weak tools at the time to deal with the problem.

What we have are ways to avoid that from happening. There is reference to too big to fail. No institution will be too big to fail under this bill. They will fail. The question is, will their failure lead to consequences that you should have some ability to deal with.

We do model some of this after the FDIC. The FDIC, run by a very able appointee, Sheila Bair, a former aid to Senator Dole and a Republican appointed to the job by President Bush, had a major role in helping us decide how to do this, and it is to say, first of all, the institutions that get too far into debt will die.

My Republican colleagues were actually right in the wrong place earlier this year, which is better than their usual average, when they talked about death panels. We are legislating death panels this year but for financial institutions, not elderly women. We don't have them in the health care bill. We have them in the financial bill. There is no too big to fail institution.

I will say in the instruction motion some things that were done were not done as well as they should have been—that's why we go to a final conference—and to the extent that there are suggestions that some of these institutions might survive, we will clean them out. The Senate bill has some provisions I don't like, and section 202 of the Senate bill I hope to change.

On the other hand, the notion that in this very complex system that we have, with the debts that are out there, to only do bankruptcy is simplistic. By the way, if my Republican colleagues really believe that bankruptcy was the only way to deal with these institutions, they would have an amendment or would have had an amendment to do away with the dissolution authority in the FDIC. The major exception of bankruptcy right now is in the Federal Deposit Insurance Corporation. We don't have simple bankruptcy for banks. We have a method given that particular relevance in the society on how you wind them down.

So, there are many things in here that I agree with. As to the conference report being open, again here I welcome my Republican colleagues as converts to the cause of openness and interbranch negotiations. When the Republicans controlled this institution for 12 years and had the Senate for most of that time, conferences were so rare that I've had to explain to Members who came during the years of Republicans how a conference works. Now they have become great advocates of an openness they never implemented themselves.

We will have a conference, which I announced was my intention last year, last fall. It will be open. Things will be presented. They will be debated. They will be subject to amendment. They will be voted on. I was asked if they were going to be televised. Now, I am not the editorial director of C–SPAN. I hope it will be covered. I hope TV will be there. I hope it will be widely covered, and I think it probably will be given the interest.

So, when they talk about a 72-hour requirement, I expect that we will beat that. The timetable I am hoping for will have this bill done in a couple of weeks, and it should be reported out, if we can work this out by a Thursday, and not come to the House until Tuesday which is more than 72 hours. One never knows whether there is going to be some emergency, what might happen. This will be a fully debated bill.

So there are aspects of the instruction report that I agree with. There are aspects with which I disagree. Of course, we have to go to the Senate. That's why instruction motions are not binding. But I do disagree with two points.

First of all, the entirely enacted allegation that this perpetuates bailouts, they have us confused with the situation that occurred in 2008. I don't blame the Bush administration for these bailouts in part because I think some of them could have been conducted more sensibly and better and with more concern for the impact on the average citizen, but they didn't have the tools. This gives them tools that first the Bush administration and now the Obama administration has asked for, not to keep institutions alive but to put them to death in a way that does not cause great perturbation in the rest of the economy. There will be no taxpayer money expended under here. That's already done. I do not doubt that years from now they will take credit for what we had already decided to do.

The instruction motion, in other words, is a mixed bag. Some parts of it I hope we will act on. The ex-ante fund we talk about of $150 billion, recommended to us again by Chairwoman Bair of the FDIC, many of us thought that made sense. The Senate and the administration were opposed to it. It will not survive the conference. People know that. So, to that extent, that's going to disappear anyway.

But saying that you only have bankruptcy and nothing else that helps you buffer the consequences of the failure of these institutions—and failures they will be, they will be hard to fail and will be dissolved—I think is reckless.

So I plan to vote against the motion to instruct, and given that it is such a mixed bag of things and given that it's not binding, I will predict that the outcome is likely to be very similar no matter how this goes. That is, there are some things we are going to do, some things we have to negotiate with the Senate. We haven't got the power to order. So I think this will be a useful discussion, but I will go back to just the last central point.

There will be no taxpayer funds, and there will be no institutions that are not allowed to fail. There will be an effort—and this has to be negotiated—to work with the Senate so that we do not simply say that the consequences are of no interest, and I would repeat again. Those who genuinely believe that only bankruptcy should be used have made a major concession by not applying those rules to the banking system. If only bankruptcy should be used, then where was the amendment during the process to convert the FDIC dissolution process on which this is modelled to a bankruptcy model?

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, the question before us, with apologies to William Shakespeare, to bail out or not to bail out, that is the question. The motion to instruct by the ranking member says no more bailouts. Quite simply, it cannot be said any other way. Unfortunately, whether you're dealing with the House bill or the Senate bill, they are still identifying firms that in their view are too big to fail. Now the phrase that is used is systemically significant, systemically risky, but they are identifying firms for a specific regulatory scheme, and in the House version, as the distinguished chairman of the Financial Services Committee pointed out, is a prefunded bailout fund. In the Senate version, they drop their prefunded, but there is an infinite line of credit that the FDIC can draw upon with respect to the Treasury. Again, if you have firms, Mr. Speaker, that are too big to fail, then you are saying they can't fail. If they can't fail, then at some point you're going to bail them out.

Now, I've heard the distinguished chairman of the Financial Services Committee, the gentleman from Massachusetts, on many occasions say no taxpayer funds will be used. I heard him say it seconds earlier and I know he believes it and I know he means it, but unfortunately, the track record for him and many of his colleagues on that side of the aisle in predicting such is really not very good.

The distinguished chairman was the same one who told us he didn't believe that taxpayers would be called upon to bail out Fannie and Freddie. Well, approximately $150 billion later, we know that Fannie and Freddie did have to be bailed out, that rolling the dice was not a good strategy.

These are the same folks who also told us that the National Flood Insurance Program would never go broke, the crop insurance program, Medicare

will never go broke. We've heard it before, Mr. Speaker. To somehow believe that ultimately taxpayers were not being called upon to have to bail out these firms is asking us frankly to ignore history and to suspend disbelief. Again, it is time to end the bailouts, and the motion to instruct would do that. Too big to fail becomes a self-fulfilling prophecy. Again, in many respects, the bill ought to be renamed the Perpetual Bailout Act of 2010. It has the wrong scheme. Bankruptcy is the proper scheme.

Now, I know the chairman has told us, well, we have death panels for these financial firms. Well, what happened on Chrysler and GM on their so-called death panels? Well, we know that Washington decided to play favorites. Certain creditors were benefited at the expense of others. Unsecured creditors, particularly the UAW, United Automobile Workers, somehow they jet to the front of the line. Secured creditors, they go to the back of the line. It creates avenues for political favoritism in Washington, D.C. It will again lead to Washington picking winners and losers.

We know how this ends. We know that AIG refused to make counter parties whole. CIT was designated too big to fail. They got billions of dollars. They failed anyway but it was resolved quickly. It is time to end the bailouts. The Nation cannot afford to be on the road to bankruptcy. It is time to end the bailouts, Mr. Speaker, and it is time to approve this motion to instruct.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I would like to yield to any of my Republican colleagues who will tell me why during this process they never moved to require bankruptcy as the way of dealing with failing banks. If bankruptcy is the only way to do it, why have the Republicans never proposed that we substitute for the current FDIC proposal bankruptcy? Well, I'm used to being unanswered when I ask hard questions. I think that proves the point.

I will yield to the gentleman from Texas.

Mr. HENSARLING. Well, I would say to the distinguished chairman that depositors are very different from investors, and when we have taxpayer money specifically at risk, it calls for a different regime.

Mr. FRANK of Massachusetts. Well, the gentleman is wrong about that because, yes, depositors are different than investors and depositors are insured, but we have deposit insurance. If you on the other side generally believe this, Mr. Speaker, they would provide deposit insurance and then bankruptcy. The gentleman's incorrectly answered the question. Deposit insurance takes care of the depositors, but there are other things that are done to try and reduce the cost to the government. So bankruptcy and deposit insurance has not been the method.

Mr. HENSARLING. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. HENSARLING. Is the distinguished chairman suggesting that we need deposit insurance for firms like Citigroup and Goldman Sachs? Is that what the gentleman is suggesting then?

Mr. FRANK of Massachusetts. I would take back my time to say that's even by the standards of this debate wholly illogical. No, I'm not remotely suggesting that. What I'm suggesting is the glaring inconsistency between saying bankruptcy is the only way you put an institution out of business and the failure to apply that to the banking business.

By the way, I don't mean to be rude but the gentleman mentioned Citicorp. There's a bank there that has deposit insurance. So maybe the gentleman wasn't aware that the bank there has deposit insurance.

□ 1545

Mr. Speaker, there is another error in the comments. This is that the bill designates institutions too big to fail as systemically important. That is misleading as stated.

In fact, the bill in the House does not designate any institution as being systemically important. The only way an institution would be designated as systemically important is if it was found to be troubled. So there would be no situation in which an institution would have that label and go out and be able to do things with it.

Under the bill that we have, only a finding that the institution is in difficulty triggers a systemic importance designation, and it is accompanied with restrictions on that institution. It is exactly the opposite of this being a badge to get more loans. It is publicly identified as a troubled institution.

The last point I would make is this. Yes, there was flood insurance, Medicare, a number of things. None of them have the language we have in this bill. This bill has very specific language banning those things because we have learned from experience.

We have learned from the experience of 2008, with all those bailouts. And, again, remember, every single bailout activity was initiated by the Bush administration. And I say that not for political purposes but to indicate the inherent difficulties here.

And it was the people in the Bush administration who first said to us, ''Give us different tools. We have to be able to deal with putting these institutions out of business, but not ignore the consequences.''

So, with that, Mr. Speaker, I reiterate: This bill very explicitly prevents bailouts. It designates no institution as systemically important. It says that regulators may step in when they find an institution to be troubled. And if they think that that troubled institution could cause damage, they don't just designate it, they put severe restrictions on it.

So it is exactly the opposite suggestion that some will be too big to fail. They will be on notice that they have to increase their capital, decrease their activity. And people will be told that if that institution does fail under this bill, those who have invested, et cetera, will be wiped out.

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

Mr. BACHUS. Mr. Speaker, I yield 4 minutes to another gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this motion to instruct. I think it is a good idea that we don't have the taxpayers bailing out eternally institutions that are bankrupt.

But there is an important thing to remember, that when an economy gets out of kilter, the marketplace demands a correction of that. And that's usually called the recession. Of course, we are not discussing here today exactly how we get into the excesses, but we do. And, unfortunately, debt gets too high and mal-investment gets too excessive, and the market wants to correct this.

Now, it's essential that this excessive debt be liquidated. It can be liquidated in two different ways. It can be written off by inflationary currency and paid off with bad money, or it can be liquidated actually through the bankruptcy process.

So I am in strong support of this, but I also want to make a point here and a suggestion to the conferees that they pay attention to the provision in the House version of our bill dealing with the Federal Reserve. And that provision is called H.R. 1207, which deals with the auditing. And there is a difference between the Senate version and the House version.

So, although we are not talking about that specifically, to me it's important, not only for the issue of oversight and transparency, but there is also an opportunity for the Federal Reserve to provide bailout provisions for certain organizations, as well. We are talking about taxpayers' funds, the appropriated funds, TARP funds and others. But when we come to extending loans, in a way this very much is a bailout.

So I would like to suggest that we look at that and stand by the House provision. We do have 319 cosponsors of this provision.

Mr. FRANK of Massachusetts. If the gentleman would yield, as you know, I was for some form of that. And I guarantee, because the Senate has acted, we will have tough auditing provisions of the Federal Reserve in the final bill.

And I do want to note to my friend from Texas that, when the Republicans offered a motion to recommit to the bill, they would have wiped out a number of things, including his audit provision. So despite the fact that my friend

from Texas temporarily abandoned his audit provision to the perils of a recommittal provision, I will join with him in reviving it.

And, as he knows, we have in our bill a severe limitation on this power under section 13(3) for making these loans. What they did with AIG will no longer be possible. There will be no more loans to individual institutions.

But he has been the leader on the audit situation, and I intend to continue to work with him to make sure it is well done.

Mr. PAUL. I thank the chairman.

And I would just like to reemphasize that it is the responsibility of the Congress to commit to oversight of the Federal Reserve, something that we have been derelict in doing. I think the mood of this House and the mood of the Senate and the mood of the country is more transparency and more oversight.

The provision in the Senate version is not adequate for an audit of the Fed. So I am encouraged that we are getting more attention because, ultimately, it is necessary that we understand exactly how the business cycle comes about and how the Federal Reserve participates in this.

Because, under the circumstances of today, on what we are doing, we are prolonging our agony. And someday I would hope to see that our recessions—and now we are talking about depressions—are minimized and shortened. And I am concerned that the programs that we are working with today are prolonging those changes.

So the most important thing that we can do is make sure that we exert our responsibilities, have oversight of the Federal Reserve, commit to these audits of the Federal Reserve, and not to endorse the idea that the Federal Reserve is totally secret, can do what they want, can bail out other companies and banks and foreign governments and foreign central banks without fully knowing exactly what they are doing.

Once again, I thank the chairman of the committee for his support for auditing the Fed.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Financial Institutions, the gentleman from Pennsylvania (Mr. KANJORSKI), who had a major and constructive role in this bill and was pushing for things like reform of the Volcker rule before it was popular in other quarters.

Mr. KANJORSKI. Mr. Speaker, I rise maybe to make a suggestion. I know it may drop on deaf ears, but, you know, we are about to undertake an historic event, both in this institution, the Congress of the United States, and in the United States of America, and that is to enact laws by a democratic society through their elected representatives that will cause occasions to happen that may actually save the economy of this Nation or the economy of the world.

It seems to me at this first preparation date we are awaiting the appointment of our conferees here on the House side, that we are already indicating that there will be a political flavor to this conference as opposed to an attempt by both sides of the aisle to find what is best for America and what is best for the economy of this country.

Now, I suggest, and I will concede, having worked with the chairman and Members on the other side, the ranking members and others, for these last 15 or 16 months, that this is not a perfect bill or a perfect solution. I wish it were. But I think we will all have to wait until another day of a higher order to get to perfection.

All we are trying to do here is to work in the regular order of the legal process to see if we can make certain that we don't bring down our economy or our government or the world's economy or the world governments. And that's what we are attempting to do.

Now, you know, we have all these titles, and I am probably as guilty as others, ''too big to fail.'' And we talk about that like that's an easily definable entity. Well, in reality, it isn't.

The fact of the matter is, some things are so interconnected and intertwined and involved in our economic system that, for all intents and purposes, they would appear not to be a risky organization, but that when you examine them and you see the tentacles that they send out through our society and other organizations throughout the world, that their failure can precipitate a failure of the economic system of the world.

That's what we experienced in an organization known as AIG. You know, an organization in excess of 100,000 people, working in tens of countries around the world, had a little organization in London, England, called AIG Financial Products. Those 400 people were able to take a name, AIG, American International Insurance Group, and utilize that to get into the derivative business to the tune of $2.8 trillion without the support of adequate assets to meet their counterparty positions.

And what happened? It started to fail to meet its counterparty positions and immediately would have put at risk most of the major banks of not only the United States but of the world.

Now, when that was happening—and that occurred after other failures in the United States had occurred—we had several choices. We could have sat by and said, ''Well, the market will cure all things.'' And I guess if you are a purist, that's not a bad position philosophically to take, because it is correct. I will concede to that.

But I am one of those people that favor affecting the market and taking the actions that will, in some instances, short-circuit the effects of the market when the effects of the market will be so severe on our population that it warrants such action. And that's exactly what happened at AIG.

If we had sat back and allowed that to occur and the ripple effect around the world, we would have collapsed the economy of the United States and the world, probably, some of our best economists in the world indicated, within 72 hours. We would have been in a position of no one knowing what the world's economy would have looked like.

We were called upon to take certain actions, and that was way back in September or October of 2008. And many of us came back to Washington just before our vital elections that year, and we went to work and we created something.

Can I reconstruct for you gentlemen what it was about? We didn't come back to the Obama administration. We didn't come back to a situation——

PARLIAMENTARY INQUIRY

Mr. ISSA. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mrs. HALVORSON). The gentleman will state it.

Mr. ISSA. Mr. Speaker, doesn't our House rule require that the address be made to the Speaker and not to each other?

The SPEAKER pro tempore. Members are reminded to address their remarks to the Speaker.

The Chair recognizes the gentleman from Pennsylvania.

Mr. KANJORSKI. It is certainly a pleasure to address the Speaker, and I will. I am sure we should adhere to the decorum of the House and the rules of the House, and I will definitely do that.

I wouldn't think of calling the attention of my observations to my colleagues on the other side. That could be frightful if we did that because they may have to respond to those observations. So we won't call those observations.

I was going through how we got here and why we are here. And how we got here was we met in rooms around this Capitol for a number of weeks, 2 or 3 weeks, as I recall. And the President of the United States, George W. Bush, in his last year of presidency, or in the last several years of his presidency, indicated that his Secretary of Treasury and the Chairman of the Federal Reserve were his designees to work with Congress to see what we could do to prevent the potential meltdown or catastrophe to the world's economy. And we went to work to do that.

Now, as I recall—and I sat in some of those meetings, not all of those meetings—we would periodically tune the conference telephone to economists, Nobel Prize-winning economists around the world, of all political persuasions and philosophical positions. And, to my best recollection, there were several dozen. And to a man, or woman, not one of them disagreed that what we were facing was total meltdown and that precipitous action had to be taken.

And the precipitous action that was taken was to provide a rescue package, giving unusual, incredible authority to the executive branch of government, to

be utilized by the Secretary of the Treasury, to do what we could to prevent a meltdown in the United States.

□ 1600

Now, at all times, as I recall, those eminent economists were telling us that it was their opinion that even if we did these strange and unusual activities of empowering the President and the Secretary of the Treasury to borrow monies, use monies, buy assets, do all kinds of things, the chance of success was rated at about 50/50.

As I recall, we worked for about 2 or 3 weeks crafting what originally was a three-page bill that ultimately became a 400-page bill and became known as the ''rescue'' bill. We brought it to the House floor, if all of you will recall, and it failed. And the day that it failed, the hour that it failed, the half hour that it failed, the New York Stock Exchange dropped 900 points. And finally, there was a realization across the country and across the world that if this rescue package was not passed, we probably were looking at the beginning of the failure of the American economic system, and we went to work to see if we could put a coalition together to get it passed, and that took another week, if I recall.

Now, we did those things in the midst of an election. We did those things with a Republican President and a Democratic Congress, and it seems we did it pretty successfully. And we didn't call it a ''bailout'' bill. That became a political terminology so that people could be misinformed, misdirected, and have a visceral reaction to what the Congress has done when they really didn't understand it. And what occurred? Well, that prevailed. Rather than calling it a ''rescue'' bill anymore, it became known as the ''bailout.''

I want to correct that because I've heard that term used here at least a dozen or two dozen times. I asked the question, what did we bail out? We made extensive commitments to banks in the United States. To the best of my knowledge, all those banks have now repaid those commitments to the Treasury or to the Federal Reserve. What was the success of that? Most of them did not fail and our economic system did not fail, in totality, so it was pretty good, but we were losing employment and falling like a rock, the economy, to the tune of, in January, when the new President of the United States was sworn into office, this Nation lost 750,000 jobs and had been losing jobs at that rate for several months before and it continued several months after. And we started to get into, as opposed to discussing economics, free market situations and legalities of how we handle this problem. We got into a political ramble that has continued to this day. I think that's what I got up to address.

If we stay on this course and this direction, the only thing that's going to happen at this conference committee—and ultimately the bills that are enacted into law and signed by the President—will be very limited-capacity pieces of legislation that will not nearly accomplish what could happen. On the other hand, I say to my friends on the other side and the Members and colleagues of this Congress, if we can put our personal prejudices, our political advantages to the side and spend the next 2½ or 3 weeks in an honest effort to get the best bill possible to reform the financial markets of the United States, and indeed the world, we can do something that is so historic in nature that we place the stability of our economy for the next 75 years as it was ably put together in the 1930s.

If we don't accomplish that, what we're going to end up with is a temporary solution to a disastrous problem, fighting a lot of silly political questions which will long disappear before most of us do from the face of the Earth, but not accomplishing anything for the American people.

So I just end this dialogue with saying this—to the gentlemen on both sides of the aisle, so I'm not charged with directing it towards one side—let's put our disagreements aside for the next 2 or 3 weeks. Let's listen to the chairman of the House committee and the ranking member. Let's listen to the chairman of the Senate committee and ranking member and the other 30 participants of this conference committee, with the commitment of doing the best we can within our powers to prevent this from happening, certainly in the near future, or potentially ever again. If we fail to do that, we will have failed our job.

Mr. BACHUS. May I inquire of the Speaker as to how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Alabama has 16 minutes remaining, and the gentleman from Massachusetts has 7 minutes remaining.

Mr. BACHUS. Madam Speaker, I yield 4 minutes to the very able ranking member of the Oversight Committee, Mrs. JUDY BIGGERT.

Mrs. BIGGERT. I thank the gentleman for yielding.

I rise in support of the motion to instruct.

Madam Speaker, taxpayers are tired of paying for the mistakes of others and fed up with bailouts. It's time for Congress to recognize that financial managers that drive their firms into insolvency should be met with bankruptcy and not bailouts.

Unfortunately, both the House and Senate financial regulatory reform bills allow the government to take over any financial business Washington bureaucrats deem as ''too big to fail.'' In other words, if Federal regulators like Treasury Secretary Geithner fail to do their job, then these same regulators can simply take over, dismantle, or prop up any financial institution that they choose at taxpayers' expense, and that's what I would call a bailout. That's the government picking winners and losers in the marketplace. That's the same reckless approach that caused the markets to undervalue risk, inflated the bubble, and left taxpayers to clean up the mess when it burst. And it must end.

House Republicans say ''never again,'' and we have developed a responsible alternative—bankruptcy. It's a fair and unbiased process, insulated from inappropriate political pressures, and removes taxpayers from the equation. During a recent hearing, Federal Reserve Bank of Kansas City President Thomas Hoenig agreed, calling enhanced bankruptcy ''a process that assures everyone that the largest institutions will be dismantled if they fail.'' And he continued, ''I prefer a rule of law that takes away discretion from the bureaucrat or from the policy person so that in the crisis you don't have that option to bail out, so that you have to take certain steps to control, to prevent a financial meltdown.''

Madam Speaker, I couldn't agree more. Effective financial reform must end the bailouts and prevent the next financial meltdown. Bankruptcy is central to the solution. It will give certainty to the marketplace, discourage risky practices, and eliminate taxpayer liability and political interference.

The bottom line is that stronger, nimble and more coordinated regulators must do their job, exercise strong oversight, and bar excessive, risky, deceptive and fraudulent marketplace behavior. Washington shouldn't control the market; it should regulate it.

Through smarter regulation and enhanced bankruptcy rules, we can prevent the next financial meltdown. Millions of American businesses and families that work together every day to play by the rules and invest wisely deserve nothing less.

I support the motion, and I hope we will have a great conference and come up with a bill; but I think this is an important motion to instruct to consider before that.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The gentleman from Alabama has 13 minutes remaining. The gentleman from Massachusetts has 7 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 30 seconds to say that I'm intrigued. We were talking about bankruptcy, now we have a new concept—enhanced bankruptcy. We were told earlier that it should just be plain bankruptcy like everybody else. Now, apparently, there is something special so we get enhanced bankruptcy. Maybe we will have enhanced bankruptcy explained to us. And if bankruptcy is good for everybody, why does enhanced bankruptcy need to be done here, and what is it? Is it another name for doing more than bankruptcy?

I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield 3 minutes to the ranking member of the Government Oversight Committee from California (Mr. ISSA).

Mr. ISSA. I thank the gentleman for yielding.

Mr. Speaker, 3 minutes is all I need because we're going into a process, one in which I would like to be optimistic, one in which I will have 72 hours to pore over a 2,000-page bill to see where we can make it better.

Mr. Speaker, I, too, like the gentleman from Pennsylvania, remember 2008. I remember helping lead the charge against a wholesale bailout, a slush fund for then-President Bush to pass around $700 billion and to pass on to the next President a piece of that left over to spend it, and if you happen to get paid back, to spend it again.

Mr. Speaker, the American people are tired of endless bailouts of the select few. When the gentleman spoke of AIG, AIG still owes us $100-plus billion we'll never see back, in spite of the fact that much of that money went outside the country.

I'm part of a Congress that saw the Bush administration make mistakes. I'm fortunate that I voted against it and I'm happy that I voted against it. As we go into this financial reform, I would hope that we remember Milton Friedman once said, Capitalism is a profit and loss system: the profits encourage risk-taking and the losses encourage prudence.

Mr. Speaker, we must have freedom to fail in this country. We cannot have ''too big to fail.'' And more importantly, we cannot have the politicalization of the process by picking and choosing people like Freddie and Fannie to get $6 trillion worth of full-faith funding from the American people in order to guarantee what ultimately was to a great extent their fault. We went into a financial collapse because when homes became unaffordable, gimmicks were produced. The American people watched their government create most of those gimmicks, and even today the American Government continues to fund a 3.5-percent-down form of financing as though homes will only go up in price. So I look forward to working on a bipartisan basis to get this bill right in conference.

Mr. FRANK of Massachusetts. I yield 3 minutes to the chairman of the Oversight Committee of the Financial Services Committee who has been a major force for stability in this system, the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I rise in opposition to the Republican motion to instruct but in support of the work the House and Senate Conference Committee will begin in crafting a final bill on Wall Street reform.

For most of last year, my colleagues on the House Financial Services Committee, under the outstanding leadership of Chairman FRANK, along with other committees, worked hard to produce the Wall Street Reform and Consumer Protection Act. The work was bipartisan; over 50 Republican amendments were accepted along with over 20 bipartisan amendments. This package contains ideas put forward by Democrats and Republicans, as it should, creating a better and more thoughtful bill.

While the bill is large and complex, it does some very important things: it ends ''too big to fail.'' It ends the need for bailouts and fully protects taxpayers, and it has tough new consumer investor protections that will better protect families' retirement funds, college savings, and small business owners' financial futures from unnecessary risks by Wall Street vendors and speculators. And something we were careful to do in the House bill was to make sure this new financial oversight system would focus on the true problems that created the financial crisis and not responsible actors like most community banks and credit unions.

While the bill provides needed new oversight to the $600 trillion derivatives market, it is well balanced, allowing farmers and small businesses in Kansas to conduct good risk management and hedge their business risks in a responsible manner.

I commend the Senate for also passing a tough financial overhaul bill last month.

The conference committee should take the best ideas from both bills and combine them into one final bill that our colleagues can support and that will finally restore our constituents' trust in our financial system. I urge my colleagues to oppose this motion to instruct that serves as a distraction to the need for a well-balanced, strong financial reform package.

□ 1615

Mr. NEUGEBAUER. It is now my pleasure to yield 2 minutes to the ranking member of the Judiciary Committee, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank my colleague from Texas for yielding me time.

Mr. Speaker, as Congress weighs the question of Wall Street reform, the answer the American people want us to give is clear: ''No more bailouts.'' We should give that answer by passing legislation that sends any failing financial institution to bankruptcy, not to a Federal agency that might bail it out.

The Democratic Senator who guided this legislation through the Senate agrees that bankruptcy must be our primary response to failing institutions. Bankruptcy is fair. Its rules are clear. It is administered transparently by impartial courts. It has existed for generations because of one unmistakable truth: Free enterprise without the possibility of failure is free enterprise without the possibility of success.

The Senate improved the House bill by recognizing a role for bankruptcy, but it failed to give the bankruptcy courts what they need to make that role meaningful. As a result, the legislation's escape hatch from bankruptcy, one that allows agency takeovers of firms, threatens to become the first option under the bill.

When agencies take over firms, we all know that they will bail them out. Let's finish our work. Let's close every loophole that invites a bailout.

Mr. Speaker, I urge my colleagues to support this motion.

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

Mr. BACHUS. At this time, Mr. Speaker, I yield 4 minutes to the vice ranking member of the Financial Services Committee, the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. I thank the gentleman for yielding.

I rise in support of the motion to instruct.

Mr. Speaker, the American people want financial reform. They don't want a financial reform replay. Financial regulatory reform is something we can all agree is needed, but we owe it to the taxpayers, who have picked up the tab for the endless bailouts, to get it right.

The House and Senate bills both lead us a long way from getting it done right. Both the House and Senate bills give the government permanent authority to continue these AIG bailouts of failing firms. Both bills let the government continue to pick winners and losers by deciding which financial companies will get on the too-big-to-fail list and which will benefit from government backing. As it stands right now, these bills give the very same regulators, who, by the way, failed to get the job done right in the first place, more authority and more power. These bills don't provide real reform. They only make bailouts and government protection for failure explicit and permanent, leaving taxpayers on the hook indefinitely.

These bills reduce choices and increase the cost of credit. At a time when small businesses all across the country are having a hard time getting credit, we are going to take action now that will reduce the ability for them, leading to fewer jobs and to more unemployment in our country.

Finally, these bills fail to address the two companies that have cost the taxpayers the most: Freddie Mac and Fannie Mae. $175 billion, to date, of the taxpayers' money is already invested in these two entities. Yet this bill fails to make any attempt at any kind of reform of these two entities.

Our motion instructs conferees to fix the biggest problems with this bill by removing all of the new and permanent bailouts. Our motion says that financial companies that fail should be allowed to fail and to use the rule of bankruptcy law, not backroom deals, which give some creditors more preference over others and which give different treatment to different creditors. Our motion says that the regulators should be held accountable, that they should not being given free rein to pick winners and losers and to decide who is too big to fail. The taxpayers want the

financial regulatory system fixed, but they don't want it fixed with permanent bailouts.

Support the motion to instruct to remove the bailout provisions from this bill and insist on real protections and reforms for the taxpayers, for our financial system, and for our economy. Mr. Speaker, the American people want reform. They don't want another replay of bailouts. Support the motion.

Mr. FRANK of Massachusetts. I yield myself the balance of my time.

Mr. Speaker, I remember when the gentleman from Texas was a little less harsh on Fannie Mae and Freddie Mac when an important amendment that he offered was adopted over the objection of the Secretary of the Treasury, but we've all tended to evolve some on some of these issues.

I want to repeat the central theme here: History is one of bailouts initiated by the prior administration. Some have been supported by this Congress. Some have died by the administration on its own. This bill prevents that legally.

The gentleman from Texas who just spoke referred to the AIG bailout by the Federal Reserve or the Federal Reserve's picking one company or another. The power that the Federal Reserve has had for over 75 years to do that is repealed in this bill. The Federal Reserve is allowed, if there are solvent institutions that are liquid and have a 99 percent chance of repayment at least, to advance money based on their paper, but there can be no more AIGs under the Federal Reserve's authority.

The gentleman said, Well, they can get on the list of too big to fail. There is no such list. There is literally no such list. This is a hard-held myth by the Republicans. What there is is this: If the regulators have been given more power to watch you and if you say the regulators have failed, well, they were a different set of regulators. The SEC today is not the SEC under the prior administration, which looked the other way at Madoff. This is a different and tougher SEC. What they do is say to an institution that's now being much more carefully monitored, You need to be reformed. You need to be restrained. You must have higher capital requirements. You must reduce the amount you are doing.

So there is a tight limitation on what these entities can do. So the privilege of being named important is—and it's not called ''important.'' It says you're going to be subject to stricter standards. People are on notice that the authorities are worried about you, and then it says explicitly in the bill there can be no bailouts. There have been prior cases of bailouts on all sides—the Congress, the President, both parties—but they never had this language. There is no example of this explicit antibailout language being flouted, because it never existed before, so there are no too-big-to-fail institutions.

The question between us is this: When an institution that has gotten overly indebted is put out of business, as this bill requires it to be, do you simply do that and ignore the consequences or should there be some capacity in the Federal Government to look at the consequences?

Now, again, my colleagues have not applied their own logic to the FDIC, and I hope that the final speaker will explain what ''enhanced bankruptcy'' is. Remember, we started out being told that bankruptcy was the answer. Bankruptcy got enhanced somewhere, and we still haven't heard what that ''enhanced bankruptcy'' is. We insure the depositors, but that's not all. The depositors are taken care of, but then there are costs outside of the deposit, and the FDIC is told to follow the least cost method, and that will sometimes mean spending some money to wind it down in a way that diminishes the impact.

So, apparently, even my colleagues on the other side aren't quite as devoted to bankruptcy as they think. They are not prepared to put it into the FDIC proposal. It's a form of enhanced bankruptcy, and I hope, in their remaining time, they will explain it. When they offered a recommittal motion on this bill, Mr. Speaker, they didn't say, Let's fix bankruptcy or let's do this. They said, Let's kill every single form of consumer and financial reform.

The gentleman from Texas was alluding to the consumer agency. They wanted to kill an independent consumer agency. They wanted to kill a fiduciary responsibility for broker-dealers. They wanted to kill a requirement that leverage can never go more than 15–1. This is a little piece of what they are trying to do. They remain opposed. Their view is that the regulators in prior years didn't do a good job—regulators, yes, who followed the nonregulatory philosophy of the prior administration—and they have been opposed to any single form of reform. They are cloaking that in an argument that they are stopping bailouts which are already made illegal by this bill.

Now, the instruction motion has some things in it that Members should support, and it has some things that Members should not support. It is obviously done in a way that, I think, will have an ambiguous impact, and it isn't binding in any case. So what the vote is is less important than what the message is, and let's be very clear about the message: There are no bailouts allowed under this bill.

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

Mr. BACHUS. Mr. Speaker, at this time I yield 3 minutes to the ranking member of the Capital Markets Subcommittee, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, would that it be true that there are no more bailouts in this 1,400- or 1,500-page bill that Congress is about to be considering in conference. Would that it be true that the American taxpayer is potentially no longer on the hook, as it has been over the last year and a half under this administration and past, as far as the bailouts that are costing the taxpayers literally tens of billions of dollars. Would that it be true that we pass a piece of legislation and be able to keep in place the laws of this country for the last 200-plus years to protect private property rights and to protect the rights under the Bankruptcy Code so that investors and institutions know exactly what they are going to get when they invest in a company, more importantly, when you are a secured creditor, that that name would actually mean what it says: You are secured by the assets of the company.

We certainly saw that that was not the case in the Chrysler situation. You had a situation where the administration basically stepped in, using taxpayer dollars, and used the system of saying, We're not going to go through bankruptcy court—as Members of this side of the aisle would suggest should have occurred—but we are going to act in an extracurricular manner and allow the secured creditors to be tossed aside and the assets of the company to be divvied up willy-nilly as the administration and others decided they would have.

Now, that's, in essence, what we will be perpetuating with this piece of legislation that's before us. What happened in that situation?

Well, in that situation, you had the unions, which basically had no interest in that company whatsoever, end up with basically a 55 percent interest in the company at the end of the day, basically a gift valued at $4.5 billion, and Fiat was given a 20 percent stake for free to take it over. At the end of the day, the secured creditors who thought that they should have been at the front of the line, well, ended up at the end of the line. Instead of getting, maybe, 43 cents on the dollar, they ended up getting some 29 cents on the dollar and said, You should be happy about it.

Why do I bring up that case? Because, basically, at the end of the day, Mr. Speaker, we're going to be perpetuating that same sort of ability for regulators to be making those same decisions going forward. Yes, maybe they won't be able to give it to their friends again at the unions like they did in this case. Maybe they will. We're really not sure.

Yet, at the end of the day, we'll be perpetuating the ability to say to secured creditors, secured creditors, you want to make an investment in a company, thinking that you are secured and that if the company were to fail and to go into bankruptcy that you would be first in line. Guess what? That is not going to be the case.

We are going to put into statute a system to say that an unelected bureaucratic regulator is going to say,

Maybe not. Not so fast, secured creditor. Not so fast, investor. We're going to put someone else ahead of you.

You know, that actually happened to real-life people in the case of the Chrysler situation where three Indiana pension funds—representing who?—policemen, firemen, what have you, thought they were secured creditors. At the end of the day, they said that they were stripped of their rights by a system that this bill will perpetuate. This is what we were trying to do.

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

Mr. BACHUS. I yield the gentleman 1 additional minute.

Mr. GARRETT of New Jersey. I appreciate the gentleman's yielding.

We have the idea that the ''rule of law'' should mean something in this country, and it has meant something for the last 200-plus years, and the Bankruptcy Code is part of that law.

You know, an article published in the UCLA Law School said, ''What happened'' over this last year and a half ''was so outrageous and illegal that, until March of this year, 2009, nobody even conceptualized it.''

The judge in that case that I was referring to commented from the bench that the poor pension manager from Indiana, who was representing the teachers and the firemen and the like, was kind of like the gentleman in Tiananmen Square when the tanks came rolling over.

Well, Mr. Speaker, I do not want the investors in this country, whether they be firemen or policemen or other senior citizens down in Florida or in other places around the country, to feel like they did in that case. I want them to know that their rights are protected by the rule of law through the bankruptcy process and not by some politically appointed bureaucrats or regulators who can strip them of their rights. That is what Republicans stand for, and that is why we are opposed to this language in the majority's bill.

Mr. BACHUS. Mr. Speaker, may I inquire as to the time left on both sides, knowing that I have the right to close.

The SPEAKER pro tempore. The gentleman from Alabama has 3 minutes remaining. The time of the gentleman from Massachusetts has expired. The gentleman from Alabama has the right to close.

Mr. BACHUS. Mr. Speaker, we heard the gentleman from Pennsylvania say that there were really no bailouts. I think, if you submit that statement to the American people, they would tell you that there were bailouts because, in fact, there were bailouts.

The majority has made a statement on the floor of the House in defense of this bill that it has all been paid back. Well, in fact, it has not all been paid back, and I think, on further examination, Mr. Speaker, we would all have to remember the inconvenient fact that AIG still owes the American people about $150 billion and that Freddie and Fannie not only owe hundreds of billions of dollars but that the President, back on December 25, guaranteed their obligations, which could run in the trillions.

Now, in addition to all of that, a few statements by the chairman, Mr. Speaker.

The chairman says that they have to be troubled, that instead of going through bankruptcy, they will go through this thing where you can guarantee their obligations, where you can take a security interest in them, where you can purchase their assets, where you can lend money to them. They have to be troubled.

Well, who decides that?

Well, according to the bill, the Secretary of the Treasury sits at the head of a small group. I think the Senate bill includes Ms. Elizabeth Warren, but it includes the OCC.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. Yes, I will yield.

□ 1630

Mr. FRANK of Massachusetts. The statement that the Senate bill includes Elizabeth Warren is breathtaking. I do not believe the Senate bill refers to Elizabeth Warren.

Mr. BACHUS. Well, I will withdraw that statement. I am glad to hear that it does not.

Now, let me ask you this. This bill, and I'm going to quote from section 210, it says that the FDIC is authorized to borrow up to 90 percent of the fair value of the failed firm's total consolidated assets. Ninety percent of the total consolidated assets.

Now, Mr. Speaker, I would ask the chairman, maybe he can give us this figure or review my figures. But the largest corporation in America, Bank of America, which would qualify under this program has total assets of $2.34 trillion. That means that the FDIC could borrow $2 trillion.

Now, I would ask this: Where do they borrow it from? But, more importantly, if they borrow $2 trillion to allow Bank of America to go into this process, if they are not paid back, who pays it? And the answer is: the taxpayers, a $2 trillion investment right there.

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to instruct will be followed by 5-minute votes on motions to suspend the rules with regard to House Resolution 1330, H.R. 5278, and H.R. 5133, if ordered.

The vote was taken by electronic device, and there were—yeas 198, nays 217, not voting 16, as follows:

[Roll No. 343]

YEAS—198

Aderholt	Gerlach	Nunes
Akin	Giffords	Olson
Alexander	Gingrey (GA)	Owens
Austria	Gohmert	Paul
Bachmann	Goodlatte	Paulsen
Bachus	Granger	Pence
Bartlett	Graves	Perriello
Barton (TX)	Griffith	Peterson
Biggert	Guthrie	Petri
Bilbray	Hall (TX)	Pitts
Bilirakis	Halvorson	Platts
Bishop (UT)	Harper	Poe (TX)
Blackburn	Hastings (WA)	Posey
Blunt	Heinrich	Price (GA)
Boehner	Heller	Putnam
Bonner	Hensarling	Radanovich
Bono Mack	Herger	Rehberg
Boozman	Hodes	Reichert
Boucher	Hunter	Rodriguez
Boustany	Issa	Roe (TN)
Brady (TX)	Jenkins	Rogers (AL)
Bright	Johnson (IL)	Rogers (KY)
Broun (GA)	Johnson, Sam	Rogers (MI)
Brown (SC)	Jones	Rohrabacher
Brown-Waite, Ginny	Jordan (OH)	Rooney
Buchanan	King (IA)	Ros-Lehtinen
Burgess	King (NY)	Roskam
Burton (IN)	Kingston	Royce
Buyer	Kirk	Ryan (OH)
Camp	Kirkpatrick (AZ)	Ryan (WI)
Cantor	Kline (MN)	Scalise
Cao	Lamborn	Schauer
Capito	Lance	Schmidt
Carter	Latham	Schock
Cassidy	LaTourette	Schrader
Castle	Latta	Sensenbrenner
Chaffetz	Lee (NY)	Sessions
Childers	Lewis (CA)	Shadegg
Coble	Linder	Shimkus
Coffman (CO)	LoBiondo	Shuster
Cole	Lucas	Simpson
Conaway	Luetkemeyer	Skelton
Connolly (VA)	Lummis	Smith (NE)
Courtney	Lungren, Daniel E.	Smith (NJ)
Crenshaw	Mack	Smith (TX)
Culberson	Manzullo	Space
Davis (KY)	Marchant	Spratt
Dent	Markey (CO)	Stearns
Diaz-Balart, L.	McCarthy (CA)	Sullivan
Diaz-Balart, M.	McCaul	Taylor
Djou	McClintock	Teague
Dreier	McCotter	Terry
Duncan	McIntyre	Thompson (PA)
Edwards (TX)	McKeon	Thornberry
Ehlers	McMorris Rodgers	Tiahrt
Emerson	McNerney	Tiberi
Fallin	Mica	Turner
Flake	Miller (FL)	Upton
Fleming	Miller (MI)	Walden
Forbes	Minnick	Wamp
Fortenberry	Mitchell	Westmoreland
Foxx	Moran (KS)	Whitfield
Franks (AZ)	Murphy, Tim	Wilson (SC)
Frelinghuysen	Myrick	Wittman
Gallegly	Neugebauer	Wolf
Garrett (NJ)		Young (AK)
		Young (FL)

NAYS—217

Ackerman	Butterfield	Dahlkemper
Adler (NJ)	Capps	Davis (AL)
Altmire	Capuano	Davis (CA)
Andrews	Cardoza	Davis (IL)
Arcuri	Carnahan	DeFazio
Baca	Carney	DeGette
Baird	Carson (IN)	Delahunt
Baldwin	Castor (FL)	DeLauro
Barrow	Chandler	Deutch
Bean	Chu	Dicks
Becerra	Clarke	Dingell
Berman	Clay	Doggett
Berry	Cleaver	Donnelly (IN)
Bishop (GA)	Clyburn	Doyle
Bishop (NY)	Cohen	Driehaus
Blumenauer	Conyers	Edwards (MD)
Boccieri	Cooper	Ellison
Boren	Costa	Ellsworth
Boswell	Costello	Engel
Boyd	Critz	Eshoo
Brady (PA)	Crowley	Etheridge
Braley (IA)	Cuellar	Farr
Brown, Corrine	Cummings	Fattah

Filner
Foster
Frank (MA)
Fudge
Garamendi
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Snyder
Speier
Stark
Stupak
Sutton
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Barrett (SC)
Berkley
Calvert
Campbell
Davis (TN)
Harman
Higgins
Hoekstra
Inglis
Kennedy
Kilpatrick (MI)
Kosmas
McHenry
Miller, Gary
Quigley
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1702

Ms. FUDGE, Messrs. HOLDEN, CRITZ, PETERS, Ms. BEAN, Mr. FARR, Ms. RICHARDSON, Messrs. BUTTERFIELD, DONNELLY of Indiana, WILSON of Ohio, Mrs. MALONEY, Messrs. TIERNEY, CARSON of Indiana, MARSHALL, COOPER, FATTAH, ANDREWS, AL GREEN of Texas, Ms. WASSERMAN SCHULTZ, Messrs. SCOTT of Georgia, PAYNE, ROSS, BERRY, ELLISON, BISHOP of Georgia, SHERMAN, DRIEHAUS, LANGEVIN, CLYBURN, Ms. SLAUGHTER, Mr. WELCH, Ms. SUTTON, Messrs. WEINER, SCOTT of Virginia, and RUSH, and Ms. ESHOO changed their vote from ''yea'' to ''nay.''

Messrs. SULLIVAN, RODRIGUEZ, CONNOLLY of Virginia, and BOEHNER changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WORLD OCEAN DAY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution (H. Res. 1330) recognizing June 8, 2010, as World Ocean Day, as amended.

The Clerk read the title of the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 369, noes 44, not voting 18, as follows:

[Roll No. 344]

AYES—369

Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Heinrich
Heller
Hensarling
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—44

Akin
Alexander
Barton (TX)
Bishop (UT)
Blackburn
Boustany
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Cantor
Cassidy
Chaffetz
Coffman (CO)
Conaway
Davis (KY)
Duncan
Emerson
Fleming
Franks (AZ)
Garrett (NJ)
Hastings (WA)
Herger
Jenkins
Johnson, Sam
King (IA)
Lamborn
Linder
Luetkemeyer
Lummis
Moran (KS)
Neugebauer
Nunes
Paul
Poe (TX)
Price (GA)
Rehberg
Roe (TN)
Scalise
Shadegg
Shimkus
Tiahrt
Westmoreland
Young (AK)

NOT VOTING—18

Barrett (SC)
Berkley
Calvert
Campbell
Davis (TN)
Gohmert
Harman
Higgins
Hoekstra
Inglis
Johnson (GA)
Kennedy
Kilpatrick (MI)
McHenry
Meek (FL)
Miller, Gary
Quigley
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1710

Ms. DELAURO and Mrs. SCHMIDT changed their vote from ''no'' to ''aye.''

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.

ANNOUNCING SECOND ANNUAL CONGRESSIONAL WOMEN'S SOFTBALL GAME

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, on behalf of the bipartisan Women Members of Congress softball team, we want to once again extend an invitation to all Members, staff, and anyone listening to attend the second annual congressional women's softball game, which will occur next Wednesday night at 7 p.m. at Guy Mason Field, once again benefiting the Young Survival Coalition, which is a young women's breast cancer organization.

We really thank all of the Members and staff who came out last year. Over 400 people attended. We raised $50,000 for the Young Survival Coalition. And this year, captained by myself and my colleague from Missouri, JO ANN EMERSON, Senator KIRSTEN GILLIBRAND, and LISA MURKOWSKI, the team members are DONNA EDWARDS, GRACE NAPOLITANO, JEAN SCHMIDT, LAURA RICHARDSON, BETSY MARKEY, BETTY SUTTON, LINDA SÁNCHEZ, SUSAN DAVIS, KATHY DAHLKEMPER, SHELLEY MOORE CAPITO, DEBBIE HALVORSON, Senator KAY HAGAN, ILEANA ROS-LEHTINEN, KATHY CASTOR, SENATOR JEANNE SHAHEEN, and NYDIA VELÁZQUEZ.

With that, I yield to my good friend from the State of Missouri.

Ms. EMERSON. Thank you all for listening. I thought I would fill in a little more about the details of our softball game next week.

Our coaches are ED PERLMUTTER, JOE BACA, SANDY LEVIN, and JOE DONNELLY.

The team we are playing this year are the women members of the Congressional Press Corps, led by Dana Bash of CNN, Susan Milligan and Shailagh Murray of the Washington Post. Andrea Mitchell of MSNBC and Susan Mulligan of the Boston Globe will be the official announcers of the game. Michelle Fenty, the first lady of Washington, D.C., will throw out the honorary first pitch.

The Silver Slugger sponsor is the Congressional Federal Credit Union. It costs nothing to come watch us, and I want you all to know how much better we are this year than we were last year, with excellent coaching and lots more practice.

If you want to find out any more information about this very, very fun opportunity on June 16, go to www.facebook.com/congressionalsoftball2010. We encourage all of you to come out and support us on both sides of the aisle. It helps energize us. We want you to know we're pretty good this year, and we're going to win.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, before I yield back, we want to emphasize that this is a frustrating process at times, but the women of the Congress, both the House and the Senate, not only know how to have a good time, know how to play softball, but they know how to get along and suggest that our male colleagues could take a page from our book. We look forward to seeing you at the game.

PRESIDENT RONALD W. REAGAN POST OFFICE BUILDING

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 5278) to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building''.

The Clerk read the title of the bill.

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

The question was taken.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 15, as follows:

[Roll No. 345]

AYES—416

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Deutch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Djou
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires

Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Barrett (SC)
Berkley
Boehner
Calvert
Campbell
Harman
Higgins
Hoekstra
Inglis
Kennedy
Kilpatrick (MI)
McHenry
Miller, Gary
Quigley
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1722

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.

STAFF SERGEANT FRANK T. CARVILL AND LANCE CORPORAL MICHAEL A. SCHWARZ POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 5133) to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building''.

The Clerk read the title of the bill.

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

The question was taken.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 409, noes 0, not voting 22, as follows:

[Roll No. 346]

AYES—409

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

NOT VOTING—22

Barrett (SC)
Boehner
Boswell
Calvert
Campbell
Davis (AL)
Ellsworth
Harman
Higgins
Hoekstra
Hoyer
Inglis
Kennedy
Kilpatrick (MI)
Kirk
McHenry
Miller, Gary
Pitts
Quigley
Smith (TX)
Sullivan
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1729

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.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Madam Speaker, I was unable to attend to several votes today. Had I been present, I would have voted ''nay'' on the Republican Motion to Instruct Conferees on H.R. 4173; ''aye'' on final passage of H. Res. 1330; ''aye'' on final passage of H.R. 5278; and ''aye'' on final passage of H.R. 5133.

PERSONAL EXPLANATION

Mr. CALVERT. Madam Speaker, on June 8th I regret I was not present to vote on H.R. 1061 and H. Res. 518. Had I been present, I would have voted ''yea'' on both bills (rollcall Nos. 337–338). Today, had I been present, I would have voted: rollcall No. 339—''no''; rollcall No. 340–''no'' rollcall No. 341–''no''; rollcall No. 342–''aye'' rollcall No. 343–''aye''; rollcall No. Vote 344–''aye''; rollcall No. 345–''aye''; rollcall No. 346–''aye.''

APPOINTMENT OF CONFEREES ON H.R. 4173, WALL STREET REFORM AND CONSUMER PROTECTION ACT OF 2009

THE SPEAKER pro tempore (Mr. BRIGHT). Without objection, the Chair appoints the following conferees:

From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. FRANK of Massachusetts, KANJORSKI, Ms. WATERS, Mrs. MALONEY, Messrs. GUTIERREZ, WATT, MEEKS of New York, MOORE of Kansas, Ms. KILROY, Messrs. PETERS, BACHUS, ROYCE, Mrs. BIGGERT, Mrs. CAPITO, Messrs. HENSARLING, and GARRETT of New Jersey.

From the Committee on Agriculture, for consideration of subtitles A and B of title I, sections 1303, 1609, 1702, 1703, title III (except sections 3301 and 3302), sections 4205(c), 4804(b)(8)(B), 5008, and 7509 of the House bill, and section 102, subtitle A of title I, sections 406, 604(h), title VII, title VIII, sections 983, 989E, 1027(j), 1088(a)(8), 1098, and 1099 of the Senate amendment, and modifications committed to conference: Messrs. PETERSON, BOSWELL, and LUCAS.

From the Committee on Energy and Commerce, for consideration of sections 3009, 3102(a)(2), 4001, 4002, 4101–4114, 4201, 4202, 4204–4210, 4301–4311, 4314, 4401–4403, 4410, 4501–4509, 4601–4606, 4815, 4901, and that portion of section 8002(a)(3) which adds a new section 313(d) to title 31, United States Code, of the House bill, and that portion of section 502(a)(3) which adds a new section 313(d) to title 31, United States Code, sections 722(e), 1001, 1002, 1011–1018, 1021–1024, 1027–1029, 1031–1034, 1036, 1037, 1041, 1042, 1048, 1051–1058, 1061–1067, 1101, and 1105 of the Senate amendment, and modifications committed to conference: Messrs. WAXMAN, RUSH, and BARTON of Texas.

From the Committee on the Judiciary, for consideration of sections 1101(e)(2), 1103(e)(2), 1104(i)(5) and (i)(6), 1105(h) and (i), 1110(c) and (d), 1601, 1605, 1607, 1609, 1610, 1612(a), 3002(c)(3) and (c)(4), 3006, 3119, 3206, 4205(n), 4306(b), 4501–4509, 4603, 4804(b)(8)(A), 4901(c)(8)(D) and (e), 6003, 7203(a), 7205, 7207, 7209, 7210, 7213–7216, 7220, 7302, 7507, 7508, 9004, 9104, 9105, 9106(a), 9110(b), 9111, 9118, 9203(c), and 9403(b) of the House bill, and sections 112(b)(5)(B), 113(h), 153(f), 201, 202, 205, 208–210, 211(a) and (b), 316, 502(a)(3), 712(c), 718(b), 723(a)(3), 724(b), 725(c), 728, 731, 733, 735(b), 744, 748, 753, 763(a), (c) and (i), 764, 767, 809(f), 922, 924, 929B, 932, 991(b)(5), (c)(2)(G) and (c)(3)(H), 1023(c)(7) and (c)(8), 1024(c)(3)(B), 1027(e), 1042, 1044(a), 1046(a), 1047, 1051–1058, 1063, 1088(a)(7)(A), 1090, 1095, 1096, 1098, 1104, 1151(b), and 1156(c) of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, BERMAN, and SMITH of Texas.

From the Committee on Oversight and Government Reform, for consideration of sections 1000A, 1007, 1101(e)(3), 1203(d), 1212, 1217, 1254(c), 1609(h)(8)(B), 1611(d), 3301, 3302, 3304, 4106(b)(2) and (g)(4)(D), 4604, 4801, 4802, 5004, 7203(a), 7409, and 8002(a)(3) of the House bill, and sections 111(g), (i) and (j), 152(d)(2), (g) and (k), 210(h)(8), 319, 322, 404, 502(a)(3), 723(a)(3), 748, 763(a), 809(g), 922(a), 988, 989B, 989C, 989D, 989E, 1013(a), 1022(c)(6), 1064, 1152, and 1159(a) and (b) of the Senate amendment, and modifications committed to conference: Messrs. TOWNS, CUMMINGS, and ISSA.

From the Committee on Small Business, for consideration of sections 1071 and 1104 of the Senate amendment, and modifications committed to conference: Ms. VELÁZQUEZ, Messrs. SHULER, and GRAVES.

There was no objection.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5072 and to insert extraneous material thereon.

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

There was no objection.

FHA REFORM ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 1424 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5072.

□ 1739

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, with Mrs. HALVORSON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from California (Ms. WATERS) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chair, I yield myself such time as I may consume.

Madam Chairwoman, I stand in strong support of H.R. 5072, the FHA Reform Act of 2010.

This bill is the product of three hearings on FHA in the past 6 months and bipartisan work with the ranking member of the Subcommittee on Housing and Community Opportunity, Congresswoman CAPITO. In fact, this bill contains most of the provisions Congresswoman CAPITO included in her bill on FHA introduced earlier this year.

Moreover, I am proud to say that this bill passed out of the Financial Services Committee on a simple voice vote back in April.

The FHA Reform Act is critical, timely, and important for households across the country. The act will enable the FHA to respond to the current housing and economic crisis and continue its mission of providing homeownership opportunities to millions of Americans.

We know that now, more than ever, preserving this mission is critical. As the private market has contracted, FHA has stepped into the void and injected much-needed credit into our mortgage system. Increasingly, it is the only option available for American homebuyers with less than a 20 percent down payment.

FHA insurance has been particularly important for minority communities, low-income families, and first-time homebuyers. The bill would provide FHA with more flexibility to adjust their annual mortgage insurance premium.

As I understand it, if FHA limits the premium increase to 0.90 percent, as Commissioner Stevens has indicated, new borrowers will see their monthly payments rise by about $42 a month.

Now, while I am reluctant to support providing FHA with more flexibility, I believe that this provision is needed to keep FHA financially healthy. We have also taken steps to ensure that FHA requirements are not excessively onerous for homebuyers.

Secondly, this bill provides FHA with the authority to crack down on lenders that use fraud or misrepresentation or don't originate or underwrite loans in accordance with FHA guidelines. FHA has already taken steps to increase its lender enforcement activities, and the provisions included in this bill will empower them to rout out the bad actors while reserving the program for the lenders that follow the rules.

Thirdly, this bill empowers FHA to improve their internal controls that improve data tracking, risk management, and reporting to the public and to Congress. This includes improving monitoring of early defaults and claims, tracking mortgage information by loan servicers, providing FHA with the ability to contract out for additional credit risk analyses, requiring mortgagees to report to FHA when they stop buying loans from other mortgagees, and requiring a GAO study on FHA.

The bill also creates a new Deputy Assistant Secretary at FHA for risk management and regulatory affairs.

I believe the bill in front of us today is critical for ensuring a strong future for FHA, and I request my colleagues' support.

I reserve the balance of my time.

□ 1745

Mrs. CAPITO. Madam Chair, I yield myself such time as I may consume.

I would like to thank the chairwoman, Chairwoman WATERS, and the chairman of the full committee, Chairman FRANK, and Ranking Member BACHUS for their good, hard work on this legislation.

As I am an original cosponsor of this legislation, I rise in full support of H.R. 5072, the FHA Reform Act of 2010. H.R. 5072 amends the National Housing Act to include enforcement and premium changes to the FHA single-family mortgage insurance program that will improve the insurance fund's financial condition and enhance certain enforcement tools to protect against fraudulent or poorly underwritten and insured loans.

The bill incorporates a majority of the provisions in a bill that I introduced, H.R. 4811, the FHA Safety and Soundness and Taxpayer Protection Act. H.R. 4811, my bill, went further than the proposals put forth by the administration. My legislation included some additional enforcement, fiscal and risk-assessment tools necessary to adequately administer the program, detect fraud and abuse, strengthen underwriting standards, and protect the taxpayer. I appreciate Chairman FRANK and Chairwoman WATERS' willingness to include the additional provisions that were part of my bill which I believe made H.R. 5072 a stronger bill and one that is more able to address the pressing challenges before the FHA today.

I would also like to thank Secretary Donovan of HUD and Commissioner Stevens of the FHA for testifying before our committee, and also for working with me and my staff and the majority staff to formulate what I think is a very good bill.

The FHA was established by the National Housing Act of 1934 to broaden homeownership, protect lending institutions, and stimulate the building industry. I did not realize this, but prior to the creation of FHA, home mortgages did not exceed 50 percent of the home value and did not extend past the fifth year. At the end of 5 years, mortgages had to be either paid or renegotiated. But during the Great Depression, lenders were unable or unwilling to renegotiate many of the loans that came due. Consequently, many borrowers lost their homes and lenders lost money because property values declined significantly. The FHA program was established originally to provide stability and liquidity in the market. Its creation fostered the 30-year mortgage product and led to standardized mortgage instruments.

Once again, today, FHA has played an important role in a difficult housing market. As private sector lenders have scaled back their activities during the past 2 years, the FHA has significantly increased its share of the single-family mortgage market from less than 5 percent to more than 30 percent, but increased delinquencies and foreclosures across the Nation have had a detrimental effect on the financial health of the FHA program. An independent actuarial report which was published on November 12, 2009 showed that the capital reserve ratio for the Mutual Mortgage Insurance Fund, the MMIF, dropped below the congressionally mandated threshold of 2 percent to a less-than-expected .53 percent, a serious red flag. The actuarial review also indicated that the economic value of the FHA declined over 75 percent from last year to $2.73 billion. In light of these facts, it is essential that Congress and the FHA enact reforms to ensure that a bailout of FHA is not and will not be necessary.

Madam Chair, the provisions of this bill are an important step in providing HUD with the tools it needs to supervise and monitor the FHA program and adequately assess risk. As the chairwoman has said, of the many important provisions included, H.R. 5072 authorizes FHA to increase annual insurance premiums and requires indemnification by lenders for loss on loans they originate.

The program is intended to be self-funded. Proceeds from the premiums paid by the homeowners for the FHA guarantee are used to operate the program and pay losses when loans default. The ability to increase annual premiums will allow HUD the ability to raise annual premiums above the .55 percent cap, which will allow FHA to more adequately price for risk and to build up its reserve ratio which, as we know, has fallen below its congressionally mandated level. The indemnification provisions in H.R. 5072 will give HUD the ability to seek restitution against unscrupulous lenders who make loans they never should have made.

H.R. 5072 is an important and necessary bill; it gives HUD the tools it needs to raise the annual premiums so that HUD can begin the process of putting the FHA program back on the road to a program that has an adequate reserve ratio and enough capital for the program to run in a safe and sound manner.

However, let me be clear: H.R. 5072 is not a panacea. The Department and this Congress and future Congresses must be ever vigilant in our oversight of this program to make certain that the program is operated in a way that assures the taxpayer is protected.

Recent reports indicate that FHA, Fannie Mae and Freddie Mac are responsible for 100 percent of today's new mortgage originations, which means that the exposure for the taxpayer continues to grow day by day. That is why it was and still is imperative that reform of Fannie Mae and Freddie Mac be part of any attempt to fix our financial and regulatory system. Fannie and Freddie were a big part of what caused the financial collapse, and they must be part of the solution.

There are numerous issues currently being debated as part of the regulatory reform package such as risk retention, qualified mortgages, derivatives, hedge funds—and the list goes on—that could have significant implications for the future of the mortgage market as well as the direction of reform for Fannie and Freddie. H.R. 5072, the bill we are considering today, is extremely important because it provides the administration with the ability to increase the premiums which will improve FHA's current financial situation and prevent the need for any taxpayer bailouts.

I urge my colleagues to fully support H.R. 5072.

Madam Chair, I yield 3 minutes to a distinguished member of the Financial Services Committee and the Housing Subcommittee, my friend, Mr. LEE, from New York.

Mr. LEE of New York. I thank my friend from West Virginia for yielding.

I rise today in support of H.R. 5072, the FHA Reform Act of 2010. This legislation before us today clearly takes important steps towards restoring stability into our housing market.

I share the frustration that I hear, though, from my constituents in western New York who have been responsible homeowners but who are increasingly paying the price for the fraud and abuse throughout our mortgage system. No one—no business and no person—should be able to take risks without having to accept the consequences.

We've all seen the consequences of the actions taken by irresponsible lending practices, and Congress has rightfully looked at outdated mortgage structures to ensure responsible homeowners have access to safe and affordable mortgages without forcing them to pay for the irresponsibility of others.

Earlier this year, I joined my friend from New Jersey (Mr. ADLER) in introducing H.R. 3146, the 21st Century FHA Housing Act, which took much of what we have learned from past FHA shortages to ensure they don't happen again. I am pleased that the bill before us today does this as well and includes many of the reforms that we proposed last year. H.R. 5072 will help ensure that FHA will be a stabilizing force in the market and support responsible homeownership for first-time buyers and underserved markets.

Given that FHA is now one of the primary facilitators of mortgage financing, it is absolutely necessary that we get this reform right. FHA must have the resources it needs to effectively oversee mortgages and ensure that no bad actors are allowed to function in the marketplace.

We need a responsive, efficient, and capable FHA to help ensure that owning a home remains part of the American Dream. I believe the bill before us today will help keep that dream alive. I urge my colleagues to support its passage.

Mrs. CAPITO. Madam Chair, I would just reiterate that this bill has my support. It passed out of the committee by voice vote. I think we did a good job meeting each other halfway on certain issues that we might have had some disagreement on, and I look forward to the passage of this bill.

Madam Chair, I yield back the balance of my time.

Ms. WATERS. Madam Chair, I would simply like to close by thanking Mrs. CAPITO for all of the work that she put

into this legislation and the cooperation that she gave to me and her staff to my staff.

This is a good bill. The differences have been worked out between both sides of the aisle. We worked hard to make sure that we maintained FHA, but that we keep a close watch on it; that, in fact, we give it flexibility, but at the same time ensure the continuity and the consistency of FHA that should be there to provide the guarantees for our citizens that so desperately need them.

Madam Chair, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Ms. WATERS. I move that the Committee do now rise.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SCHIFF) having assumed the chair, Mrs. HALVORSON, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5072) to improve the financial safety and soundness of the FHA mortgage insurance program, had come to no resolution thereon.

BP AND NOAA NEED TO BETTER MONITOR OIL BENEATH THE OCEAN'S SURFACE

(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. Madam Speaker, yesterday, officials admitted that a significant amount of oil may be spreading through the deep ocean in layers of highly dissolved oil. This revelation is anything but recent, except to BP.

Last month, I sent a letter, along with my colleagues in the Florida delegation, calling on the administration to examine the amounts of oil suspended in the water column below the ocean surface; yet until yesterday, officials failed to acknowledge what many in the scientific community were already saying, that underwater oil plumes are possible and that they pose a tremendous threat.

My congressional district is home to a variety of ecosystems—coral reefs, mangroves, sea grass beds, as well as countless species of fish. NOAA and BP must do a better job of examining the impact of crude oil and chemical dispersants at all depths of the ocean's surface. My constituents who rely on fishing, diving and tourism for their livelihood demand that we utilize all available resources. Get this right before the disaster becomes even worse.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Madam 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 motion to instruct on H.R. 4173.

The SPEAKER pro tempore (Mrs. HALVORSON). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

□ 1800

SPECIAL ORDERS

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

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

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

STANDING BY ISRAEL

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

Mr. SCHIFF. Last week's interdiction by the Israeli Navy of a small flotilla of ships trying to run the blockade on Hamas-controlled Gaza ignited a firestorm around the world.

Foreign commentators, who look askance at the Jewish state in the best of times, condemned the raid in the strongest of terms, attempting to cast it as another example of Israel's supposed slide toward South African-style apartheid or even fascism.

Here and in Israel, itself, the reaction reflected a deeper understanding of the broad spectrum of threats confronting Israel. The execution of the raid, itself, was criticized in some quarters, but there remains a fundamental understanding of the underlying conditions that gave rise to Israel's blockade of Gaza and a realization that those conditions persist and that, as long as Gaza remains under the control of Hamas, there can be no lasting peace between Israel and the Palestinians.

Hamas leaders and their masters in Tehran and Damascus have repeatedly refused to renounce terror, to abide by agreements signed by the Palestinian Authority and Israel and to recognize Israel's right to exist. They have used Gaza's impoverished population as human shields in their war of attrition with Israel and have subordinated their people's needs to the quest for rockets and other weapons. Two days ago, Israeli forces intercepted an armed squad of five terrorists who were wearing diving suits and who were apparently on their way to attack Israeli targets.

Madam Speaker, there can be no doubt that these are dangerous times for Israel and that America must stand by the Middle East's only democracy in its quest for peace and security.

Despite four rounds of U.N. sanctions, including today's passage of tighter finance curbs and an expanded arms embargo, Iran has not been deterred in its quest to develop nuclear weapons. While this latest round of sanctions is a welcomed step, there is deep skepticism that President Mahmoud Ahmadinejad and the hardline clerics who rule Iran can be dissuaded from their present course. An Iran armed with the bomb would be a catastrophe, destabilizing the Middle East and triggering an arms race in the region.

President Obama and Secretary of State Clinton have done a great service to Israel, to the greater Middle East, and to the cause of international peace and security through their efforts to forge a consensus in the Security Council, and I offer them my personal thanks. Yet, even as we applaud today's sanctions vote, we must redouble our efforts to prevent Iran from acquiring nuclear weapons, and I look forward to further diplomatic and unilateral initiatives to convince Tehran that the costs of continuing on this reckless path are greater than any perceived benefit.

Hezbollah, the Shiite militia cum political party created in Lebanon by Iran's Revolutionary Guards in 1983, has rearmed in the aftermath of the 2006 war with Israel. Its arsenal of short-range missiles has reportedly been augmented by longer range Scuds, which can reach targets throughout Israel. The Scuds, believed to be supplied by Syria, augment Hezbollah's existing stockpile of up to 40,000 rockets stored in underground bunkers in southern Lebanon.

Turkey, which had been Israel's strongest Muslim majority ally and an important mediator between Jerusalem and Arab capitals, has, in recent months, become deeply hostile to Israel. In addition to hosting the organizers of the Gaza flotilla, Turkey has said it would reduce military and trade ties, and it has put off discussions of energy projects, including natural gas and freshwater shipments. Last year, Prime Minister Erdogan accused Israel of being a greater violator of human rights than Sudan, and today, Turkey was one of only two votes against new rounds of sanctions against Iran in the Security Council.

Most worrisome in the long term is the broad-based international campaign to delegitimize Israel. University campuses have been divided by divestment campaigns. There have been academic and economic boycotts of Israel in Europe, and many Israelis are wary of traveling to several European countries.

The great majority of the world's people alive today were not born until well after World War II and did not bear witness to the Holocaust. They did not watch as thousands of Jewish refugees, desperate to start new lives in Palestine after the war, were forcibly prevented from entering the country by Britain. They did not witness the miracle of Israel's birth in 1948 and

the immediate invasion of the new state by five Arab armies.

For more than six decades, this country has stood by Israel. We have admired its pluck, its ingenuity, and its dedication to democratic principles in spite of all of the threats it faces. While there has always been a strategic dimension to the U.S.-Israel alliance, the relationship has really been rooted in our shared values.

Madam Speaker, 17 years ago, on the occasion of the signing of the Oslo Accords, late Prime Minister Rabin spoke movingly of his journey.

He said, ''We have come from Jerusalem, the ancient and eternal capital of the Jewish people. We have come from an anguished and grieving land. We have come from a people, a home, a family, that has not known a single year—not a single month—in which mothers have not wept for their sons. We have come to try and put an end to the hostilities so that our children and our children's children will no longer have to experience the painful cost of war, violence, and terror.

''We have come to secure their lives and to ease the sorrow and the painful memories of the past—to hope and pray for peace.''

We share the prime minister's sorrow, and to the people of Israel, we say, America is with you.

PARADISE ISLAND FOR ILLEGALS

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

Mr. POE of Texas. Mr. Speaker, Sara Carter, at the Washington Examiner, reports the Mexican Government is opening up a satellite consular office on Catalina Island in California. It will be housed at the island's country club. Catalina Bay is a postcard picture of the lifestyles of the rich and famous, but the island has a long history of drug smuggling and human trafficking.

The consular's office is not there to help people come to the U.S. legally. Instead, the Mexican Government is giving out I.D. cards, called matricula cards, to illegals. These cards are used by illegals in the United States to get credit, to open bank accounts and—get this—to receive federally funded housing on the island.

The Mexican Government is an accomplice to the unlawful entry by these illegals. As further evidence of the willful arrogance of Mexico to violate and to ignore U.S. immigration laws, ICE officers said Mexican officials asked them to temporarily halt the enforcement of U.S. immigration laws on the island.

Isn't that special? Meanwhile, the invasion continues.

And that's just the way it is.

The SPEAKER pro tempore (Mr. MAFFEI). Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

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

ISRAEL'S RIGHT TO DEFEND ITSELF

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, I want to talk tonight about, obviously, some of the issues that are on everybody's minds as to what happened last week with Israel.

This was a premeditated attack. It was intended to provoke a response and to purposely initiate a violent confrontation. We know that those on the flotilla had terrorist ties to Hamas and to Iran and that Israel warned the boats that they were in violation of a lawful blockade and offered them safe harbor, where all the humanitarian aid would be off-loaded and delivered to Gaza.

It is striking how quickly the world looked to blame Israel for this incident, but as the details have emerged, it has become clear that the Israeli military attempted to resolve the situation peacefully and in accordance with international law.

I fully support Israel and their right to keep its people safe. It is my sincere hope that this incident will not deter our country and the international community from the need to continue to support Israel, to recognize its right to exist, and to take the steps required to advance the peace process.

Israel is a longstanding ally and friend of the United States, and we should continue to do whatever we can to support Israel and to ensure that international challenges to its security are resolved quickly and peacefully.

These Israeli servicemembers were beaten and stabbed while trying to escort the ship to port. Those on board the ship were trying to help a recognized terrorist group, Hamas, and Iran has offered to escort future flotillas.

Iran is a threat, not just to the United States or to Israel, but to the world. It is a real threat against global safety. We cannot just sit and watch Iran stir this pot up anymore. Iran has vowed to eliminate Israel. We as the United States should stay together to make sure that Israel, the true democracy in the Middle East, has that opportunity to protect its land.

Mr. Speaker, it is always a terrible thing when there is loss of life, but it is more terrible when other democracies start to condemn another democracy. Israel has the right to protect itself and its citizens. We in the United States would have done the same thing. We in the United States have come back to protect our citizens.

Mr. Speaker, the June 1, 2010, incident involving a Turkish-sponsored flotilla and the Israeli Defense Forces was a premeditated attack, intended to provoke a response and purposely initiate a violent confrontation. We know that those on the flotilla had terrorist ties to Hamas and to Iran and that Israel warned the boats that they were in violation of a lawful blockade and offered them safe harbor, where all humanitarian aid would be off-loaded and delivered to Gaza. It is striking how quick the world looked to blame Israel for this incident but as the details have emerged, it has become clear that the Israeli military attempted to resolve the situation peacefully and in accordance with international law.

I fully support Israel and their right to keep its people safe. It is my sincere hope that this incident will not deter our country and the international community from the need to continue to support Israel, recognize its right to exist, and take the steps required to advance the peace process. Israel is a longstanding ally and friend of the United States and we should continue to do whatever we can to support Israel and ensure that intentional challenges to its security are resolved quickly and peacefully.

These Israeli service members were beaten and stabbed while just trying to escort the ship to port. Those on board the ship were trying to help a recognized terrorist group, Hamas. And Iran has offered to escort future flotillas. Iran is a threat not just to the United States or Israel but the world and is a real threat against global safety. We cannot just sit and watch Iran.

AQUINAS BASEBALL

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

Mr. GINGREY of Georgia. Mr. Speaker, I applaud the Aquinas High School baseball team for reaching their first-ever Class A State Championship series.

I am a proud graduate of St. Thomas Aquinas in Augusta, Georgia, and I played on the baseball team under Coach Denny Leonard, so I was particularly thrilled to hear of the success that they enjoyed this season.

Coach Mike Laney did a terrific job getting his team to the championship. Aquinas surpassed all expectations. They were not forecasted to make it past the second round of the tournament, so I know Coach Laney must be especially proud with the team's march to the State finals. The Fighting Irish took down Walker in a competitive three-game semifinal series and then advanced to the championship to face Wesleyan, the defending State champions.

They gave it all they had, but unfortunately, they came up a little short. Nevertheless, Aquinas has a very young team, so there is not a doubt in my mind that they will be back next year—even stronger and more competitive.

Congratulations on your hard work, accomplishments, and great season. Go, Irish.

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

(Mr. HOLT 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.)

MORATORIUM ON OFFSHORE DRILLING IS THE SECOND DISASTER IN THE GULF OF MEXICO

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. Mr. Speaker, the moratorium on deepwater offshore drilling will prevent drilling in the Gulf of Mexico for the next 6 months or longer.

Why do we have the moratorium? What is the purpose?

When we have a plane crash, as disastrous as that might be, we don't close down the entire airline industry for 6 months—that wouldn't make sense—but now we want to close down the drilling offshore for 6 months.

What is the reason?

The 6-month moratorium on drilling will be another economic catastrophe for the United States. Six months is a long time in the drilling business. These wells can't start and stop overnight, and neither can the support industries.

Mr. Speaker, this chart right here shows the coasts of Texas and Louisiana, and on this chart, out in the Gulf of Mexico, there are about 4,000 offshore rigs. These 4,000 rigs will not be allowed to drill, based upon the administration's moratorium, for the next 6 months. All of these yellow dots represent a drilling rig that is offshore, and they go about 75 to 150 miles off the Texas-Louisiana coast, not counting those off of Mississippi and Alabama.

Some companies are already moving workers to Brazil and to the Middle East because of this absurdity of a moratorium. Texas and Louisiana will lose an estimated 20,000 to 30,000 jobs just in this industry, not counting all the related industries that are onshore. The people who supply those rigs—the food, the transportation, communications, goods and services—all of those jobs will be gone if these rigs are not allowed to drill. The longer the uncertainty continues here in America, the worse it will get, and there is no guarantee these jobs will ever come back. That is not only a threat to our economy. It is a threat to national security.

That means the United States will now import more oil from countries that don't like us—like the Middle East and Venezuela. Now China and Russia, two of our buddies, are going to drill off the coast of Cuba with Venezuela and Vietnam.

Isn't that a lovely experience?

The loss of our domestic source of oil in the Gulf of Mexico will make us further dependent on foreign oil and will increase energy costs to all Americans, and that will also increase tanker traffic bringing that oil into the Gulf of Mexico. There have been 16 large international oil spills of over 30 million gallons, and only three of those have been from offshore drilling rigs. The rest have been from oil tankers bringing oil from one place to another. So we need to put a proactive plan in place so we can better deal with accidents in the Gulf of Mexico.

It took 9 days for the administration to make remarks about the impact of the Deepwater explosion and for DHS to declare the spill of national significance. There was no clear chain of command for who was in control of the disaster. There doesn't seem to be any plan. There should have been a plan in place immediately to respond. That's the government's responsibility. Some say it was the Coast Guard's. Others say it was the EPA's. It is still somewhat of a mystery as to who was supposed to be in charge and who was supposed to be in control of the cleanup and of the containment when the explosion occurred.

It took 37 days to attempt the top-kill procedure. Why so long? We don't know the answer yet. The majority of the pollution is a result of the delay, not of the explosion. I repeat: The majority of the pollution is the result of the delay and not of the explosion itself.

□ 1815

Now government is overreacting to the aftermath and making the economic impact worse by prohibiting the drilling of these other 4,000 wells. The moratorium could end up being a worse economic problem than the accident itself. It's the second disaster now in the Gulf of Mexico.

The EPA was created in 1970 to address industrial pollution, and they have somewhat of a history of overreacting and overregulating. And the bottom line is they are driving and have driven American manufacturing jobs to other countries. We cannot allow this to happen again with offshore drilling.

As much as we need to use all alternative sources of energy, right now our economy runs on fossil fuels, and that's not going to really change anytime soon. So we either have to import more oil or we have to allow these rigs to drill.

America doesn't yet run on windmills and moonbeams. We need a plan for future disasters, to include who is in charge of stopping the leak, who is in charge of containment of the oil spill, and who is in charge of the cleanup. As of today, there does not seem to be a comprehensive plan to implement.

And that's just the way it is.

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

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

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

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

POLITICAL PRISONERS IN CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, this morning I had the privilege of speaking by telephone with one of the most important and respected leaders of the pro-democracy movement inside Cuba, Jorge Luis Garcia Perez, ''Antunez,'' from his house in the town of Placetas in the province of Villa Clara.

I always learn when I speak to Antunez. He conveyed to me some facts that I think should be known by my colleagues.

Fact: There are not 200 political prisoners in Cuba; there are thousands of political prisoners in Cuba. As Amnesty International has recently admitted in one of its published reports, the dictatorship uses criminal penal charges and sentences for so-called crimes, such as contempt against authority and dangerousness—criminal charges to deny, to hide the status, the political status, of prisoners of conscience.

Fact: Various pro-democracy leaders and political prisoners are on hunger strikes, as we speak, in Cuba. Most well-known is the hunger strike being carried out by the peaceful pro-democracy leader Guillermo Farinas, a psychologist and journalist who demands the release of the 25 most gravely ill prisoners of conscience to their homes.

But there are others also engaged in hunger strikes at the moment, and their heroic efforts need to be known as well. Guillermo del Sol Perez, a former political prisoner, is on a hunger strike in Santa Clara. And the following current political prisoners are engaged in hunger strikes at this moment: Egberto Angel Escobedo Morales, Mario Alberto Perez Aguilera, and Ernesto Mederos Arrozarena.

Fact: There are many political prisoners who are gravely ill and, yet, have not been included on any of the lists that have been made public—for example, Armando Sosa Fortuny and Cecilio Reinoso Sanchez.

Jorge Luis Garcia Perez, ''Antunez,'' is a great leader and one of my heroes.

Before being released from prison in 2007, he spent 17 years as a political prisoner due to his peaceful advocacy for democracy in Cuba.

He and his wife, also photographed here, Iris Perez Aguilera, have been detained, harassed, spat upon, and beaten innumerable times since his release in 2007 from prison. But Antunez never gives up. He told me this morning he has a new blog, ''Ni me callo, ni me voy''—''I won't shut up, I won't leave.''

I not only learn, Mr. Speaker, when I am able to speak with Antunez, I receive strength from his courage, patriotism, and devotion to the struggle for Cuba's freedom.

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

(Ms. RICHARDSON 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 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.)

DESTRUCTION AND DEVASTATION IN THE FIFTH DISTRICT OF OHIO

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

Mr. LATTA. Mr. Speaker, I rise today with a heavy heart to remember the five lives of five constituents from my district who were killed this past weekend as a severe thunderstorm which produced two tornados swept across my district, leaving a trail of absolute destruction and devastation.

Mary Walters and her 4-year-old son, Hayden, in addition to Ted Kranz, Kathy Hammitt, and Bailey Bowman, all died during the storm.

On Sunday I rode with the Fulton County sheriff, and on Monday I rode with the Lake Township, Wood County chief of police to get a firsthand view of the devastation left behind by these tornados. During these visits, I spoke with many residents who survived the storms and heard them relate their miracle tales of survival.

I also want to recognize the 2010 graduating class of Lake High School in Wood County for their steadfast will and character in the wake of this deadly storm. One of the tornadoes hit Lake High School, completely destroying the school. This happened only hours before the senior class of 110 students were scheduled to hold their commencement ceremony Sunday afternoon. And, sadly, the class valedictorian, Katie Kranz, lost her father during that storm.

The true character, compassion, and strength of the people of America come through in times like these, as the surrounding communities have stepped up to help in whatever way possible during the recovery effort. The local chapter of the Red Cross and other volunteer organizations were quickly on the ground to lend their support.

The local elected officials and administrators of Wood and Fulton Counties should also be commended for their organization and leadership during these trying times. Their quick response to help those in need has held the community together during this time.

I also want to commend other communities in the area, like the city of Northwood, who helped by letting the Lake Township Police use its communications headquarters after the Lake Township Police Department was destroyed, as well as the administration building.

The city of Oregon has lent three police cruisers to the township, as well as the Wood County sheriff lending two. Why? Because the Lake Township lost six of their cars during the storm.

Yesterday I sent a letter to President Obama requesting that Wood and Fulton Counties be declared Federal disaster areas as soon as possible. This will be important for the counties so that they may have access to as many resources as possible during the recovery efforts.

This afternoon, Governor Strickland is also asking for a declaration for Federal assistance, and I thank him for it.

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.)

HONORING THE LEGACY OF COACH KENNETH CARTER

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

Mr. GINGREY of Georgia. Mr. Speaker, after 49 years of dedicated service to the Marietta community, Coach Kenneth Carter is retiring from his position with the Physical Education and Health Department and as a tennis coach for Marietta High School.

Coach Carter has been a dedicated educator and a role model for sports teams in the Marietta school district for as long as I can remember. He has coached football, basketball, track, and, most memorably, tennis, where he had a record of 16 consecutive wins, one State championship, and nine region championships.

He received the Georgia Tennis Coach of the Year award and also was inducted with the 1985 tennis team into the Marietta High School Hall of Fame.

Prior to his career with Marietta City Schools, Ken Carter worked for the Atlanta YMCA, teaching and training children. He drove a bus back and forth from the Y, making sure that underprivileged kids had access to the facility. Coach Carter has always said that behavior is the number-one problem with youths, and the training he gave at the YMCA taught kids how to be both good athletes and good people.

It was here that Coach Carter met the Reverend Martin Luther King, Jr. King went to the YMCA often to swim, and Carter would listen to his stories about civil rights issues. Coach Carter says working with King was a source of personal inspiration and many life lessons.

Coach Carter has also been very active with his church and served as the superintendent of Sunday School for 22 years.

His dedication and selfless attitude are well-known, as Coach Carter has been recognized as the Outstanding Man of the Year, Teacher of the Year, and has also received an Outstanding Service Award.

Congratulations, Coach Carter, on your retirement, and thank you for everything you have given to Marietta's school system.

TAKING A CLOSER LOOK AT THE GAZA FLOTILLA

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

Mr. ROHRABACHER. Mr. Speaker, recently, Israeli military personnel intercepted a flotilla of ships headed towards Gaza. The world outcry has been deafening. It has also been misplaced.

The Israelis have been portrayed as committing violence in order to prevent food and humanitarian supplies from reaching women and children in the crowded Palestinian community of Gaza.

Yes, that would certainly be an outrage if that is what was going on. But the actions taken by Israel are aimed only at preventing rockets from being shot into Israel, not denying food or medicine to the Palestinians. The image in the public's mind is totally distorted. And what the world needs to do is take a closer look at what is being presented to them.

Even Al Jazeera, the most prominent Arabic TV news station, could not block out the reality of so-called activists, peace activists, who were really thugs, attacking Israeli soldiers with lead pipes and clubs. The soldiers are seen refraining from using their weapons as they watch fellow troopers being beaten into a bloody pulp and lying on the ground, their lives in danger.

Well, who first initiated violence, the violence that we are talking about, is not in question. Even Al Jazeera could not hide that fact. Yet, photos of the wounded and dead who ended up—and these were wounded and dead activists, after they had started beating to death

the Israeli soldiers and, thus, force was being used in order to protect these soldiers' lives—well, only these pictures of wounded and dead so-called peace activists were highlighted in reports of this incident.

This distortion is intended to deceive the people of the world. The so-called activists created the violence that erupted when the flotilla was intercepted for inspection.

Now, apologists will simply say that those pipe-wielding thugs were justified because the Israelis should never have stopped and interdicted those ships aimed at giving humanitarian supplies to the people of Gaza. Well, why was that inspection necessary? Never stop asking that basic question. Why was it necessary for that inspection?

They weren't stopping the supplies; they were simply inspecting the cargo. Why are the Israelis insisting on inspecting the ships going to Gaza? Because Palestinian territory is being used to launch thousands of rockets and artillery at civilian communities in Israel from Gaza.

Now, the purpose of the flotilla was not to put food and humanitarian aid in the hands of the Palestinian women and children. That would have happened anyway because the Israelis, they just wanted to inspect this and then let that food and humanitarian supplies go forward.

No, that wasn't the purpose. The purpose of the flotilla was to prevent Israel from stopping the missile attacks on Israeli women and children by preventing Israel from interdicting weapons shipments into Gaza with the humanitarian aid as a cover.

No. These missile attacks from Gaza are, by anybody's definition, a terrorist attack. If the Palestinians want food and humanitarian supplies, end the rocket attacks.

□ 1830

Israel would be very happy if that happened, to let any food and humanitarian aid go into Gaza. And this is not an unreasonable demand on the part of the Israelis to at least inspect the cargoes in order to ensure that they are not being used to cover up the shipment of weapons that are being used to kill Israeli citizens. If you are launching explosive projectiles into Israel, Israel has a right to look at what you are shipping into your country to make sure you are not shipping in those items that are necessary to shoot these things into Israel and kill women and children.

So in reality, the so-called peace activists were not victims at all. They were belligerent, they were hostile, they were seeking more killing in the form of not only just killing these Israeli soldiers trying to inspect their ships, but killing more Israeli civilians through rocket attacks. They also, of course, are not just killing innocent people; they are undermining any chance for peace and reconciliation between the Palestinian people and the Israeli people.

No, those so-called peace activists were the villains in this situation, and those Israeli troopers who tried to at least inspect it to see that rockets were not being smuggled in, they were the heroes of the day. The world needs to seek truth in this issue and ignore the distorted picture they are being presented.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

THE ISRAELI BLOCKADE AND THE FLOTILLA

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

GENERAL LEAVE

Mr. WEINER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the Special Order that I and Leader HOYER will be convening for the following hour.

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

There was no objection.

Mr. WEINER. Mr. Speaker and my colleagues, in the overnight hours of May 31, about 10 days ago, news broke that we now have become very familiar with—the previous speaker referred to it, and several of my colleagues have come to the floor this evening to talk about it—where a flotilla coming from Turkey was intercepted as part of the effort of the State of Israel to defend a blockade that was set up.

I want to spend the next hour talking a little bit about that boat and how it progressed, where it came from and why, and perhaps importantly drill into a little bit the idea of what the blockade is all about and what the history was. It is impossible to fully understand this issue only looking at it from the point of Israeli naval officers climbing on board a ship and saying, okay, I think I understand the story because I see that picture. That would no more be the truth than to watch the closing scene of Casablanca and say, okay, I understand what happened in this movie.

This was indeed a tragic thing. Anytime there is loss of life, anytime you have military officers, commandos climbing on a boat, something has broken down, something has failed. But what I don't think is fully understood, and still to this day isn't understood at capitals around the world, is who initiated this thing and why it was initiated.

Make no mistake about it, my colleagues, as Leader HOYER will be mentioning when he arrives here shortly, the condemnation that rang around the world against Israel is almost a default position in European and Arab capitals of the world. There is almost no surprise. It is also true that those very same quarters are the ones that criticize the United States at just about any opportunity. And in many of those same places you also see far too much joyous chest beating anytime something like this goes down where the United States or Israel is involved.

It was undoubtedly unfortunate that it occurred, but it didn't happen by accident. If you look at the history of this incident, it actually started not on May 31, when the sailors climbed aboard that boat, but it started on May 17, a couple of weeks earlier. What happened then? What happened then was the Israeli Government got wind of the idea that this flotilla was leaving from Cyprus, Turkey, and said, look, understand that there is a blockade around Gaza that controls what can get inside of Gaza for obvious reasons that I will go into further later. But, frankly, to stop weapons from going into Gaza, because it is weapons and missiles that have come into the Gaza Strip, which is controlled by the terrorist organization Hamas, that have been used to terrorize Israelis. Terrorize to the magnitude of about 10,000 rockets have left from Gaza since Israel left it in 2007 and Gaza was controlled by Hamas.

So they say we have an internationally recognized blockade that's been supported by both the Bush and Obama administrations to prevent ships from coming in without their having their goods inspected. So what the Israeli Government did is they reached out internationally to the sponsors of this boat and to the people on the boat and said, look, you are welcome to bring your supplies here to Gaza.

So it was on May 31 that this boat was intercepted off the coast of Gaza, but it was May 17 that Israel said, look, if you are interested in bringing humanitarian aid to Gaza, you are welcome to do it. All you have to do is bring it into Ashdod, which is right here, and we will look at the goods, make sure there is nothing dangerous in there, and then we will allow it to be escorted into Gaza via truck.

That's not an unusual occurrence. In fact, as of this morning 11,972 trucks during this period of time the blockade has been in effect have been escorted in just such a way. It's not unusual for humanitarian aid to come into Gaza. Despite much of the rhetoric we have heard from the international community, Israel facilitates it through a process.

Now, the people on those boats, this humanitarian boat that theoretically was trying to bring humanitarian aid to Gaza, said, no, we are going to take this flotilla of boats and we are going to go into the teeth of this blockade. They were reportedly warned repeatedly, and no one has disputed that.

They were warned, look, a blockade is essentially a military thing.

It is the same type of thing that we used in our blockade of Cuba. It is a recognized blockade. Because if you think about it, there aren't a lot of ways—if you look at the map here, this little stretch of land is what we are talking about. It borders Israel on some sides. Egypt, which is a participant in the blockade, they support and help support the blockade that Israel has. This huge coast here has been used in the past, particularly by the nation of Iran, to import weapons in.

But instead, this humanitarian ship, which was no humanitarian ship as we later learned, this humanitarian ship, said, no, we are going to keep going. Now, I ask you, ladies and gentlemen, none of us are naval officers in this Chamber. Actually, Congressman SESTAK is a naval officer, and I don't see him here today. But when it comes to enforcing a blockade, you don't have a lot of tools in your quiver.

Now, there are some ways that you can debilitate a boat, that you can stop its rotors from turning by essentially jamming it up from waters underneath. That was done with one, two, three, four, five of the other boats that you didn't hear about in the newspaper. But those boats were stopped using the efforts of the military in Israel to stop them in the most peaceful way possible.

Now, if a boat is coming into a blockade and it might pose a threat to Israel or to the United States, I mean, you can very easily change the names of the country and say a boat was coming from Yemen to the United States, and it's coming in and it wants to cruise down into the East River. Of course the United States would not let that happen, and the Coast Guard would say you are going to stop right here so we can inspect what's on this boat. And if they kept going, certainly we would not say, oh, that's okay. Every step necessary would be taken to stop them.

Well, that's kind of what happened here. What effectively happened was this boat said we are not going to stop, and they said we are going to leave the Israelis with no opportunity except to board the boat. That's what created the conflict. Israel did not create the conflict. They were essentially in a defensive posture, saying this is the line, don't cross it; and we are going to give you every opportunity before you reach the line to avert this conflict. The people on the boat chose not to. They wanted this conflict. They wanted this conflict. They did not want to deliver humanitarian aid; they wanted this conflict.

Well, once the conflict was upon the Israelis, I think by just about any definition of restraint the Israelis used restraint. They climbed aboard with quite literally paint guns on their shoulders to use when they landed. The only arms that they had were sidearms for the personal protection of these guys. And when they lowered themselves down on the boat, they were set upon by these humanitarian peace activists, I say with my tongue firmly in cheek. They were set upon with knives. They were set upon with steel poles. They were set upon with bullets. There were magazines and casings on the boat that did not match any of the Israeli sidearms. It was tragic that that happened. It was sad that it happened. But it was almost entirely the decision of the people on that boat.

Now, I say almost entirely, because that boat did not just appear out of the ether. It didn't just appear out of thin air. It had an enormous amount of support by some of the worst enemies of peace in that region, and some of the worst enemies, quite literally, not only of Israel, but of the United States as well. And I mean Turkey, Iran, Hamas. These are not entities that were looking for some peaceful resolution here.

Remember, once again to reiterate, here in the Gaza Strip, when elections were held in Israel, Israel does not any longer occupy the West Bank or Gaza. They left. They left it to the Palestinian people. This part here, the West Bank, is run by the Palestinian Authority.

Many of my colleagues know Mahmoud Abbas was here in Washington today and met with the President. This is a place that's had a great deal of economic growth. There has been a reduction in the amount of violence coming out of the West Bank. There are still problems, and I still think it is outrageous we provide any aid to the West Bank or Gaza so long as Mahmoud Abbas refuses to engage in direct negotiations for peace.

But putting that aside for a moment, in this area here, not the Palestinian Authority or Fatah, but Hamas, the terrorist organization Hamas that is funded by Iran, that gets their weapons from Iran and is in a declared state of war with Israel, has said they don't support a two-state solution, they support a no-State of Israel solution.

Now, who is it that has been supporting that? Actually, it's not Egypt here. They have been working very hard to enforce the border that they have here and help to enforce the embargo. But it's basically Iran. Iran has been exporting terror here, not only here, by the way, but also up here to Hezbollah, to Nasrallah in Lebanon through their agent Syria. But that is why the blockade exists. It's not just because Israel wants conflict. Quite the opposite: it's to try to prevent essentially a war going on here with more and more rockets and more and more armaments coming on shore.

So when this embargo is enforced, it's not only protecting the people of Israel; it's protecting the United States, because this is a way that Iran wants to set up essentially what is an agent of their own in the Middle East. That's what they want.

So when the Israelis boarded the boat, they were set upon. The sailors were beaten. They were stabbed and shot, as I said. And when the dust settles, we had an opportunity, as all the world did, to see what was on that boat.

Let me tell you what the humanitarian aid was that was on that boat: 100 units of metal rods of various length—well, I am sure that was going to feed a lot of children; 200 knives of various sizes; 150 military-style and Turkish-produced self-defense vests, military-style; seven electric saws; 100 pipe wrenches; 50 wooden clubs; 20 axes; a telescopic sight for a gun; four night vision goggles; 100 diving lights; 150 head lamps; and of course boxes and boxes and boxes of propaganda and tapes, all of them in Turkish.

Now, if there was a true interest on the part of this boat of providing food or aid to the people of Gaza, I believe they had an opportunity, obviously, to go to Ashdod and drive it in. They did not want that.

So what is the correct response of the United States and the world community when confronted with these facts? Well, we have a couple of things. First of all, we should understand that even if we are the last country on Earth that understands the facts that I have been laying out here, even if we are the last country on Earth that understands the importance of Israel's role in the region and how they are set upon in a similar way that the United States was on September 11, except the difference is they have that every day, we should stand with Israel. Even if we are the last country on Earth saying it, we should say, look, the facts are the facts here.

As much as we would like to say Turkey is a player for peace here, no, they were a player for war here. And as much as we might like to say you know what, boy, I wish everyone would just get along in that region, it's Israel who is now sitting at the bargaining table for peace and the Palestinians who are refusing to do so.

□ 1845

But I think, my colleagues, we also have to consider something else, and that is all our relationships with some of the players who are behind us. Let's consider Turkey. This would not have happened were it not for the nation of Turkey taking the role that they did. They funded the ship. They provided international cover. The Turkish Foundation for Human Rights and Freedoms and Humanitarian Relief, IHH as it's known in Turkey, has been linked to Hamas, and they helped to fund this. The Turkish Government just today voted against sanctions on Iran because, hey, this is apparently an agent, a country that they would like to be an agent for.

And for a lot of time, we kind of worship at the altar of the moderate Muslim state, the moderate Arab states that, you know what, we hope that they are there to be a fulcrum for peace, but it's not unlike a child wanting to see a unicorn. It would be great

if it happened, but we have to realize the facts are the facts, and NATO membership for Turkey has to be called into question here. We have to start to say to ourselves whose side is Turkey really going to be on, because what they did here is, rather than being an instrument for peace where they could have very easily said, We're sponsoring this boat. Go to Ashdod right here and offload the humanitarian aid. Or, We're sponsoring this boat. We're not going to have cases of knives on board. We're going to have cases of baby food because we want to help the people of Gaza.

That hasn't happened. And we also have to realize something else, and then I want to yield to some of my colleagues who have joined me.

We have to realize that the default position of Europe and the Arab capitals of the world is always going to be against Israel. We can't allow that and that alone to be the determinant of whether or not, of how our foreign policy is prosecuted. There's a terrorist state that controls Gaza right now. It's a terrorist state that, if they could, they would destroy the United States of America tomorrow, and they're starting with Israel.

The gentleman from Connecticut has been a great leader on this issue. I will be glad to yield to him.

Mr. HIMES. I thank the gentleman from New York for his eloquent treatment of the facts, and I thank him for focusing on the facts at hand.

One of the most disheartening aspects of the flotilla situation was the extent to which the facts were initially set aside by much of the world, and instead, prejudice was allowed to emerge, a prejudice against our ally, Israel. And we subsequently learned, of course, that the facts are a good deal more complicated than perhaps we were led to believe initially. As my colleague from New York points out, this was a flotilla with more than one agenda, a flotilla with a clear intention of provoking the kind of response that was ultimately provoked. And make no mistake, there's not a person in this Chamber or anywhere else that isn't saddened by the loss of life in the Mediterranean.

But I'd like to step back for a moment, away from the immediate facts that Mr. WEINER did such a good job at articulating, to some larger issues that cannot be lost in the week-to-week, the day-to-day of our relationship with the State of Israel.

The best way I can encapsulate what I'm talking about here is that Israel, for the United States, is family. We speak of a special relationship with Great Britain. We have at least a special relationship with the nation of Israel. It is a relationship of family. In some cases, very literally. In other cases, and for this Nation as a whole, we are family because we share so many values, so many of these values that are incorporated into this building, into our constitutive documents, our Judeo-Christian values, to which we owe a debt of obligation to Israel. And, of course, it is the only democracy in a very, very dangerous region. For that reason alone, we would resonate with the State of Israel. And, of course, something that is all too often forgotten, the economic ties that we have, the economic similarities, economies based on innovation and creativity.

All three of these things make Israel family, and we can't lose sight of this as the facts are outed. As investigations are undertaken, we can't lose track of that underlying fact, especially in a world where our family is at risk—and this room is full of fathers and mothers, and we know what that phrase means.

I traveled to Israel last summer, and I stood at Sderot and saw how close and how severe the risks of Hamas, an entity dedicated to the destruction of the State of Israel, how that is not abstract. In fact, that is barely an arm's length away from the State of Israel. To the north, of course, Hezbollah, another entity, sponsored by Iran, dedicated to the eradication of the State of Israel. And, of course, Iran itself, not far away and hell bent on the creation of weapons of mass destruction and leaving absolutely no ambiguity about what it would do with those weapons of mass destruction.

I'm not saying that any of that changes the facts that my colleague from New York has laid on the table that will be investigated, that will be considered, that will probably be most interestingly and comprehensively investigated by Israel herself. But we cannot, any more than we lose loyalty to our sons and daughters, our cousins, our brothers and sisters and our spouses, forget that we are talking about family, and that when family is at risk, we lean in to our family, and we remind the world that there is a reason why Israel is part of our family—a reason of values, a reason of democracy, and the reason that we stand here today to remind the world that Israel is our family.

Mr. WEINER. I appreciate his thoughts and his leadership on this.

Just to put it in further context of the relationship between the United States and Israel, this is a tiny town of Sderot that you mentioned in your remarks. In the period of time since Gaza has been controlled by Hamas, there have been 6,066 rockets fired from that area into Sderot, 4,434 mortars. And I ask my colleagues to envision your town, envision the district that you represent, envision this city being under that type of barrage from a specific place. Do you think a blockade would be an excessive step to take? And that's why it's so important that we stand here today, and it's particularly important that Leader HOYER asked us to gather today to make these points.

And before I yield to anyone else, I want to yield to the majority leader of the House of Representatives, STENY HOYER.

Mr. HOYER. I thank my friend for yielding. I thank my friend for leading this effort at my request, and I thank those who have joined in in raising our voice to defend actions that really need no defense, actions that any nation on Earth would take if it were similarly threatened, any nation on Earth.

Mr. Speaker, in the early morning hours of Monday, May 31, Israel naval forces intercepted six ships carrying mostly Turkish demonstrators attempting to break the blockade of the Gaza Strip. There was no confusion. That's what they said they were going to do. Israel gave them notice 2 weeks prior to this that they would not allow that to happen. So there was no confusion here about what was happening.

Five of the six ships complied with the IDF requests. The largest of them, however, the Mavi Marmara, refused, clearly bent on violent confrontation as it was boarded by Israeli defense forces, as they knew they would be. There was no confusion. These IDF troops were violently attacked with knives, clubs, and other weapons.

Let me remind you that in five of the six in this flotilla there was no violence. There was something in common on all of those ships. IDF forces were on all of those ships. But five of those ships, knowing full well that the blockade would not be allowed to be breached, offered no violent resistance.

At the end of the skirmish on the Marmara, seven members of the IDF had suffered injuries, including gunshot wounds and head trauma, and nine demonstrators, tragically, on the Mavi Marmara had been killed. No one wanted that result. I think not even those who were committing the violence on the IDF forces wanted that. But once violence is initiated, one cannot predict the outcome.

Those deaths are tragic. The events leading up to them deserve a full and scrupulous investigation. But this much, ladies and gentlemen, is clear. To call all the passengers of the Mavi Marmara nonviolent peace activists would be a victory for propaganda, not for fact. Peace activists don't launch attacks with knives and guns, and they certainly don't do so while chanting slogans calling for the death of Jews as an al Jazeera broadcast showed. Not an Israeli broadcast, but an Al-Jazeera broadcast showed the chants from those ships, from this ship, Kill the Jews.

However much we lament those nine deaths—and we do so—the fact is that the IDF was faced with an organized, violent assault and responded in self-defense, as we would expect any of our own forces to do wherever they may be sent to defend our country. Unfortunately, but not unsurprisingly, this incident has renewed international condemnation for Israel's blockade of Gaza from countries I suggest to my colleagues that would do exactly the same thing.

I cannot believe there's a country in Europe, in Asia, in Africa, in South America, or on the North American continent that would not say, If you breach this blockade that we have in place for our own security, we will confront you and stop you.

But that blockade exists for a reason: to keep weapons out of the hands of Hamas, a terrorist organization dedicated to the destruction of Israel and to random attacks on Israeli civilians.

Mr. WEINER has been pointing out the map. Probably most of us on this floor who are going to speak have been to Sderot. Some of us have been in the gymnasium that is an armed camp where it is the only safe place for the children of Sderot to play. Some have been with me to Sderot.

The attack on Israeli civilians has continued without abatement. I don't mean that it hasn't lessened from time to time, but never has there been a time when Israelis felt that the violence was concluded, because Hamas has made it clear that it will not conclude.

Hamas is dedicated to the destruction of Israel and to random attacks on Israeli civilians. The blockade was launched with the cooperation of Israel's neighbor Egypt when Hamas staged a violent coup to expel its political rivals and seize total control of Gaza. Who were its political rivals? Palestinians. The elected leadership of the Palestinian Authority.

And the blockade could end today, my friends, if Hamas recognized Israel's right to exist—as is the principle of the United Nations—gave up its commitment to murdering civilians, and released the Israeli soldier it holds captive.

To the extent that life is hard for those in Gaza, the prime cause is the terrorist organization that keeps them hostage, holds power through violence, and monopolizes the food and humanitarian supplies that Israel allows across the border.

Indeed, ladies and gentlemen, my colleagues, pay close attention to this point. Indeed, it is Hamas, not Israel, that is currently preventing the humanitarian goods from this very flotilla from reaching the Palestinians in Gaza. Not the blockade, but Hamas.

Finally, the United States should and will resist all one-sided attempts to condemn Israel at the United Nations. The UN, a body committed by its charter to universal human rights, has for much of its history, unfortunately, been sadly fixated on singling Israel out for condemnation—the only democratic nation in that region of the world that recognizes human rights. And we see the Supreme Court of Israel saying, time after time, you cannot do that government. That is a nation of laws. Yet it has been singled out for condemnation as much more serious crimes and crises have gone unaddressed throughout the world.

The biased record extends beyond the infamous 1975 resolution equating Zionism with racism. The U.N. General Assembly has convened an emergency special session 10 times. Not, I would suggest to you, when the North Koreans killed, obviously premeditatedly, 46 individuals in their ship of South Korea in South Korean borders.

□ 1900

Six of the times that they met out of 10 have focused on one small besieged nation, Israel, while no emergency session was ever held on the Rwandan genocide, not held on the ethnic cleansing in the Balkans, not held on the genocide in Sudan.

The 2001 U.N. World Conference Against Racism neglected racism around the world to again single out, almost exclusively, Israel and Zionism. The U.N. Human Rights Council, whose members include Saudi Arabia, China, and Cuba, has only one permanent topic on its official agenda. Now, I have mentioned three genocides that have occurred. They are not on that agenda. Israel. Even Secretary-General Kofi Annan criticized the Human Rights Council for its ''disproportionate focus on violations by Israel.''

Should Israel comply with international law and the mores and values of the international community? Yes. Does it? Yes, yes, it does. And like every Nation, however, it enjoys the right to self-defense.

This troubled history is exactly why I'm skeptical that the United Nations will treat Israel justly now. What happened on Mavi Marmara needs a real investigation, not one colored by years of one-sided bias.

Mr. Speaker, despite what happened last Monday, the fundamentals of this conflict remain just as they were the day before. The overwhelming majority of Israelis want to live in peace with the Palestinians side-by-side in two States. So I believe do most Palestinians, but the extremism and hate of groups like Hamas stands in the way.

In my view, Mr. Speaker, there were those on those ships who sought this confrontation. Again, not for the purposes of humanitarian relief but for propaganda and for putting Israel at risk from those who wish its destruction. It is not a secret wish. It is an articulated wish. All the world knows the intent of Hamas: to destroy Israel and remove Jews from the Middle East because they say so.

Let us not be confused, Mr. Speaker. Finding a way to peace is fiercely difficult. It should not be made more difficult by those who see more propaganda value than human values and these loss of lives.

I thank my friend from New York for leading this Special Order that is so important so that our voices are heard here and around the world as it relates to our commitment to the sovereignty, security, and safety of Israel.

Mr. WEINER. Well, I thank you, and before the majority leader leaves the floor, I think on behalf of all of us in this institution, long before you were the majority leader here, it was hard to think of a Member of the United States Congress in maybe anytime in the 62-year history of Israel that has had a stronger sense of commitment to the U.S.-Israel relationship than you, whether it was leading this body in a condemnation of the Goldstone Report, a one-sided document produced by the United Nations; leading this institution in support for Israel and, in fact, for the United States during the Gaza war.

It is important, that final note that you made about who Hamas is, they are an enemy of Israel for sure, but they're also an outpost for Iran. We have something very strong in common with Israel beyond just our common sense of democracy and culture. We have the common enemy that when this boat was traveling, it was traveling essentially doing the bidding of Iran, and we have to recognize that Israel is on the front line of what is essentially a threat to us.

I want to thank you on behalf of all of us who fight all the time to keep that Israel-United States relationship close for all that you have done in leading this institution.

Mr. HOYER. I thank my friend for his comments and thank him for his leadership.

Mr. WEINER. It is also important that we recognize something else that the majority leader said about the use of human shields on that boat. There were probably some people on that boat who were completely without malice; although most of the loudest voices made it very clear that all of them that we heard seemed to want nothing more than conflict and more than having Israel wiped from the face of the Earth. But remember, when there was the war in Gaza, when there was the war in Lebanon, the one thing consistent about agents of Iran that they always do, these terrorist organizations, they're always using human shields. They're putting civilians and putting weapons in the neighborhoods of civilians all the time.

I yield to the gentleman from New York.

Mr. MAFFEI. I thank the gentleman from New York. I also thank the gentleman from Florida for his graciousness.

Mr. Speaker, I want to address exactly what the gentleman from New York (Mr. WEINER) was talking about and, that is, Iran's involvement and what we can do about it. Indeed, it has been since 2007 that Israel, along with Egypt, has instituted this blockade of the Gaza strip to stop individuals from smuggling weapons, and over the course of the blockade, as we have already talked about, Israeli defense forces have diverted numerous ships, all without incident. Nobody ever wishes for fatalities or injuries to occur during the enforcement of a blockade, but the fundamental thing to understand is that Israel has the same right to self-defense as any country.

Days before the incident, Israel notified Turkey and other governments participating that it would not allow flotillas to breach the blockade at Gaza, and as Mr. WEINER indicated at the beginning of this hour, humanitarian aid was allowed to be off-loaded in the Port of Ashdod.

I am confident that the Israeli government will conduct a full and credible investigation regarding this incident, and it is imperative that we draw on the special relationship that endures between the United States and Israel and continue to stand by our ally.

But I'm even more concerned that the media circus surrounding this incident may distract us from the real threat that Iran continues to pose, not just to Israel, not even just to its neighbors, but to the entire world, including the United States. The blockade was largely due to Iran's continued efforts to smuggle weapons, and we must keep an eye on that.

Now, in fact, the U.N. Security Council actually passed a resolution today, Resolution 1929, which imposes new sanctions against Iran because of its suspected nuclear weapon program, the Revolutionary Guard, ballistic missiles, and nuclear-related investments. The resolution does expand on three previous sanctions on Iran by strengthening and expanding existing measures and breaking ground in several new areas.

What the majority leader said about the United Nations is correct. We must always be somewhat skeptical about their resolutions. So the fact that even the United Nations is now passing this resolution should indicate a strong message about how dangerous Iran continues to be.

It is increasingly important that the United States stand with the State of Israel and impose even stronger sanctions than the U.N. has. A nuclear-capable Iran poses a major threat to the entire world. By combining a nuclear weapon with a current missile program, Tehran would be capable of targeting American troops and its allies throughout the Middle East and beyond.

Iran is one of the leading sponsors of terrorism and continues to spout anti-Semitic rhetoric regarding the State of Israel. President Obama has stated all options should remain on the table for dealing with Iran. However, currently tough sanctions that are strictly enforced remain the best option to try to persuade Iran's leaders to do away with their nuclear program.

Both Chambers of the 111th Congress have already passed Iran sanctions legislation. Currently, the conference committee has been working on reconciling these different bills. The legislation would increase pressure on Iran by restricting their ability to purchase or refine petroleum products. Despite being one of the largest producers of crude oil in the world, Iran lacks adequate refining capability to meet its own domestic needs for gasoline.

I believe only a consistent and appropriately tough sanctions policy will give the level of pressure on the current despotic State of Iran that has any chance of persuading Iran to drop its nuclear ambitions. The refusal of Iran to accept the existence of the State of Israel helped lead to the unrest in Gaza which helped lead to this incident.

The U.N. Security Council resolution is a good step, but America has an obligation to lead and not just follow.

I really thank the gentleman from New York for his indulgence.

Mr. WEINER. I thank you. The gentleman from Florida, I would be glad to yield to you.

Mr. GRAYSON. Thank you very much.

The question that has been raised by critics of Israel for the past week is why is Israel intercepting ships on the so-called high seas, 100 miles from its own shores, and the answer can be summed up in one simple phrase: self-defense. That simple phrase explains what we saw and explains Israel's continuing need to protect itself.

Over 1,000 rockets have been fired from Gaza into the territory of Israel, 1,000 rockets. Imagine what we would do if 1,000 rockets were fired into San Diego. Imagine what we would do if 1,000 rockets were fired into Seattle or into Detroit or any other border area.

In the case of Israel, 1 million people live within rocket range of Gaza, and those 1 million people have been living through hell for years with a 15-second warning to seek shelter when a rocket attacks. And as a result of that, 13 Israelis have died, but it's inflicted huge harm on the people who live within rocket range in south Israel. One-third of all the children in south Israel suffer from post-traumatic stress syndrome. Again, imagine what we would do to stop such attacks if they were directed against us.

That's the fundamental reason why Israel feels obliged, the Israeli military feels obliged, to do what it needs to do to protect its citizens. These ships were not in any way interfered with because they were carrying humanitarian aid. The ships were interfered with for one reason and one reason only. That's because they could have been carrying missiles and rockets and things that could be made into missiles and rockets. It's a fundamental duty of the Israeli military to protect the people of Israel, just as it's a fundamental duty of our military to protect us. What they did was what they needed to do in order to ensure the safety of their own people, and honestly, in the same circumstances, we would have done the same thing.

Thank you very much.

Mr. WEINER. I would say to the gentleman, I would actually argue that the military of Israel used such restraint. I mean, frankly, there aren't too many ways to stop a boat. One of the ways is to fire upon it. They chose to put their own sailors in jeopardy; although there should have been no reason to believe that they would be on a humanitarian boat. Why would anyone expect that someone aboard a humanitarian aid ship would be set upon?

You know, to some degree the media has to be on notice that there is some responsibility to report the context of this thing as well, not just the end. When you see a sailor being tossed overboard, you know, it didn't seem like a very humanitarian act, and there was a shameful display by Reuters, who recently published a photograph of the sailor, the Israeli soldier, that fell on the ground, and they cropped out the guy standing next to him with a knife to explain where all that blood came from. That knife was held by someone on this humanitarian aid ship.

No one knows these facts better than Jerrold Nadler from New York. I would be glad to yield to him at this time.

Mr. NADLER of New York. Thank you, and I thank you for organizing this Special Order.

It has been absolutely galling to watch the hypocrisy and the fury, the underserved fury directed at Israel for taking a step in its own self-defense. The so-called ''Freedom flotilla,'' which went to break the blockade of Gaza, had to be intercepted. Israel and Egypt have been blockading Gaza. They've been blockading it not as humanitarian materials. Thousands and thousands of tons of humanitarian materials and food and supplies go through the checkpoints into Gaza every month by truck. But ships can carry anything.

Israel has stopped ships on the high seas carrying rockets to Gaza. When they were challenged and the Israeli government urged the Turks not to allow this flotilla to sail the way it was—and the Chinese by the way had this right. The Chinese press a day or two before the flotilla was intercepted printed the headline: ''Turkey Challenges Israel.'' Not Israel challenges Turkey. Turkey Challenges Israel by sending these ships knowing that the goal was to break the blockade, not to deliver humanitarian aid.

When the Israelis made clear to the people on board the ships that if you land in Ashdod we will send all the materials straight through to Gaza except for any weapons we find, Greta Berlin, the head of the organization sponsoring it, said, no, we're not interested in delivering humanitarian aid.

Mr. WEINER. If the gentleman will yield for a moment, that's right here. It's not like they were being diverted somewhere far off.

Mr. NADLER of New York. They were in armed rocket range.

Mr. WEINER. Exactly.

□ 1915

Mr. NADLER of New York. Twelve miles, to be precise. Greta Berlin said, no, the aim is to break the blockade.

Now, a lot of people, a lot of countries were saying, the President of

France, ''How dare they intercept ships on the high seas.'' ''This is piracy,'' said Prime Minister Erdogan of Turkey.

Well, the law is very clear. If you are fighting someone—and Israel is fighting Hamas; Hamas controls the territory and has declared war on Israel and said that war will not stop until Israel is destroyed, maybe a ceasefire from time to time, but this war must continue until Israel is destroyed, as far as Hamas is concerned—then you are subject to blockade. That is a tactic of war.

And in a blockade, you can board the ship, you can, in fact, sink the ship if that's the only way to enforce the blockade, in international waters as long as it's clear that it's going to a blockaded area. And that's from the U.S. Naval Commander's Handbook.

But why was this being done? Because, we are told, they have to break the blockade. Why do they have to break the blockade? Because the overall issue is that we must end the Israeli occupation. This is the real sin. This is why so many people think that Israel is wrong: Because it must end the occupation.

People forget how the occupation started. The occupation of Gaza and the West Bank started when Israel resisted a war of aggression aimed at its extermination in 1967. But we are ignorant of history. History started 5 years ago.

Israel wants to end the occupation. Israel has offered to end the occupation, but there is a problem: Who do you give the land to?

And Israel has experience here. Israel withdrew from Lebanon in 2006, and the U.N. said, ''We will send peacekeeping troops, and they will enforce Resolution 1701 to prevent the importation of rockets and arms.'' And what happened? There are 40,000 missiles in the possession of Hezbollah in Lebanon today because the U.N. peacekeepers stand aside. And Israel has learned that she cannot depend on the U.N. or the international community or anybody else to defend her.

Gaza Israel withdrew from in 2005 and left behind agricultural establishments and other things. What happened? Hamas took over and turned it into a rocket launching pad against Israel. Over 10,000 rockets have been launched against Israel.

Mr. WEINER. Just so everyone understands the points that Mr. NADLER is making, this piece of real estate, about the size of New Jersey, now has a terrorist agent here in Gaza in the south; a terrorist agent up here in Lebanon, governed by Hezbollah, at least about 25 percent of its government is, and Nasrallah, and Hezbollah controls this area here; and a terrorist agent of Iran right here in Syria, which once upon a time controlled literally the mountaintop overlooking the country.

So what the gentleman is describing is terrorist, terrorist, terrorist functions, all in support of the same enemies of the United States, and that's Iran.

Mr. NADLER of New York. But Israel still wants to end the occupation. Israel wants to be left in peace. Israel offered in 2000 at Camp David, in 2001 at Taba.

And what was their offer? Israel said, ''We will withdraw from the entire Gaza Strip. We will withdraw from 97 percent of the West Bank. We will give land swaps to the Palestinians to make it equivalent to 100 percent of the acreage. And we will share Jerusalem. But, in return, they have to agree that the war is over.'' They wouldn't agree, and they started the first intifada.

Prime Minister Olmert renewed the offer in 2008, but they will not agree to end of claims or to demilitarization. That's the real issue. If they would agree to that, if the Palestinians would agree that the West Bank cannot be used—if they gave it back, that the West Bank would not be used as a rocket launching pad, that Gaza would not be used as a rocket launching pad, that Israel could live in peace if she withdrew, that deal could be made. And it could be made; it's been offered.

And until the Palestinians are willing to live in peace and are willing to talk about it—the Palestinians, even Abbas, won't even talk to the Israelis now, only to the Americans. Until they are willing to talk and make that agreement, the occupation will continue, and it will be the fault of the Palestinians, not the Israelis.

Mr. WEINER. Well, the gentleman makes an excellent point. And the gentleman from Virginia, I know, is expert on these issues, as well. And it is important to understand that, just today, Mahmoud Abbas was in town.

And I would gladly yield to the gentleman from Virginia (Mr. NYE), who has shown remarkable leadership on these issues in his brief time in the House, to pick up on some of the points that Mr. NADLER made.

Mr. NYE. I would like to start by thanking my colleague from New York for laying out the issue very concisely tonight and for his leadership on the issue. And, as someone who has spent a significant amount of time, myself, both in Israel and in a number of the surrounding countries, I want to rise today to reaffirm the U.S.-Israeli bond of mutual defense and security.

Our friendship gives us peace of mind in knowing that we will always have each other's support in one of the most volatile regions of the world. I maintain my strong support for Israel's right to exist and to protect herself. As the lone bastion of democracy in the region, Israel is our closest ally against terrorist groups, and I am committed to seeing our friendship continue.

The recent loss of life off the coast of Gaza is distressing. However, it is troubling that many have rushed to judgment while failing to recognize the serious security challenges Israel faces every day necessitating the Gaza blockade.

As my colleague has mentioned tonight, Hamas terrorists in Gaza launch frequent rocket attacks directed at Israeli towns than too often take the lives of innocent civilians. And, as our majority leader said earlier this evening in describing a trip that I joined him on last summer, Israeli children are forced to hide in concrete bunkers in order to have a safe place to play.

Hamas makes relentless efforts to import into Gaza, through any means possible, the parts for these deadly rockets, complicating Israel's efforts to safely allow humanitarian aid to enter Gaza.

Lasting peace between the Israelis and Palestinians requires that Israel can assure the safety of its population against terrorist threats. And that is why I recently introduced and helped pass in the House H.R. 5327, the United States-Israel Missile Defense Cooperation and Support Act.

The funds authorized by the bill will allow Israel to build two Iron Dome missile defense batteries that will help protect Israeli citizens living in cities like Sderot, who have been terrorized by over 8,000 indiscriminate rocket and mortar attacks on their homes, schools, and communities.

Mr. Speaker, U.S.-Israeli cooperation on the Iron Dome system will help advance the cause of peace by supporting Israel's ability to defend civilian areas from terrorist attacks, creating the necessary space for a successful peace process.

Again, I want to thank my colleague from New York for his leadership on the issue.

Mr. WEINER. Well, I thank you.

And you are exactly right. Our cooperation with the State of Israel has never been higher, in terms of military and intelligence.

I yield to the gentlewoman from Florida, DEBBIE WASSERMAN SCHULTZ, a member of the Appropriations Committee, a powerful committee, who recently led a delegation to the Middle East which I was honored to be a part of. The House knows no stronger advocate for the U.S.-Israel relationship than she.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding. And it was an absolute pleasure to join you on the CODEL to the Middle East in January where we learned quite a bit about the progress of the peace process.

And it has been noted by a number of our colleagues this evening that we cannot allow, in spite of all the recent controversy—which is unclear to me why a country that is defending its borders, its territory, and its people is controversial—but that we cannot allow it to take our focus off to that of a nuclear-armed Iran.

One of the things that is unbelievable to me has been the criticism and the questions that have been thrown at Israel: first, that they supposedly boarded the flotilla ships in international waters as if they somehow

didn't have the right to do that. That this is a legal blockade, there isn't any disputing that. They are well within their rights and, understandably, are defending their borders and their people.

Because what country would not make sure that items coming in from a ship to an area that is run by a hostile terrorist organization would not be checked to make sure that they are the genuine humanitarian aid that the people bringing the goods in say that it is? That is simply common sense. And I would think that the citizens of any nation would expect nothing less than their government.

But the other criticism that I have heard during the week is that somehow the people of Gaza—and no one denies that there is suffering that has gone on in Gaza. The people of Gaza went through a war. They continue to be ruled by a terrorist organization, and so, as a result, they are definitely suffering.

But it is important to note that, over the last 18 months, Israel has allowed a steady flow of humanitarian aid and food to go to the people of Gaza. One million tons of humanitarian aid, to be specific, have been allowed into Gaza over the last 18 months, the equivalent of one ton of aid per man, woman, and child in food and materials living in Gaza today.

Mr. WEINER. And I would point out, that same exact offer was made to this flotilla: Come to Ashdod right here. And it wasn't made an hour before; it was made 10 days before, as soon as the word got out, even before it had left port. The nation of Turkey, who was sponsoring this, and the sponsors of the boat were told, ''Listen, just go right here, and we will take a look at what you have, and then we will escort it militarily into Gaza for you.''

Ms. WASSERMAN SCHULTZ. And just a few days later, an Irish ship, the *Rachel Corrie*, was offered the same thing, to take their goods. And they were also challenging the blockade, yet had a very different response and accepted the boarding and accepted travel to the port of Ashdod and had their goods offloaded.

The point is that Israel cannot be expected to stand idly by and allow for goods to be flowing unchecked without making sure that there aren't hostile intentions behind those goods.

And as Israel continues to face unjust criticism on the world stage, the United States must continue and will continue to support our friend, ally, and partner. And I am so proud to stand with my colleagues today.

You have a tragic situation that occurred, but we cannot forget that this blockade exists because Hamas, the ruling party of Gaza, is a terrorist organization with the sworn goal to destroy the Jewish state. A blockade supported by both Israel and Egypt is a means to stop the smuggling of illegal materials and weapons to Hamas.

And I am so pleased that you have organized this special order hour this evening and look forward to continuing to stand with you.

Mr. WEINER. I thank the gentlewoman. And as someone who represents south Florida, you know that if a boat came churning towards the coast, and let's say it came from Yemen, and it had people on it who were chanting ''Death to Floridians,'' and it wouldn't stop when the military offered it an opportunity to, we would certainly not, as Americans, expect to say, ''Okay, we will just see what happens when it reaches shore.'' You are exactly right to point out the necessity of stopping it in international waters. That's where blockades happen.

I yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), who also understands these issues and, long before she even came to this body, was fighting to preserve the Israel-United States relationship.

Ms. SCHWARTZ. I appreciate your organizing this hour of special order and giving us the opportunity to speak about the Gaza flotilla incident and to speak in support of one of our Nation's closest allies, Israel.

While the full details of the incident aboard the lead ship that came in under the flotilla is still under investigation, it is apparent that the organizers of the flotilla intentionally sought to confront Israeli security forces and to defy the embargo of Gaza that was established by Israel and Egypt.

The organizers, the activists, as they called themselves, rejected means offered by Israel—that has been talked about tonight—to deliver the humanitarian aid used by internationally accepted organizations, including the Red Cross, repeatedly, to get that aid to Gaza.

The resulting altercation and loss of life could have been avoided had the organizers of the flotilla agreed to Israel's repeated offers for them to dock at one of their ports and allow the overland transfer of humanitarian aid to Gaza.

□ 1930

Israel has the right to defend and protect herself. The blockade of Gaza exists particularly because it needs to prevent arms being smuggled into Gaza and to protect the citizens of Israel, who have been the subject of thousands of rocket attacks launched by Hamas since 2005. Hamas, which is recognized internationally as an enemy of Israel and as a terrorist organization, has as its mission the destruction and dissolution of the State of Israel and is continuing to be a threat to the safety and security of the residents of Israel.

The loss of life is tragic, but there is no question that the organizers of the flotilla were clearly intent on provoking a military response rather than delivering humanitarian aid; otherwise, they would have worked with Israel to transfer the supplies to Gaza.

I see there are others who want to speak. Let me just conclude by saying I am proud to stand with my colleague in support of Israel and the right that she has to defend and protect herself. We will continue to work towards peace and security for Israel, and I appreciate being here tonight.

Yet, in spite of the fact that Hamas is singularly focused on the destruction of Israel, Israel currently allows delivery of 10,000–15,000 tons of humanitarian aid a week to the people of Gaza.

The United States will continue to stand by our ally and friend Israel. And we will continue to work closely with all of our allies including Israel to suppress violent extremism around the world. We will continue to work to end hostilities in the Middle East and find a way to ensure security for the State of Israel and a future of peace for the Israeli and Palestinian people.

But, we will do so with a keen understanding of the threats against Israel and the threats against the values we share. I appreciate joining with my colleagues in standing tonight to support our valued friend, Israel and its right to defend herself and protect her people.

Mr. WEINER. I thank the gentlewoman. And I really want to apologize for interrupting you.

Perhaps the most important fighter for Israel in this institution is the chairwoman of the subcommittee, the gentlelady from New York (Mrs. LOWEY). I'm glad to recognize you.

Mrs. LOWEY. I thank the gentleman for organizing this Special Order and providing critical details of exactly what happened.

Let there be no doubt in anyone's mind: Israel has the right to defend herself and the responsibility to protect her citizens from Hamas, which denies Israel's right to exist and rains rockets down on its citizens.

While Israel reviews the flotilla incident and considers the best way to implement the Gaza blockade, we must not forget that failure to prevent weapons and other illicit materials from reaching Hamas would be a dereliction of Israel's most basic responsibility to its people. I stand firmly in support of Israel's right to self-defense, and I am committed to maintaining Israel's qualitative military edge so she can continue to defend her citizens.

As the blame-Israel-first crowd continues to attack our democratic ally, Israel, over a host of challenges in the Middle East, I am reminded of a simple yet powerful concept: ''Words matter.'' The inflammatory rhetoric surrounding events in the Middle East in recent weeks and months only begets more hostility and discourages efforts towards a lasting peace agreement which the people of Israel, the people of the West Bank, and the people of Gaza deserve; and these words can incite those encouraging violence against Israel.

Mr. GARRETT of New Jersey. Mr. Speaker, our allies in Israel are in the midst of an ongoing crisis. Last week, this became crystal clear when so-called "freedom activists" attacked IDF soldiers. Regrettably, nine activists were killed and several Israelis were injured.

In the aftermath of this incident, Israel has endured criticisms from Turkey, the United Nations, and the press. Even the U.S. Administration has been somewhat muted in its support of Israel's self-defense. These responses mystify me when I consider the background and reality of recent events.

Fact: Israel is at war with Hamas. Hamas, which is recognized as a terrorist organization by the United States and the European Union, still abides by a charter which calls for the destruction of the State of Israel. Furthermore, Hamas continues to espouse anti-Semitic propaganda en masse. Since 2001, thousands of rockets have been launched from Gaza into civilian-populated areas in southern Israel, indiscriminately killing and injuring innocent, unsuspecting men, women, and children. That's why I introduced legislation in 2008 which highlighted and condemned the ongoing rocket attacks. My resolution passed the House with strong bi-partisan support, but the rocket attacks have continued.

Fact: Israel is not at war with the peaceful citizens of Gaza. Israel fully withdrew its soldiers and citizens from the Gaza Strip in 2005 in the hopes of attaining peace and creating an environment conducive to negotiations with the Palestinian Authority. Last week, after Israel diverted the flotilla to the port of Ashdod for inspection, Israel proceeded to transport the humanitarian cargo to the Gaza Strip. In fact, Israel takes a proactive stance in providing humanitarian supplies to Gaza's civilians.

Fact: Israel did not violate international law by imposing a blockade on Gaza. Historically, any sovereign nation at war may impose a blockade. Egypt, for example, had imposed a blockade on Gaza. The U.S. itself imposed a blockade on the Confederates during the Civil War, on Cuba during the Cold War, and on Germany and Japan during World War II. Israel is justified in its attempts to prevent radical organizations from supplying Hamas with weapons that could eventually harm Israeli civilians. To further that end, I recently introduced H. Res. 1241, which supports Israel's right to maintain and construct security fences along its borders.

Fact: The interception of the Mavi Marmara was not an isolated action by the Israeli Defense Forces. In recent history, Israel has peacefully diverted nine other ''humanitarian'' missions, inspected their cargoes, and delivered the aid to Gaza. The boarding tactics employed last week were necessary to restrain such a large vessel.

Fact: The main mission of the flotilla was not to provide humanitarian supplies for civilians in Gaza. The six ships were sponsored in part by the IHH, an extremist Turkish organization with ties to terrorist groups such Al-Qaeda. While the IDF peacefully boarded five of the six vessels that made up the flotilla, activists and militants aboard the sixth vessel had armed themselves with iron bars, knives, and clubs.

Fact: Hamas is not Israel's only threat. In 2002, Israel intercepted a ship in the Red Sea which was carrying 50 tons of weaponry provided by Iran. In November of last year, Israel intercepted an Iranian ship carrying hundreds of tons of weaponry to Hezbollah in Lebanon. Iran's president has repeatedly declared his hatred for Israel while continuing his pursuit of nuclear weapon development. As a member of the Iran Sanctions Conference Committee, I will continue to support prompt, strong action to deter Iran's evil ambitions.

I must ask those who condemn Israel, ''Have you examined the facts?'' It is crucial for the United States to stand beside Israel during these tumultuous times and I am heartened that more than a dozen senators and over 60 of my House colleagues have released statements supporting Israel. I urge the Administration, the media, and American citizens to join us in defending Israel from false assertions. Moreover, I encourage the Attorney General to prosecute any American citizen who aids Hamas. The strategic relationship between our two democratic governments must withstand the threats and actions of terrorists who seek to create a rift between our two nations.

Mr. BISHOP of Georgia. Mr. Speaker, the long-standing conflict in the Middle East unfortunately has added a new and tragic event to its history. I deeply regret the loss of life that occurred on May 31, 2010 when the Israel Defense Force intercepted the flotilla of six ships that sailed from Turkey to Gaza. Events went horribly awry when nine people died.

I want to repeat my support for the State of Israel and its right to defend itself from terrorist attacks in the strongest terms possible. Since 2005, when Israel disengaged from Gaza, over 10,000 rockets have been fired on the Jewish State, endangering the lives of thousands of civilians. Israel's naval blockade of Gaza has helped to ensure that the supply of munitions and weapons to Hamas, which has controlled the Gaza Strip since 2007, is kept to the lowest extent possible. The flotilla incident demonstrates once again that increased pressure must be placed on Hamas to recognize Israel's right to exist and to renounce terror. In addition, progress must be made in resolving the conflict between the Israelis and the Palestinians so that they can live in peace and security.

Mrs. LOWEY. Mr. Speaker, let there be no doubt in anyone's mind: Israel has the right to defend herself and the responsibility to protect her citizens from Hamas, which denies Israel's right to exist and rains rockets down on its citizens.

While Israel reviews the Gaza flotilla incident and considers the best way to implement the Gaza blockade, we must not forget that failure to prevent weapons and other illicit materials from reaching Hamas would be a dereliction of Israel's most basic responsibility to its people. I stand firmly in support of Israel's right to self-defense and am committed to maintaining Israel's qualitative military edge so she can continue to defend her citizens.

As the 'Blame Israel First' crowd continues to attack our democratic ally Israel over a host of challenges in the Middle East, I am reminded of a simple—yet powerful—concept: words matter. The inflammatory rhetoric surrounding events in the Middle East in recent weeks and months only begets more hostility; discourages efforts toward a lasting peace agreement, which the people of Israel, the West Bank, and Gaza deserve; and can incite those encouraging violence against Israel.

The Administration focused today on humanitarian and development assistance to strengthen the Palestinian Authority so it can serve as a viable partner in peace to Israel. Abu Mazen must make clear to all the Palestinian people that their security and a prosperous future depends on rejecting Hamas, recognizing Israel and working with the international community and Israel to achieve a two state solution.

Despite the current, tense environment, some positive steps have been taken that will improve Israel's security as well as bolster U.S. national security interests.

Iran continues to be an existential threat to Israel, the region and the world, and I am pleased today's agreement by the U.N. Security Council to impose multilateral sanctions on Iran will hold the regime accountable for its reckless pursuit of nuclear weapons. I look forward to Congress finalizing strong bilateral sanctions and urge European partners and other responsible countries to do the same.

We must continue to strongly support the U.S.-Israel partnership which provides invaluable benefits to both of our countries national security.

Mr. McMAHON. Mr. Speaker, Israel is the only democracy in the Middle East, is our strong ally and true friend. Innocent Israelis endure attacks far too often.

Unfortunately, following the May 31 flotilla incident, Israel has come under assault in the media and international community once again.

This has resulted in a particularly sad time for the historically strong partnership between Israel and Turkey. As a bridge between East and West, Turkey is a source of dialogue between cultures, particularly for the Jewish people, who have lived in Turkey for more than five hundred years. This history has characterized the special relationship between these two countries since the founding of the State of Israel in 1948. For this reason, Prime Minister Erdogan's brazen rhetoric, support for the terrorist group, Hamas, and today's decision to vote against sanctions in the Security Council are misguided and thoroughly disappointing.

It is unfortunate that a leader, who once opened his country's doors to all of its neighbors, now chooses to follow the radical, fundamentalist maneuvers of groups like the IHH, instead of practicing the diplomacy for which it has been known.

Despite what Hamas supporters may be claiming now, the May 31, 2010 flotilla incident wasn't about bringing in supplies. It was about provoking Israel, a country whose people have been subject to countless terrorist attacks from Hamas supporters in the Gaza Strip. No one should be led astray, Hamas is a terrorist organization that stands for the annihilation of Israel and should not and cannot be accepted as a legitimate voice in Gaza. And, Just as America protects its borders, Israel—and any other country—has the right to maintain and defend its own borders.

Since Israel instituted its Gaza blockade, terrorist attacks against Israeli civilians have dramatically decreased, and it is not hard to see how the Israeli government would perceive the flotilla's actions as a direct confrontation. Primarily, though, we need to remain focused on what really threatens the shared interests of all democratic countries—a nuclear armed Iran. This is why I believe it is in our country's best interest to lower tensions in the Eastern Mediterranean. Turkey has unfortunately disappointed the global community today with its vote in the UN Security Council, but the passage of the sanctions package is an overwhelming victory for the United States, Israel and the overall security of the international community.

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

MESSAGE FROM THE SENATE

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

S. 3473. An act to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

The message also announced that pursuant to Public Law 111–148, the Chair, on behalf of the Republican Leader, appoints the following individuals to serve as members of the Commission on Key National Indicators:

Dr. Wade F. Horn of Maryland (for a term of 3 years); and

Dr. Nichols N. Eberstadt of the District of Columbia (for a term of 2 years).

NOTIFICATION OF TERMINATION OF SUSPENSIONS WITH RESPECT TO ISSUANCE OF CERTAIN PERMANENT MUNITIONS EXPORT LICENSES FOR EXPORTS TO CHINA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–120)

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

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) (the ''Act''), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a)(3) of the Act with respect to the issuance of permanent munitions export licenses for exports to the People's Republic of China insofar as such restrictions pertain to the LightScanner® 32 System used for gene mutation genotyping for individualized cancer treatment. License requirements remain in place for these exports and require review on a case-by-case basis by the United States Government.

BARACK OBAMA.

THE WHITE HOUSE, *June 9, 2010.*

THE ISRAEL BLOCKADE AND THE FLOTILLA

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

Mr. AKIN. Mr. Speaker, I yield to the gentlewoman from New York (Mrs. LOWEY.)

Mrs. LOWEY. I thank the gentleman. I'm just going to complete my statement, and I appreciate your generosity.

The administration focused today on humanitarian and development assistance to strengthen the Palestinian Authority so it can serve as a viable partner in peace to Israel. But Abu Mazen must make clear to all the Palestinian people that their security and prosperous future—and we've seen an 11 percent growth in the West Bank—depends on rejecting Hamas, recognizing Israel, and working with the international community and Israel to achieve a two-state solution.

Despite the current tense environment, some positive steps have been taken that will improve Israel's security as well as bolster U.S. national security interests. Iran continues to be an existential threat to Israel, the region, and the world. I am pleased today's agreement by the U.N. Security Council to impose multilateral sanctions on Iran will hold the regime accountable for its reckless pursuit of nuclear weapons, and I look forward to Congress finalizing strong bilateral sanctions and urge European partners and other responsible countries to do the same.

We must continue to strongly support the U.S.-Israeli partnership which provides invaluable benefits to both of our countries' national securities.

Mr. AKIN. I yield to my good friend from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman, and I will be brief. I rise in support of everything that my colleagues have said.

The U.S.-Israel relationship is a special relationship, and it's a relationship that needs to be strengthened. The United States is Israel's only true friend. In fact, when you look at the United Nations or the so-called Human Rights Council in the United Nations, it's really a kangaroo court stacked up against Israel. No wonder Israel doesn't accept what the so-called ''international body'' says about them, because they can never do anything right. They're always condemned no matter what they try, no matter what they do.

My colleagues have pointed out that Israel, like every other sovereign nation, has the right to defend itself, that Israel has at least twice seized large caches of arms aboard Iranian ships bound for Hamas and Hezbollah, and a blockade is an appropriate security measure when employed in the face of hostility such as that directed by Hamas against Israel.

Hamas doesn't recognize Israel's right to exist, has vowed to destroy Israel, won't abide by any agreements that have been signed by Israel and the previous Palestinian governments, and so Israel has to make sure that terrorist attacks don't come from Gaza into Israel as they have for such a long time. As my colleagues have pointed out, Israel has offered to inspect the flotillas and let all the humanitarian aid on the flotillas go to Gaza, but these people on the flotilla were obviously not interested in delivering humanitarian aid. They were interested in provoking a violent reaction from Israel.

I just want to stand in support of the U.S.-Israel relationship, a strong relationship. Israel is our best friend and ally in the Middle East. Hopefully, soon there will be a solution to the Israeli-Palestinian conflict, two states side by side living in peace and harmony, a Palestinian state and an Israeli Jewish state. That is something that we all strive to work for.

I want to thank Mr. WEINER for organizing this. I want to thank Mr. HOYER, our majority leader, for always being a stalwart. I want to thank Mr. AKIN for giving us the opportunity to speak. When it comes to Israel, this Congress is united with strong bipartisan support, and we're going to keep it that way.

Thank you.

Mr. AKIN. I thank the gentleman. I think you're articulate, and I think that that's accurate to say: there is a good bipartisan sentiment that when a small nation is trying to defend itself, we have always stood for people.

The basic principle of people being allowed to be free and have some self-determination as to how they're going to rule their own country and be free from the fear of terrorists, that's something that Americans can really agree on. I appreciate you taking time on that subject, and also my good friend from New York taking the time to organize the hour. Very good job. Thank you.

Mr. WEINER. If the gentleman would briefly yield, I, too, want to add my thanks to you. I don't know if they have C–SPAN in Israel, but sometimes it's easy in that little country to feel beset on all sides. We share the same common sense that they do, that they're victims of terror, and I want to thank you.

We disagree on a lot in this place—and you're going to spend the next hour or so pointing out some of those things—but there are some things that have broad bipartisan support, and the support of Israel is one of those things, and I want to thank you for being at the forefront of that.

Mr. AKIN. Well, thank you very much, gentleman. And thank you for the leadership you've shown tonight.

DEMOCRAT'S MANAGEMENT OF THE ECONOMY

Mr. AKIN. I would now change gears here and get on to another subject.

We're dealing with some weighty topics tonight; the previous was of course international relations, the other is closer to home, and it's really the question of the economy: the Democrats' management of the economy, what should be done with the economy, how does that affect jobs and how does that affect all of our lives. I guess it sounds like kind of a boring subject in some ways; but on the other hand, it so much influences and affects every single person in our country that I guess

we have to put up with a little bit of talk about economics just to make sure that we're not destroying our country or destroying our jobs and putting our grandchildren into debt. And so the whole topic of economics and jobs can be a little perplexing, but it doesn't have to be.

I do apologize ahead of time that I am, by training, an engineer. Someone once said that engineers shouldn't be allowed in political office perhaps because they're too logical, or whatever the reasons are. But I do think it's important to back up just a little bit to say where we are here in the economy and how we got to where we're going and what mistakes have been made.

I'm not one to want to just criticize and not offer a solution, so I'm going to try to do that. I'm going to try to draw some practical applications as we wrap up in a while as to what we should be doing, what policies should be changed, what does America have to do to pull ourselves out of the economic nosedive that we're currently in.

It's not a graveyard spiral. There were days in the early days of airplanes that when a pilot pulled his airplane up into a stall, fell over backwards, he would get into what was called a graveyard spiral. And the pilot would grab the stick of the airplane, pull it back violently to try to get the nose of the airplane to pull off from the ground and the airplane would just keep spiraling down and crash into the ground. It ruined the pilot's whole day. Our economy may be at a graveyard spiral, but there are things that we can do to prevent it from crashing, but we're going to have to do that and do it soon. So that's what I want to take a look at.

I want to back up just a little bit to the days back at this superconservative oracle, The New York Times. This is September 11, 2003. This is really the beginning of President Bush's Presidency, and he goes to the New York Times—and this is September 11, but it's not 2001, it's 2003—and it says here, this is the article: The Bush administration today recommended the most significant regulatory overhaul in the housing finance industry since the savings and loan crisis a decade ago. That's interesting. President Bush was saying in 2003 that we've got to take a look at this finance industry and the overhaul of this housing finance industry. And under the plan disclosed at a congressional hearing today, a new agency would be created within the Treasury Department to assume supervision of Fannie Mae and Freddie Mac, the government-sponsored companies that are the two largest players in the mortgage lending industry. Interesting. This is way before the mortgage-backed security thing hit the fan and the whole stock market crashed and all that sort of stuff; this is way before that.

So President Bush, he's saying, okay, let's regulate these because they're out of control. They've lost $1 billion or something. And he thought, well, that's not pocket change. Here's the President asking for this authority, and what do we have from then in the minority? We had this from Representative FRANK, he says: These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis. The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing. Now, people who know Freddie and Fannie know that these guys were big players here on the Hill. They had lobbyists that were terribly effective, went around and distributed a whole lot of money to a lot of people, and they didn't want anybody playing in the deal they had going.

So what happened here? Well, what happened was the House—at that time in Republican control—passed a bill to regulate Freddie and Fannie. It went to the Senate, and what do you think happened to it? Well, in those days, Republicans had a majority in the Senate, but they didn't have the 60 votes necessary for cloture, and so the bill was killed by Democrats in the Senate. Freddie and Fannie continued on their merry way, and all of a sudden, a number of years later, what other people had seen—Bush had seen years before—was going to happen, it happened, and we had this great big crisis start. Now, that was all connected with ACORN, the organization that was pushing banks to make loans that normally a bank wouldn't make because the people that the loans were going to be made to couldn't afford to pay them.

So we started going on this track of passing out loans to people that couldn't afford to pay them, and every time we sold one of those loans, somebody made some money. And what did they do with all of those bad loans? They dumped them all on Freddie and Fannie. And as you know, you just keep doing something like this, pretty soon the music is going to stop and there are going to be people without chairs. That's what happened in the savings and loan problem.

□ 1945

Now, what is going to be the solution? Well, we are going to talk a little bit about that, about where we are going with the economy and about what we need to be doing.

I am joined now in the Chamber by a good friend of mine, Dr. PAUL BROUN, from the Atlanta, Georgia area, if I recall properly—not Atlanta but, rather, some other part of Georgia.

Mr. BROUN of Georgia. The northeast corner of the State of Georgia. Athens and Augusta are my two major cities.

Mr. AKIN. I yield to the gentleman. I don't know what you think about Atlanta, so I won't say anything about that.

My good friend from Georgia, Congressman and Dr. BROUN, please join us.

Mr. BROUN of Georgia. Well, thank you, Mr. AKIN, for yielding.

I'll tell you what. I hope the American people paid attention to your explanation because it has been Democrats all along who have fought any reform of Freddie and Fannie. Freddie and Fannie are right in the middle of the cause of the financial downturn that we've seen today.

Just today, we voted on trying to name a committee of conferees from the House and the Senate to talk about financial services, and we tried to bring Freddie and Fannie into the fold, but Democrats across the board have rejected from 2003, all the way up to today, to solve the problem. When you have a fire going, you want to try and find out the source of that fire and put out the source.

I'm a medical doctor. When you have a medical problem going on, you try to find the source of that problem. If you have a cancer, you want to not just deal with the symptoms of the cancer or even of the metastasis—the spread—of the cancer, but you want to go with the primary tumor and get it out.

So Freddie and Fannie are the source of the problem, and Democrats across the board have resisted from 2003, all the way to today, the efforts the Republicans have made to try to cut out this cancer of Freddie and Fannie.

Mr. AKIN. I think what you're saying is important. You're using some doctors' analogies.

Mr. BROUN of Georgia. I'm a doctor.

Mr. AKIN. I think that's good. It paints a vivid picture, but there is a problem with Freddie and Fannie.

Mr. BROUN of Georgia. Absolutely.

Mr. AKIN. The problem with Freddie and Fannie is you don't get something for nothing. I'm an engineer. I mean, it's one of those things, if it isn't there, it isn't there. So what we're doing is we're using Freddie and Fannie to make loans to a certain number of people who can't afford to pay them. Then that means, Where is the money going to come from?

Mr. BROUN of Georgia. Taxpayers.

Mr. AKIN. That's the point.

So the deal is: Is it the job of the American public to bail out people who make irresponsible loans? How about all of the people who get loans, who make their mortgage payments, who do everything by the book, who then get hammered because somebody else didn't do it that way? That's the basic question.

Is there any sense of fairness in this? Is this a good way to run a ship? Because what we're doing is creating an incentive for people to do the wrong thing, which is to take loans they can't afford to pay. They put more stress on their own families economically.

How is that compassionate, by the way, when you're the dad, supposedly providing for your family, and you're in danger every month of the mortgage payment, and they're going to put you and the kids and the sofa out on the front sidewalk? That's not compassionate. Yet that's what these policies

on Freddie and Fannie are doing. So we need to reform Freddie and Fannie, and apparently, we're not willing to do that.

Hey, I want to jump forward just a little bit, gentleman. I want to jump forward now past Freddie and Fannie. We've got the whole trouble with Wall Street starting to melt down. We do the great big bailout of Wall Street. Then the center point of the Democrats' plan was the stimulus package. Unemployment started to go up, and the economy was dipping. They said, This is a great opportunity for us to spend money on all the things we want to spend money on. So they spent $800 billion on the stimulus package, which is a whole lot of money, and the idea was, if we spend enough money, it will get the economy going again in spite of fixing Freddie and Fannie.

Now, what do you think about that theory that, if the government spends tons of money, it's going to somehow get the economy going? You know, a lot of people believe that idea.

I yield to my friend.

Mr. BROUN of Georgia. Well, I thank you, Mr. AKIN, for yielding.

This has been described as Keynesian economics, which means bigger government spending and more borrowing. You've got a great quote there by Henry Morgenthau, who was FDR's Treasury Secretary. During part of the Great Depression, he made this great quote, which reads, in part, that we have just as much unemployment as when we started all of this massive government spending, and an enormous debt to boot. That's exactly what we're doing.

Most American people know—not all, and it's unfortunate. Most American people know that socialism never has worked and never will work, but this is socialistic, this type of philosophy of bigger government, of central control from wherever the capital is. We saw it in the Soviet Union. It is what Stalin put up there in the Soviet Union. In fact, FDR sent his lieutenants to Russia. Back during that period of time when the Great Depression started, which was early on in the Roosevelt Presidency, he sent his lieutenants to look at what Stalin was doing because they thought this was the greatest thing in the world and that we needed to put in place that kind of policy here. That's exactly what is going on right now with our leadership. They may as well send their lieutenants back. They should go back and look at the history of what Stalin did, and they should understand from history that it doesn't work, because it will not and cannot.

Mr. AKIN. You know, I really appreciate your jumping a little bit ahead because you anticipated where I'm going.

There have been some assumptions made by the Democrats about the economy, and the question is: Are those assumptions any good or not?

One of the things that history does tell us is we should learn something from it. Of course, FDR's Treasury Secretary, Henry Morgenthau, after trying it for 8 years, turned a recession into the Great Depression, and we consider it the greatest depression we had. What they did was they just spent tons of Federal money, but at least they spent it on concrete, like great big dams and roads and building projects. Of course, the $800 billion that we spent wasn't spent on a lot of stuff. It was much more of just government giveaways.

We are joined by my good friend, Congresswoman LUMMIS. I would just be delighted if you could jump into our conversation here. We are focusing, really, on the economy: What assumptions have been done that are wrong? What do we need to get it fixed so as to straighten things out?

Mrs. LUMMIS. Well, thank you. I thank the gentlemen for allowing me to join you both this evening.

I thank the gentleman for his courtesy to the previous group that was talking about our policy with Israel. I thought that was appropriate to allow them to finish their remarks and to acknowledge the importance of our allies there.

One of the issues that we are going to have to address, as we address this economic downturn we are in, is the role of the Federal Government in exacerbating the problem.

As we all know, Federal employment and private-sector employment are not the same thing. A private-sector job pays for other people's jobs through taxes; whereas, a public-sector job consumes more than it pays in taxes. So it's important that we watch the relationship and the growth of Federal jobs versus the decline in private jobs.

This first chart that I have shows the Federal Government employment and how it has changed in the past number of years. I'd like to point out the years 2002, 3, 4, 5, and 6 when the Federal Government's employment was relatively flat—in fact, almost as flat as a pancake. Then we get into the Pelosi Congress, and it's going up markedly, with the year 2010 here on the end of this chart showing you that we're getting back to levels that are unprecedented since Republicans took over control of Congress in 1995.

I also want to illustrate what has happened to private-sector employment during this time period. This chart compares private-sector employment to public-sector employment, or government employment. The red line is government employment. This more flat line of the red line illustrates, once again, those years that were relatively stable—2003, 4, 5, and 6. Then the Pelosi Congress took effect, and here the government employment begins to shoot up.

The scary part of this chart is the blue line, which is what is happening to private-sector employment. It has crested. Then from the Pelosi Congress on, it has declined dramatically, and these are the years of the Pelosi Congress. When private-sector employment plummets, the ability to pay for your family plummets. Unemployment payments go up. Of course, those are coming out of the public sector. Tax collections go down. The number of jobs, of course, declines dramatically. This is an illustration of what has happened to our economy. Unless we get this number under control, we are in trouble.

Among the things that I oppose, which the majority party here in Congress is pursuing, are tax increases on the employer class. The employer class includes those small businesses all over the country which are employing less than 50 employees who are unable to borrow money because of the constraints on capital that you addressed earlier, Mr. AKIN. All of these create the downward spiral that we are seeing. In order to get out of that spiral, we have to make dramatic changes in our tax policy, in our spending policy, and in our overall economic policy in relation to other countries and in relation to the amount of debt that we are issuing.

I yield back.

Mr. BROUN of Georgia. Will the gentlelady yield?

Mr. AKIN. I yield you time, gentleman.

Mr. BROUN of Georgia. Well, I'm sorry. I apologize, Mr. AKIN.

I just wanted to address those things that you were talking about, Mr. AKIN—the Great Depression, the government spending and that the unemployment didn't go up. As to what Mrs. LUMMIS just so very capably showed us, government jobs are going up.

During the Depression, though, as you just said, there was a lot of spending on infrastructure during that period of time. It did not take care of the unemployment. If you look at the unemployment rate during the Great Depression, it stayed relatively flat. It went up and down some, but it stayed up a bit, and then it fell way off in spite of all the big government spending and all the spending on infrastructure.

Back then, though, under the Roosevelt administration, they created the WPA and the CCC camps and things like that. They put people to work, who were on government welfare, building all that infrastructure. Now we're paying people not to work.

Mr. AKIN. So things have changed, and it has gotten even worse, hasn't it?

Mr. BROUN of Georgia. It really has.

Mr. AKIN. Let me just jump in for a moment.

You know, the charts that you chose actually have a relationship to each other, and you alluded to the mechanics of what that connection is, which is, when the government creates a job by hiring somebody, it does create a job. The problem is it kills two other jobs in the private sector. So you think to yourself, hey, if we have unemployment, for the temporary sense, let's get the government to spend some money and hire a bunch of people, and that will take care of the problem in the

short term. Maybe the economy will rebound, and then maybe the government will shrink, and more private-sector jobs will come along. Not so. What happens, in fact, is, when the government creates jobs, it spends a whole lot more money. It takes money away from the private sector, and it drives the number of private jobs down.

So what you've just shown is an illustration and an example of a failed economic policy. It's a failed economic policy, and we should have known from Henry Morgenthau that it wasn't any good and that it wasn't going to work. He said, Look. We've tried spending money. We're spending more than we've ever spent before, and it doesn't work. Now we're turning around and are doing it over again. With 8 years in the administration, we've just as much unemployment as when we started and an enormous debt to boot.

So what are we doing now? Oh, we're repeating this same foolish policy.

Here it is. Nobody really wants to look at this graph. This is the deficit under the Democrat budget. Now, I'm a Republican, and I'll admit that we spent too much money when President Bush was President, but it wasn't as bad as it could have been. People didn't know how bad it could be. Now we do. Take a look at that. The very worst year of President Bush's spending was in the Pelosi Congress here in 2008. That was his highest amount of deficit in a given year. That's one-third of what it was under Obama, the next year, and this is even more so.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. I do yield.

Mr. BROUN of Georgia. I wanted to put some perspective on 2008, too. That's when the President's chief economic adviser—I guess the Treasury Secretary—told him that the sky was falling and that we needed to pass the Toxic Asset Relief Program, or TARP, which many Republicans voted against. I didn't buy the Democratic Treasury Secretary under a Republican President because that's exactly what Hank Paulson is. He's a Wall Street insider, a Wall Street banker. Wall Street believes in big government. That's the reason they support the Democrats. They overwhelmingly support Democrats financially.

That increase in 2008, under Bush, is principally because of the TARP bill that a lot of people didn't like. I did not vote for that. I've argued very much against it, and I have been a strong critic of the Bush administration's being big spenders, but they were pikers compared to the Pelosi Congress ever since she has been in charge.

□ 2000

And even that is just miniscule compared to what has happened just over the last 16, 17 months.

Mr. AKIN. It seems to me, gentlemen, that President Bush was Ebenezer Scrooge by comparison to what we've got here. I mean, this is runaway spending.

And this is created not just by TARP, not just by the, quote, ''jobs bill'' where we just dumped all kinds of money into increasing various government handouts and things. It wasn't concrete and roads; it was just government-handout kinds of things.

But this tremendous level of spending then creates the very problem which creates the unemployment, and it threatens our economy.

If you take a look at where this is going, you take a look at these numbers, and you start to put it—these seem like a lot of money. This one here is $1.4 trillion. Well, what does $1.4 trillion mean? Well, let's put it into context.

Here's the context right here. This is a comparison to these other countries over in Europe. This is deficit as a percent of GDP. United States, 10.3. We've got Greece at 9.4.

Now, Greece has been in the news. It's been causing a whole lot of trouble in the European Union. And its deficit as a percent of GDP is 9.4, and we're 10.3? These are not good numbers.

I think it's helpful to compare to the others. United Kingdom is a little worse off than we are. If you go debt, this is a larger term, this is going year after year after year, you see United States here is at 99, debt as a percent of GDP. And you've got Greece and Italy that are worse off than we are.

That's not a good sign when we're in third place to Greece and Italy from an economic point of view. So this rate of spending just does not work. This is a glide path.

I used the analogy of, you know, the guys, the World War I pilots that used to fly those airplanes, whatever it was that Snoopy used to fly. Many of those planes, they would get into that spiral and they would just start to head down for the Earth.

And that is what has happened, is, because of lousy economics, we are in essentially a graveyard spiral in America. And you, my friends, know what the solution is to fix this.

And there was a solution to the graveyard spiral. And maybe it seemed a little counterintuitive, but from a pilot's point of view, what they're supposed to do—their instinct is to pull back on the stick to pull the nose up. Instead, you had to do the counterintuitive thing, which is push the stick down. And that would stop the spiral, the plane would start diving, and when they had control, then they could pull the stick back up again.

And there's the same kind of thing in our economy, which we have to do or this economy is going to crash. And if you think 10 percent is bad for unemployment, it could get a whole lot worse.

I yield to my good friend, Congresswoman LUMMIS.

Mrs. LUMMIS. I thank the gentleman for yielding.

The chart he has up does compare the U.S. to Greece. But what is really frightening about that chart is, in 5 years, our debt to GDP will be at 112 percent, whereas right now Greece is 115 percent. In other words, in 5 years, we're going to be right where Greece is right now. And that illustrates the type of nosedive that the gentleman said we are in.

Mr. AKIN, could I ask you to put up the chart that you have there that is called ''Tidal Wave of Debt''?

The chart that he's going to put up was prominently displayed on numerous occasions today in the House Budget Committee, where we heard from Dr. Ben Bernanke, the Chairman of the Federal Reserve. Multiple questions made reference to this chart. And it is the trajectory on this chart that Dr. Bernanke expressed such concern about.

If you look at the line of 2010 and follow it through the year 2046, which is the end line of that chart, you see the enormous upward spiral of our debt. This is, of course, part of the unsustainable situation that Dr. Bernanke was asking us to address. And if we do not, we will put our country in terrible financial straits.

So, we talked about a number of alternatives. One is americanroadmap.org, which is the ranking member of the Budget Committee, PAUL RYAN's proposal. It is very comprehensive. It would have a slow glide path to bring both our deficits and our debt under complete control, and do it without raising taxes, and do it without affecting the Social Security or Medicare benefits of people over age 55 or 56.

The problem is, the longer we wait, the more out of reach that type of strategy becomes because of the enormous crowding out of our budgets that will happen by interest on our national debt. Consequently, we need to address the Paul Ryan proposal sooner rather than later.

Even under the Paul Ryan scenario, when compared to our anemic economy, the budget cannot be balanced and the debt cannot be eliminated until the second half of this century. So it takes over 40 years, given that scenario, to balance the budget and eliminate the debt. However, that is the kind of slow glide path that we have to take with an economy this anemic, and in a way that does not raise taxes.

And if we learned anything from the Japanese in the 1990s, it was: You don't raise taxes during a recession. That is what slowed and retarded their growth out of their economic slump.

Mr. AKIN. That's a great point. And let's repeat that. What you just said was, you don't raise taxes during a recession.

And what we are going to talk about here tonight—there are some bad assumptions that were made that are destroying our country and that are destroying our budget, our economy, and just killing jobs in America and creating a whole lot of hardship.

But it doesn't have to be that way. There is potentially good news. But we

just have to follow the principles, just like airplanes follow aerodynamics, we have to follow the principles of economics. And one of those—you just got to the bottom line—is, you've got to ease off on the taxes. And there is a logical reason for it.

Let's just take a look, though, so people understand the gravity of what we are looking at. This is who owns our debt. This debt is created because we are promising all kinds of benefits to American citizens, all kinds of promises that we are going to give them health care and we are going to give them housing and food and education and all the stuff that the Soviet Union also promised their citizens. And who is picking up the tab? A lot of foreigners are buying our debt.

Here it is. Foreign holding of American debt was 5 percent in 1970. That was when I graduated from college. Foreign holdings, 1990, 20 years later, go from 5 to 19 percent in 20 years. Now, 20 years later, in 1210, foreign holdings, 47 percent.

Is that healthy? How much longer are the Chinese and the other foreign countries going to continue to pay us money that we don't have to pay off American voters just to keep them happy? This is a glide path that will end up in a crash.

The gentlewoman, Congresswoman LUMMIS, has suggested that, even now, trying to pull this thing out is going to take a number of years. This isn't something that can be turned around overnight.

And I think this 20-year kind of pattern reflects the fact that what we are talking about is really serious here, but it still is basic economic principles.

Mrs. LUMMIS. In May of this year, we issued some Treasury bonds, and the sale was undersubscribed, which means there were not enough countries or individuals who purchased U.S. treasuries, our debt, at the price at which they are being offered, which means that pretty soon we are going to have to raise the interest rates that we are willing to pay people who purchase our debt.

When we have to raise our interest rates, that means that we are paying more in interest on the debt every year. That crowds out private investment from our economy. That makes it more difficult for the private sector to create the jobs that were on this chart earlier. That is part of the death spiral that we have been talking about.

Mr. AKIN. I would like to yield a little time to my good friend from Georgia, please, Dr. BROUN.

Mr. BROUN of Georgia. Thank you.

And I like this cartoon that you just put up, because this just shows what is going on here, not only with our debt, with health care reform.

I call it ''tax-and-trade'' because it is about revenue. The President himself said it was about raising more revenue for the Federal Government. It's not about the environment at all. In fact, a lot of what the President has said, he has admitted it is not about the environment. It is about revenue and a bigger government, greater control, central planning from Washington, D.C., and then the war tax.

They are adding tax after tax, and we are expecting the Chinese to buy our debt. In other words, we are spending our children and grandchildren's future, and the credit card is being held by the Chinese.

And it is something that is totally unsustainable. And what it is going to do, long term, is our children and grandchildren are going to live at a lower standard than we live today because this is totally unsustainable, totally unsustainable.

Mr. AKIN. I think you're an optimist. I really do. I'm not so sure that our children and grandchildren will live at a lower standard quite the way you're talking about. I'm not sure that this is not going to create a more catastrophic kind of crash, where the whole credit system of the United States—if your Treasury bill is no longer any good, you have, by definition, just crashed your airplane into the ground and it's going to ruin your whole day.

You are talking about a crisis unlike anything we have seen ever in our history. That is what is potentially there. I don't think we should be overly dramatic about it, but this is really serious stuff.

And what this cartoon is trying to point out is that there are a whole series of Obama policies; every single one of them is diving the plane faster and faster toward the ground.

First of all, there was the Wall Street bailout. Then there was the stimulus bill, which was supposed to create jobs. We saw how well that has worked. The private job creation is in the dirt, and we are creating all the jobs by hiring government bureaucrats who are paying more than the poor guys working in the private sector. That doesn't work.

And then you've got this cap-and-trade. ''Cap-and-tax'' is what I call it. It was passed out of the House. What a mess that is. I am an engineer by training. It is supposed to save us from global warming, but all it is, is more big government and more taxes. Fortunately, the Senate is not dumb enough to have passed it yet.

And then you've got, of course, the socialized medicine deal, which surely will break the budget unless they put in enough waiting lines for everybody and enough rationing so that it won't break the Federal budget.

So all of these policies together are creating those numbers and those graphs that we see.

Mr. BROUN of Georgia. Will the gentleman yield before you take the chart away?

Mr. AKIN. I do yield.

Mr. BROUN of Georgia. Well, there's a bull that's in that china shop that's not indicated in this cartoon, and that's the abject failure, non-stimulus bill, as I call it, which has been an abject failure. The non-stimulus bill has been an abject failure, and it's going to be a job-killer.

Everything that this administration, that this leadership in Congress today is doing is killing jobs. And it's not doing anything except for creating a bigger government and creating temporary government employees. It's creating a lot of jobs here in Washington, D.C., but they don't help my State of Georgia. They don't help New York State or California or Texas.

They are creating a bigger central government that's going to kill our freedom. And we've got to stop it.

Mr. AKIN. The thing is, you and I are not talking can tonight, we're not talking about tonight something that is speculative or based on theory. These graphs are ending in 2010. These are actual numbers. This is what has happened, and it doesn't work. It didn't work for FDR, and it's not going to work for President Obama and the Democrats. It just won't work.

That is what is happening to employment in the private sector. And the red line, of course, is government. And a whole lot of that is these census people running around and snooping on everybody and figuring out who lives in what house and everything, which, of course, makes you feel just wonderful that we're putting those kind of government jobs on instead of just killing manufacturing.

Let's get to the mechanics, though, because all of this stuff, it's not rocket science. This is basic, basic economics.

□ 2015

I just wish some of the Democrats had run lemonade stands when they were kids. They could understand some real simple kinds of economics here.

One of the things, we had a town hall meeting back in my district. I thought maybe I am getting too radical, maybe I have been here too long. You know that old folk song you have been on the job too long. So I asked them. I said, Now, if you wanted to kill jobs, what would you do? What are the job killers? You know what was the top of their list? Excessive taxation.

Now, this is a connection that you were making, gentlelady, a moment ago, between the taxes and these jobs going down. And of course part of what you use the taxes for is to pay for all these public sector jobs. So what's the connection here? Why is it that taxation just kills the economy? It's not just any taxation, but it's particularly taxation on what? On businesses. Why? Because businesses have to have money in order to add new processes, come up with new technology, new machines, a new building to do something in. They have got to have some money to do it with. And if you take it all away by taxing them, you make it so that they can't create the new jobs.

The places where jobs are created in America are largely, 80 percent of the jobs, are in corporations of 500 or fewer people, which you call medium or

small size. A lot of them are just mom-and-pops with, you know, 10 people, or five people, or 20 people. That's where the jobs are created. And if you tax the people that own those small businesses, you say, hey, that guy's making $200,000 a year, we are going to—that's what Obama said in the campaign, hey, if you are making 250,000, look out because I am going to tax you, but anybody under 250, you are okay. Of course he wasn't telling the truth, because he had that tax that they were pushing on this global warming deal where if you flipped a light switch, you would start getting taxed. But aside from that, the fact is he wanted to tax heavily the people that own these small businesses. Guess what that's going to do to employment? It's the worst thing in the world. And then there is some other points, too.

I yield to my good friend from Georgia.

Mr. BROUN of Georgia. Well, thank you, Mr. AKIN, for yielding. And you are exactly right. Not only does excessive taxation kill the ability to do all the research and development that you were just talking about, but small business can't even buy inventory. So they can't sell their goods to consumers. The consumers don't have the money to come and buy the goods and services. So it kills the economy. It's just very, very simple economics.

The thing is we are going in the wrong direction. You talked about the energy tax that's been proposed, that NANCY PELOSI jammed through the House of Representatives here. It's what's called a regressive tax because it's going to hurt people on limited incomes and poor people the most. It's going to make their gasoline prices go up. In fact, I have heard many Democrats, many Democrats here on the floor of the House of Representatives say they would like to see gasoline at $10 a gallon.

Now, somebody who is out working hard today trying to make a living, who is just making the house payment and paying their bills and just scraping to get by and trying to get by, if their gasoline price goes to $10 a gallon, they are going to be just really out of economic luck, so to speak.

Mr. AKIN. How are you going to pay that mortgage payment now?

Mr. BROUN of Georgia. That's right. They can't afford their mortgage payment now, or some are just barely paying those things. And then the energy tax on their electricity when they flip on the light switch, or when their heating unit comes on, up North particularly. I, thankfully, live in the South, so we are more concerned about air conditioning.

A lot of old people in Georgia and Florida and all through the Southeast and through the Southwest are dependent upon air conditioning just to live. And if their electricity bills go sky high, as the energy tax is going to make it happen, if that ever passes, there are a lot of people that can't afford to run their air conditioning anymore. And people are actually going to have a hard time with hyperthermia is what we call it in medicine as a medical doctor, which means their body temperature is going to go up, they are going to get dehydration, and people are going to have a lot of problems. And it's going to make a greater impact on our health care system and people are going to die because of that.

But it's going to kill jobs too. And it's going to be a job killer just like the ObamaCare that's been estimated by experts to kill over 5 million jobs in this country.

Mr. AKIN. Five million?

Mr. BROUN of Georgia. Over 5 million. Five and a half million, to be exact, jobs that health care taxes. And what it's going to do, is it's going to mean that a small business man or woman who is trying to just make a living, they are not going to be able to hire new employees because of ObamaCare. We have got to repeal and replace ObamaCare. And that's just the bottom line.

Everything that this Congress has done since I have been here 3 years now, everything, and all of it has been under NANCY PELOSI's leadership, everything that this Congress has done in 3 years that I have been here is going to kill jobs, it's going to kill our economy, and it's going to be killing the future of our children and grandchildren. We have just got to stop this.

Mr. AKIN. You didn't even mention that little small detail of the government becoming the master. The government is getting so big, the government employees are making so much money it's effectively becoming not the servant, but the master.

Mr. BROUN of Georgia. Absolutely. In fact, it's going to kill our freedom also.

Mr. AKIN. I am very concerned about our discussion tonight because I am afraid somebody may be watching and they are thinking, oh, my goodness, there isn't any hope, things are terrible and bad. Yeah, we are in a big financial mess because we have been doing the wrong policies. But I want to take about 10 minutes, I want to talk about let's wipe the slate clean. Let's stop all of this foolishness and let's talk about what we do to fix it. Because we can do that. I want to go first of all to my good friend——

Mr. BROUN of Georgia. Could you yield just a half a second?

Mr. AKIN. Let's talk something positive.

Mr. BROUN of Georgia. I am going to.

Mr. AKIN. Good.

Mr. BROUN of Georgia. And I want to remind the gentleman that during our debate over ObamaCare we were accused as Republicans of being the party of no. We are the party of k-n-o-w. We know how to solve this economic downturn. We know how to create jobs. We know how to lower the costs of health care. We know how to create jobs in the private sector instead of Big Government. We know how and are fighting to save freedom and to shrink the size of government, get government out of people's way so that they can run their lives without all this government intrusion. So we are the party of k-n-o-w. And I am excited about your launching into this idea about the solutions that we have.

With that, I yield back.

Mr. AKIN. I love talking about solutions, because you know what those solutions are about? Those solutions are about freedom. And that's a good word. And that's what America has always stood for. And that's what we need to talk about for a minute. But I do want to yield to my good friend, Congresswoman LUMMIS.

Mrs. LUMMIS. The Republican Study Committee has a proposal through JIM JORDAN's subcommittee on the economy that would balance the budget in 10 years. It would cut spending in areas other than homeland security and defense, and it does not touch Social Security. I am one of those who believe that we have to protect our entitlement system by reforming it rather than by leaving it alone. But let's save that discussion for another day.

Another proposal, one that I have with Representative SAM JOHNSON of Texas, would reduce the size of the Federal employment force through attrition. In other words, every time someone vacates a position through retirement or other means, that position would go into a position pool. And only those positions that are absolutely necessary to sustain the rolls of government as contemplated by the Constitution would be reclaimed and redeployed into the Federal employment force.

There are any number of ideas. The PAUL RYAN proposal, the JIM JORDAN proposal, this proposal. JEB HENSARLING has proposals, many that are comprehensive in nature that will provide that glide path to a better economy and do it without raising taxes.

So even though you hear frequently that the Republicans are being shortsighted in the fact that they do not want to consider tax increases as part of an economic recovery plan, you are correct that most of us don't. And the reason we don't is because we know we can recover this economy without raising taxes, and raising taxes will slow our ability to recover.

I yield back to the gentleman from Missouri.

Mr. AKIN. Thank you for that insight and the wisdom that you have shared with us. This is a graph of actually what happens over time. And this is this effect I was talking about. You know, when you were flying those old-fashioned airplanes and you wanted to not drive your airplane into the dirt, what you had to do was push the stick forward, which would stop the spin. The plane would start to dive; but when you had control, you could pull the stick back. That seemed counterintuitive.

Pilots for years would get in that graveyard spiral, and they would keep hitting the ground until this one crazy pilot said I am going to take my airplane up, I am going to put it in a graveyard spiral, and I have a solution, I believe, to pull it out of the spiral and live. So he bet his life on his solution. And he put it in the graveyard spiral, he pushed the stick forward, the plane stabilized, and then he eased the stick back, and the plane pulled out, and all the people on the ground went, whoa, that was a gutsy move.

That's a little counterintuitive. When you are out of control going down, your temptation is to jerk the stick up, which is what the Democrats are doing. They are raising taxes, making the situation worse, turning a recession into a depression. And what you have got to do is to learn from the pilots who had before you figured out how to do it. One of them, ironically, was JFK. Now, that guy's a Democrat, and they didn't learn from him. Because he was in a recession and he said less taxes, and the economy recovered.

Then a guy came along by the name of Ronald Reagan. He cut taxes like mad. Guess what happened? Recovery of the economy. Then comes along Bush. Cuts taxes. Recovery again. I mean, we have seen it over and over. Here it is and it's counterintuitive. Why in the world if you cut taxes could the government have more revenue and get the economy going?

Well, here is what happens. And think about it a little bit like this. Say you are king for a day, Congressman BROUN, you are king for a day and you are allowed to tax loaves of bread. And you are thinking in your mind now you have been technically trained as a doctor, you are a scientific thinker, and you have got these loaves of bread, how much are you going to tax a loaf of bread? First you think, huh, maybe a penny, because no one will notice a penny tax on a loaf of bread. Then you think, yeah, but if I taxed them more, I could get more money. So you say, huh, maybe $10. Then you think, ah, no, maybe they wouldn't pay $10 tax. So somewhere between $10 and a penny there is an optimum tax to tax a loaf of bread to raise money for the government.

Well, the same kind of thing goes on on a larger scale. And what this guy Laffer understood was if you drop taxes, what happens is the economy gets going. When it gets going, there are more transactions. And so even a lower tax rate will generate more revenue.

So here is what he did. This is like that airplane. He is dropping taxes here, and take a look at government revenues. Government revenues are going up and taxes are down. That seems like making water run uphill, but it's not. Because when you get the economy going, then a lower tax rate actually generates more money. And that's the solution out of this problem.

So let's talk about what is it we have to do. We have to learn, if nothing else, from the Soviet Union. The Soviet Union had the philosophy that the government is going to give you health care, the government's going to give you an education, the government's going to provide for your retirement, it's going to give you housing and food. The government's going to do all of that. And we laughed. Because we said you can't—that socialism, that communism-socialism doesn't work. And yet what are we doing here? The same thing.

We are deciding the government's going to do health care, the government's going to do your education, the government's going to do your housing, and then the food stamps. It doesn't work. So what I think we understand is the government is just going to have to get out of the business of taking care of everybody and get back in the business of just simply managing the economy, providing for the national defense, and they are going to have to push all of that decision-making down to the State level and let the States do it. So we have to have a good breath of freedom and fresh air instead of the big Obama welfare state that we are doing.

Congressman BROUN.

Mr. BROUN of Georgia. Mr. AKIN, I am a pilot, and I want to say that you are exactly right about getting out of a death spiral. So we do push the yoke forward to stop the spin, to stop the stall, to get the airplane flying again. And that's exactly what needs to happen to our economy, by pushing the stick forward, by reducing taxes, particularly on small businesses.

I introduced my JOBS Act. My JOBS Act is an acronym for ''jump start our business sector.'' It would cut the taxes for business for 2 years. It would suspend capital gains taxes and dividend taxes. It would cut the two lowest income tax brackets down to 10 percent and 5 percent.

So if you think about it, that would leave dollars in the hands of business, leave dollars in the hands of consumers so that they would have the money to stimulate the economy. So it's something that would stimulate the economy and start creating jobs. And that is something that needs to happen. And it is by cutting taxes instead of raising taxes.

What we see here is our leadership here in the House, the Democratic leadership, wants to raise taxes. Our President wants to raise taxes. One thing that I want to go back to is something that you talked about when the President said he was going to raise taxes on people who made $250,000 or more, that these are rich people. The vast majority of those folks are small business men and women who are filing their sub S corporations as personal income taxes. And those are really not their individual income, but that's how much money comes into their business.

□ 2030

So they're not just wealthy people who are living lavish lives. They are men and women who are trying to make a living and create jobs and just take care of their families. So when we hear let's tax the rich, they need to pay more, actually what you're taxing people is out of jobs. You're killing the economy. You're taxing jobs. We need to lower taxes, and that's what you're fighting for.

Mr. AKIN. I really appreciate the gentleman for joining me tonight.

We, in a way, as Americans have got two choices here. One choice is the path to freedom, and the other path is the path of servitude to Big Brother government. Every solution that we've seen coming from the Democrats—now, we've seen an unusual year-and-a-half. I have been in Congress now 10 years. I've never seen a year-and-a-half like this. This is a total one-party rule. Almost every bill that passes, Democrats all vote one way, Republicans the other, and the Democrats have such a majority, and everywhere along the line they can do whatever they want and they have. And the solution is always more taxes, more government, and more government control.

So, on the one hand, you have the world of the Big Brother government taking care of things, and you're guaranteed that you can't fail because the government will always be there to bail you out, not just as a big corporation but as an individual. You can make bad choices. The government will be there to bail you out; that's what they promise, but it doesn't work that way.

In fact, what all of human history shows us is that one of the most dangerous things to human beings is big government because big government has killed more human beings than all the wars of history combined. Just take communism alone, which is a big government theory. Just communism alone has killed more people than all the wars since the time of Christ, and so this faith in big government is a very, very unlikely thing to put your faith in.

The other choice is freedom, the bright light and the fresh air of saying go out and do the best you can; you may fall on your face but get up and try again. That's what America was always founded on, the idea that government should just protect life, liberty, and the pursuit of happiness.

My good friend, Congressman BROUN.

Mr. BROUN of Georgia. Thank you.

We have 1 minute left I think, and I just want to say that helping poverty is a very simple formula. It's a good-paying job and the education to fill that job. That's another thing that we know as Republicans. We've got to create those good-paying jobs, and the way we do that is in the private sector by reducing taxes on small business men and women so that they can create new jobs. We will continue to fight for freedom.

There's a wide gulf, just like you were saying, between the philosophies of the leadership of the Democrat

Party here and our leadership on our side. It is socialism on their hand. On our hand, it's freedom, personal responsibility, and accountability, and we're fighting for freedom and continue to do so.

Mr. AKIN. Freedom is a beautiful thing, but we have to realize there are a couple of things that come along with freedom. If you really want to be free, you're going to have to be responsible as well. You can't assume Big Brother government is going to do it all for you. The other thing is, if you want to be free, you have to tolerate the fact that other people near you may be successful. You have to suffer with some guy next door that's made millions of dollars and he gets to get in a fancy motorboat and ride around and maybe you'll feel jealous and even covetous of him. But that's freedom. You have to allow people to succeed, and you have to realize that you can also make a mistake and fail but you can have the freedom to get up and try again, but at least the government won't chain you down with regulations and bureaucracy and red tape and drive you into the dirt like an airplane that's not being flown right.

I thank you very much for joining me, Congresswoman LUMMIS and Congressman BROUN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NYE). All Members are reminded to refrain from engaging in personalities toward the President.

THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes.

Mr. LATOURETTE. Mr. Speaker, thank you for the recognition. I want to thank the minority leader, Mr. BOEHNER, for granting me the privilege of speaking here this evening.

What prompted us to come forward this evening is an announcement that took place before the Memorial Day weekend by the majority in the House, the Democratic majority leader and others, that it was not anticipated that they would be producing a budget. This is my 16th year in the Congress, and I know that that has not happened in the previous 15 years that I've served here. And in checking, I'm not aware, since the Budget Act of 1974 was enacted, that the House of Representatives hasn't put forth and produced a budget.

Just like at home, the reason that a budget is important is that it allocates resources and says what you're going to spend on what and, in the case of the government, what you're going to overspend and are going to have to borrow from places like China to finance the deficit and the debt. As a matter of fact, the news reports indicate that we are projected to have a budget deficit—that's just spending more money this year than we have—of about $1.4 trillion, which is certainly significant.

The thing about that debt, it's not money that we just have laying around or we borrow from the guy down the street. Most of it is borrowed from the financial institutions on Wall Street that we spend a lot of time bailing out and also foreign countries. China and others own a good portion of our debt as well.

So it was alarming that the announcement was made that we wouldn't be producing or the majority would not be producing a budget. Alarming because you wonder, maybe we've been really busy here and we haven't had time to get to something as important as the budget. And then, of course, after the budget is passed, that leads to what's called the appropriations process where the Appropriations Committee gets together and determines what we're going to spend on defense, what we are going to spend on education, what we are going to spend on the environment and so forth and so on. So, until you have the budget trigger, there's no allocation to the Appropriations Committee so they can begin their work.

So it's not just a matter of not having a blueprint, not having a budget; it's a matter of them not having the spending bills in place. Although, again, we're sometimes late in delivering those, it's pretty unusual that we don't even start the process with a markup in the subcommittees of Appropriations, certainly preparing the bills for floor activity.

In thinking about it, the President of the United States, President Obama, he's also charged with delivering a budget, and I think we all know that President Obama has been pretty busy. I mean, there's a lot going on. There have been a lot of things happening since he became the President of the United States that require attention. Some have been disasters; some have been financial difficulties. We've seen Greece go bankrupt on the other side of the ocean. But even as busy as President Obama has been, he discharged his statutory obligation and delivered to Capitol Hill in a timely fashion a budget. Now, you may not be crazy about the budget. You may think that the budget spends too much as I do, the President's proposal, but at least he did what he was supposed to do and present a budget.

That caused me to sort of examine what it is that we've been doing here in the House of Representatives or, more correctly, what the majority has decided we should be doing in the House of Representatives here since the beginning of the year to determine what it is that we have been so busy doing.

It's particularly important to talk about that a little bit because the first 12 years that I served in the Congress—I happen to be a Republican—there were more Republicans in the House of Representatives than there were Democrats, and so we were the majority party and we determined what came to the floor, when it came to the floor, just like the Democratic majority does today. And we were doing such a bang-up job that in 2006 the voters replaced us and made the Democratic Party the majority party.

But one of the central themes of that campaign that the Democrats made all across the country was you need to put us in charge because the Republican Congress is a do-nothing Congress, they're just not doing anything. And, as a matter of fact, they indicated that we weren't working full time. Now, anybody that's been here knows that that's really a specious argument, a false argument, but it sold newspapers. It looked good on the talk shows when people would say, well, we're not even working a full week. Well, you know, some of the work is done here on the floor, a lot of the work is done in committee, a lot of the work is done back in our districts, but to say that we weren't here five days a week and they were going to change all that was an interesting campaign slogan.

But just walking over here, Mr. Speaker, I got a notice from the majority leader. We've just come back from our work period back in the district for Memorial Day. We didn't have any votes on Monday. We've done something called suspensions that I'm going to talk about the last couple of days, together with a bill that I guess we'll try and finish up tomorrow. But I just got an email, courtesy of the majority leader's office so that we know what our schedule should be, that we're not going to have any votes on Friday.

So, despite the fact that the Republican majority in 2006 was labeled as the do-nothing Congress and we didn't work 5 days a week, we have accomplished a whopping 3 days of floor activity here in the House of Representatives after being at home for Memorial Day for an entire week.

I thought to myself, well, maybe we should look to see what it is we've been doing because, clearly, if we're not producing a budget—and we're going to talk a little bit about other things that haven't been occurring around here—maybe we've been preoccupied with really, really important matters that needed to be addressed.

What I found out was, as I examined it, that there have been 337 recorded votes on something known as suspensions, and, you know, Mr. Speaker, but just so the record is clear, a suspension is a noncontroversial bill where it's cleared, usually by the majority who says to the minority, We'd like to do this on suspension. Most of those things are by agreement.

The way that works, it's called a suspension because you're suspending the rules, you're not bringing a bill to the floor pursuant to the regular order. You're bringing it in a way that's debated for 40 minutes. Each side gets 20 minutes, and then there's a recorded

vote if it's requested. And rather than the simple majority, it takes two-thirds of those Members present and voting to pass a suspension.

Now, the interesting thing about suspensions is that both parties file legislation that becomes suspensions, and there have been more suspensions than 337, but the 337 that have occurred since January of this year were those that actually required a recorded vote. So, for each one of the 337 suspensions with a vote, you had 40 minutes of debate, so 40 minutes of floor time plus a 15-minute vote.

Now, to be fair, when they put a series of the suspensions in a row, not every suspension gets a 15-minute vote; some get 5-minute votes. But also, there are very few, simply, 15-minute votes around here because Members have to come from committee or their offices or wherever they happen to be to cast their votes, and so at least the first vote in the series, it's not unusual, even though the clock runs down beginning at 15 minutes, that the actual time consumed is closer to half an hour.

So, just for a rule of thumb with that sort of asterisk, so you have 337 suspensions debated for 40 minutes apiece and each one getting a 15-minute vote, and we'll do the math in a little bit, but clearly, that's a significant amount of floor time in a Congress that's really only here 3 days a week discussing noncontroversial bills.

In looking at the suspensions on this side, first of all, we have named 19 post offices or public buildings. And so, in each of those instances, a Member put forward a piece of legislation—and I don't make any observation about that these weren't worthy honors to name a public building after someone or a post office after someone, but 19 times the majority has put on the floor a suspension, consumed 40 minutes of time in a debate about whether or not we should—let's see, for instance, we designated a post office called the Roy Wilson Post Office, as an example, one time this year. So that bill was called up, debated for 40 minutes, and then there was a 15-minute vote. So, all told, just shy of an hour is consumed naming a post office after Mr. Wilson, and I will tell you that if you look up the recorded vote on that, I doubt that anybody that was present that day voted against it.

□ 2045

As a matter of fact, we just named two post offices earlier this evening, one after Ronald Reagan and the second one, I believe, was after a couple of Marines. Again, both are worthy designations, but there were no ''no'' votes.

So you sort of say to yourself, well, okay, then why did we have to have a recorded vote? Why did we have to consume 40 minutes of debate and then consume another 15 minutes on a vote when nobody was opposed to it and everybody thought it was a good idea?

As a matter of fact, you know, Mr. Speaker, that you could call up a post office bill and say, you know, ''I want the post office'' in wherever this happens to be—I apologize, I don't know—''but I want this post office named after Mr. Wilson,'' and ask everybody to vote for it and sit down.

And then the Speaker would say, ''All those in favor, say, 'Aye.' All those opposed, 'No.''' And the ayes would obviously have it because everybody thinks it's a good idea. You wouldn't have a recorded vote. And I don't know how long that took, but it was a lot less than 55 minutes.

So, 19 times we consumed 55 minutes naming either a public building or a post office in honor of somebody.

The other thing I found was, in those 337 noncontroversial bills that each require 55 minutes, on over 30 occasions, I think it's 36 occasions, we congratulated a university or a college in this country for doing something like winning the lacrosse national championship or winning the NCAA basketball tournament.

And, again, all of the young people and all of those institutions deserve recognition. And I am not indicating, for example, that the University of Virginia men's soccer team, who won the 2009 Division 1 NCAA national championship—I know that every parent, every student on that team is extremely proud of his or her son's accomplishment in doing that.

But, again, if you look up the recorded vote, which was requested by the sponsor of that legislation, nobody voted against it. And so you have to say to yourself, well, okay, then why does it take 55 minutes on over 30 separate occasions since January of this year to congratulate all of these fine activities that have occurred?

And I only brought up the colleges and universities, but, in looking at the list, I know we have congratulated—and if I was a golfer, I could tell you, but we congratulated the guy who won the Masters, we congratulated a NASCAR race driver for winning his race.

And, again, all of those are important things, and I am sure that when the bills are finally passed and signed by the President, that makes a nice memento for that school or that individual to hang on their wall.

But when you are not doing other things such as producing a budget or producing a jobs bill that actually puts people back to work in this country, you have to ask yourself, well, why are you so busy taking 55 minutes times 36 to do that?

In addition, just sort of randomly, in pulling out some of the 337 suspensions that required a vote, because the majority asked for a vote, that don't have anything to do with schools and don't have anything to do with public buildings, you find that we are all about congratulating a lot of people who are engaged in certain activities in this country.

So, H. Res. 117, one of the first ones because 117 is kind of a low number, we supported the goals and ideals of National Engineers Week. Now, again, if you look up the vote, you will find that everybody that was here that day voted to commend the fine engineers in this country because they were having a good week.

The next one, again in the low numbers, 197, we wanted to commend the American Sail Training Association for its advancement of character building under sail and for advancement of international goodwill.

Again, worthy goals, but you have to say, when you are not attending to the business of the people of the United States through legislation that makes a difference in their lives and you are making choices about limited floor time—because, again, we are not here 5 days a week; we are here, really, on an average, about 3 days a week, even though, when campaigning to become the majority, they indicated we are going to work 5 days a week—you wonder why that takes 55 minutes when everybody votes for it.

A lot of things dealing with education: We indicated that February the 1st was going to be National School Counselor Week. We recognized National Robotics Week. And I am not really sure what that is, but I am sure, I guess, we have a week dedicated to people who make robots. The only robots I have seen are those ones on TV that battle each other all the time. But, again, that take a lot of smarts to put together a good robot.

We had a week recognizing School Social Work Week. We supported the goals and ideals of National Public Works Week. And I guess that that means, you know, like, sewers and bridges and things like that, that we felt it was necessary to take 55 minutes to say that national works are good things.

We thanked Vancouver for hosting a wonderful Winter Olympics. And, again, when that came to a vote, I don't recall anybody in the House of Representatives voting against it. Certainly, people who saw the Olympics thought that that was a very nice Olympics. The American teams did better than they normally do during a Winter Olympics.

So, again, I don't have any big difficulty with the fact that one of our colleagues sat down and drafted a resolution to do any one of these 337 things. I think the question is: Why, unless you are making it appear that you are doing something, would you consume 435 Members, all of the wonderful staff that works here, why would with you consume all that time to do these things, when, instead, you could be dealing with things that people are concerned about?

So, I am not smart enough to do the math, but just for those that may be interested, that will read the CONGRESSIONAL RECORD, if you take out your calculator and indicate 337 for the suspensions where they have required a

vote, multiply it by 40 minutes, and then also multiply 337 times 15 minutes for the votes that occurred, that will give you the amount of floor time that has been consumed with these suspensions.

For instance, we recognized the importance of manufactured and modular housing. I think that that's important. I never lived in a modular house, but if I did, I am sure that I would think that it was a good thing to honor the people that made it so that it didn't fall in on me, and we should recognize them.

But, again, why do you have to take an hour on the floor of the greatest deliberative body of the world to congratulate or recognize people who are in the modular home industry rather than dealing with other things?

And let me just talk for a minute about what those other things are. I mentioned the budget. No one around here can recall a time since the Budget Act of 1974 when the House of Representatives has not produced a budget.

Everybody at home, certainly in my part of the world in Ohio, when they sit down and figure out, you know, okay, we were sending the kids to school and it's going to cost this much, the car payment is this much, insurance is this much, you have to budget it. And if you don't budget it, you run into trouble. And then the trouble you run into is you either don't know what's going on with your finances or you spend more money than you have. And that's certainly the case with the Federal Government.

But one way that people that were here long before I got here decided that you could, sort of, track that and keep an eye on it was to produce a budget. And it also is a good tool for our constituents because there is a lot of concern about how much money is being spent in this country.

However, Americans tend to be generous people. Americans also recognize the importance of national defense. And if you said to my constituents or any constituents that, ''Look, we have to spend more money than we are bringing in in tax revenues this year, but here is what we are spending it on, because you can look at our budget,'' then sometimes people would say, ''Well, okay, I mean, borrowing money is not a good idea, but if we are going to borrow money, at least we understand that you are going to borrow it for''—for instance, there is a horrible situation going on in the Gulf of Mexico, with the oil literally gushing out of the bottom of the ocean.

And if you have seen the pictures of the wildlife and you recognize that hurricane season is about to hit the gulf and, you know, when that water gets stirred up, the damage and the oil is going to spread much further than it has today, there are a number of people who would say, ''Well, okay, borrowing money is not a great idea. Maybe we would prefer that you go find cuts someplace else to pay for it. But we understand that emergencies happen, and so if you need to spend X millions of dollars to deal with that situation and then hopefully get it repaid from BP or those responsible for the mess that has been created down there, we think that that's okay.''

But without a budget, we not only deprive Members of the Congress from understanding where it is we are going fiscally, we also deprive all the people that are paying the bills, the taxpayers of the United States, from knowing how the government proposes to spend their money in the next fiscal year.

And it's a fiscal year, Mr. Speaker—and I know you know this, but I will indicate it just for the record—that the Federal Government's fiscal year goes October 1st to October the 1st. And so these things need to be in place by October 1st, both budget and the appropriations process, the spending process, or else calamitous things happen. The government shuts down, there is no predictability about how things are going to be spent, and it's a mess. And it's certainly not the preferred way of governing.

And, as a matter of fact, there are a number of statements made by gentlemen who now hold the position of majority leader or chairman of the Budget Committee who, when they were in the minority party and it was the Republicans' job to cobble together a budget and get it passed, which we always did, they indicated in words to the effect that the inability or the failure to create a budget is a failure to govern.

And, you know, words are funny things, just like when you say we should work 5 days a week and we wind up working 3 days a week, but the reason that you said we should work 5 days a week is to say that other people are bad, that can come back and bite you in the nose.

And, similarly, when you make statements like, you know, ''The failure to produce a budget is a failure to govern,'' when you are in the criticism business rather than the governing business, and then all of a sudden the voters put you in charge, and they say, ''Well, we are not even going to try to do a budget,'' it gets you into trouble.

You know, one of the dissatisfactions, one of the many dissatisfactions—and you are seeing it in election after election across the country—is that people think that the Federal Government has stopped listening to them and their representatives have stopped listening to them. And I happen to think one of the biggest contributors to that is this venomous partisanship that goes back and forth.

And, you know, you have to recognize that, when you are in the minority and you are making a statement that the failure to produce a budget is a failure to govern, well, sometimes, you know, the dog catches the car. And you then are put in a position where it's your job to craft the budget. And so, what are we to think if you don't produce a budget? I think you are to think that it's a failure to govern.

And, rather than saying that, it would be my preferred path that we would work together, Republicans and Democrats. Just because a Democrat has an idea, I don't dismiss it as a bad idea because it came from a Democrat. And my Republican colleagues, a lot of them are very bright people and they have very good ideas that, if they were incorporated into some of the things that the majority was up to, perhaps we could have legislation.

And that's always been, you know, how I have tried to conduct myself in the 16 years I have been here. And the proof is sort of in the pudding. And the National Journal, one of the publications here on Capitol Hill, sort of looks at how Members of Congress vote. And there was an article, about a month and a half ago, that talked about who voted either for or against the clearly identified initiatives of President Obama the most.

□ 2100

And so, not untypically, the numbers were pretty high on the Republican side in opposing some of the things that President Obama is putting forward; and again, not surprisingly because the President is a Democrat, the members of the Democratic Party voted for his proposals in pretty large amounts. But I was surprised—and I think I'm probably lucky I didn't get a primary from a tea party person because that analysis showed that on 65 percent of the occasions where President Obama identified what his goal or priority was, I supported President Obama. That's a pretty high number. It wasn't the highest among Republicans, I think it was fifth or sixth, but that's what I'm talking about.

The way that things work and the way you govern is when you take the best ideas of a lot of bright people here, a lot of good-intentioned people here, and craft something that maybe you don't get everything you want—the only two people that I ever knew or do know that were right 100 percent of the time were my mother and my wife. And I know that because they both told me they were right 100 percent of the time.

So, again, you have to say to yourself, what are we doing? Why are we spending an hour times 337 honoring football teams and lacrosse teams and swimming teams and recognizing the—well, we did modular housing. Let's see, what else did we do? We honored a historic community and expressed condolences to the Chatham County Courthouse. Again, I don't know what horrible event befell the Chatham County Courthouse, but we took an hour here doing that rather than doing other things.

And so what is it that we haven't accomplished, and what is it that the American people, I think, would appreciate if we got around to it? The first I indicated—and I apologize, Mr. Speaker, my writing is bad and it looks like chicken scratch—but the first is a budget, and I think I've talked enough

about the fact that we haven't produced a budget.

Another thing, 12 years I spent on the Transportation Committee around here, and every 6 years we have reauthorized something known as the Surface Transportation bill. It was called ICE–TEA in 1991, it was called TEA–21 in 1997, it was called SAFETEA–LU in 2005, and it expired last September. Now, that legislation is what funnels literally billions of dollars to the States so that they can build roads and bridges and make safety improvements and build bike lanes and a whole host of other things.

But aside from being a bill that keeps our country competitive—because it really started, even though we have a 6-year bill now, it started in 1956, I believe, with Dwight Eisenhower when he decided we should have a dedicated gasoline tax and built the national highway system. And if you think about the national highway system and what it has meant to this country in terms of commerce, it's unbelievable. Even if you go beyond commerce, you have to say to yourself, wait a minute, it's also a big item in national defense.

So you would think that that would be something we would like to take care of. As a matter of fact, the rule of thumb on the Transportation Committee was that for every $1 billion that was expended in that legislation, it created 47,500 jobs. Republicans now are asking where is the budget, but before that we were asking where are the jobs.

The job figures, Mr. Speaker, you know, came out last week. There was an uptick in employment, but included in that uptick in employment was the fact that the government has hired 400,000 people to conduct the census. Now, anybody who is interested can go back and see how many people were hired to conduct the census in 2000. It's an important job. But 400,000 people were hired to conduct the census, counting all the people in the United States of America.

When you take out the 400,000 government jobs that were created temporarily—and again, if you're talking about jobs, a job to me is something where you can earn a wage, have health care security, have retirement, potentially, and the ability through that wage to support yourself and your family on a long-term basis. Very, very few people would consider it to be just a sweetheart job, to get a job counting people in the United States and then being done and not being employed when you're done with that.

So if you look at the jobless figures and you take out the 400,000 people that have been added to conduct the census, job unemployment in this country is stagnant. It's hovering between 9 and 10 percent. We've been joined by my good friend, Mr. MCCOTTER of Michigan. Michigan has been hard hit because of the auto industry. The gentleman from Michigan can tell us in a minute what that unemployment is.

But, again, by recognizing National Teachers Day and taking an hour of time to do that, we haven't gotten to the transportation bill. It's about a year overdue; it will be soon. We keep kicking the can down the road, but it's not being done. So if your question is, where are the jobs? How can the government assist? The government doesn't create jobs—unless you're a census worker. But how can we assist, sort of give the economy a boost? And under this administration we've had stimulus 1, we've had stimulus 2, we've had bailout 1, 2 and 3, son of bailout, son-in-law of bailout; and we still hover around 9 or 10 percent unemployment across the country.

What is significant about the transportation bill is that the people—although the 47,500 jobs that are created for each billion of spending are on a wide array of things—the people that cook food and serve it to highway workers in restaurants, the people in the uniform business that produce or clean uniforms for the people out building roads and bridges, the people that make the orange cones and the reflective vests—the bulk of the highway work is done by laborers and operating engineers and designed by civil engineers.

Well, their unemployment rate, the unemployment rate in the trades isn't 9 or 10 percent. Depending upon what trade you're talking about, the unemployment rate is between 27 and 40 percent. So these people who have had jobs—we're not talking about people that don't want to work or anything else—these people who have had jobs, because of the shrinking of the economy and because of Congress' failure to act on a transportation bill—which was due last September, it's not like it was last week and we just sort of skipped over it and didn't quite get there from here—it's almost a year late.

And there are really no prospects, despite the really good intentions of a guy named JIM OBERSTAR, who is the chairman, a Democrat from Minnesota, of the Transportation and Infrastructure Committee. If it was up to him, we would have had a transportation bill on time, but it's not up to him. The leadership of the House has indicated that we're just not going to do a transportation bill between now and certainly the election. And the President's Secretary of Transportation, Ray LaHood, has indicated that the administration has decided that they want to go on an 18-month listening tour to listen to ideas about transportation and has no intention of even addressing the highway bill until March of next year.

And so at that point it's going to be 1½ years late before the bill is even hobbled together. And bills just don't all of a sudden spring up like crocuses here in the spring. There have to be some hearings and adjustments and amendments, and then it's brought to the floor for floor activity.

So when we are spending an hour times 337 doing things like, oh, I don't know, in support of National Safe Digging Week, we spent an hour on that—nobody voted against it, but in order to make it look like we were here 5 days a week, to make it look like we were doing something, we spent an hour both discussing and voting on National Safe Digging Week. Now, I don't know exactly what National Safe Digging Week is, but I think it's when you go out in your back yard and you want to put in a garden, you should call the utilities first and not stick the spade in the ground or else you're going to cut your neighbor's gas line. So I think that's National Safe Digging Week.

But regardless, again, I'm not aware of any big push by anybody that would condemn National Safe Digging Week, and I certainly have never seen a resolution around here that wanted to promote National Unsafe Digging Week. But we took an hour, we took an hour, rather than producing a budget so that we could, in an orderly fashion, figure out where we are in this country financially.

Instead of just borrowing trillions and trillions of dollars that we don't have, we could have been doing a transportation bill for a sector that, unlike the 9 or 10 percent—which is really high all by itself, and if you sort of flashback to February of 2009, the President's observation was we have to do this $800 billion of stimulus spending because if we don't, unemployment is going to go above eight percent. Well, the economy is an unpredictable thing, and I certainly don't fault the President for—or his advisers actually, I don't think the President actually sat down and crunched the $800 billion—but you certainly can't fault him and his advisers for thinking that was the case.

But the fact of the matter is it hasn't been the case, and unemployment has risen, cresting double digits; and now it's not getting better unless we spend more money hiring people—400,000 people—to count people in the census.

Maybe the gentleman from Michigan could just share with us briefly what the economic picture is and what's of concern to his constituents in the State of Michigan. I yield to the gentleman.

Mr. MCCOTTER. I thank the gentleman for yielding.

You bring up a very sore point for the people of Michigan: we have the highest unemployment rate in the country. We've suffered greatly in what many people believe has been our longest lasting recession. And at present, they are very concerned that not only will we not see an immediate recovery or one in the near future, but instead what we will see is another dip down into the recession with inflation following it due to, as the gentleman has pointed out, the massive borrowing by the Federal Government. This would be akin to the stagflation that Michigan experienced in the late seventies and early eighties, which was a very severe

blow to our economy and to the families and the workers that rely upon a strong manufacturing base in this country.

When you talk about the budget, when you talk about the transportation bill, these are essential items of the Federal Government. Not being able to bring forward a budget, as the gentleman has rightly pointed out, leaves individuals who could make investments and who could help grow the economy to feel that the fiscal discipline and fiscal integrity in the United States is absent. This will then preclude them from stepping forward and trying to help grow the economy, to help people find jobs, especially in my home State of Michigan.

We talk about transportation, which is something that has generally been very bipartisan. This is not an ideological debate. We understand there is a Federal role. As Republicans, we know this from starting with Abraham Lincoln's support for internal improvements, and yet for whatever reason we have not seen a bill come forth.

As the gentleman has also rightly pointed out, the people of Michigan—who would be interested in such a bill, I assure you—are hearing that there will instead be a listening tour. Well, if you haven't heard them by now, they want jobs, they want the opportunities, they want to see the economy grow, and they want to see the Federal Government actually taking responsible steps to help facilitate economic growth.

I think that as we continue to go through the list of items that the gentleman has put forward, we do not criticize colleagues for voting on what's put in front of them. People have long talked about the bills or the resolutions that Congress passes. There are constituencies who like them. There are very few, as has been pointed out, very few individuals who oppose them. But if you look at it like a meal, on the blue charts that the gentleman from Ohio has put forward are what I would call the fixings, and what is on the white board that is missing is the actual meat and potatoes.

This Congress has to understand that there are families worried about their finances, they're worried about their futures, they're worried about what next meal they will put on the table if they lose their job or if their unemployment runs out, or if we go into a double-dip recession with the prospect of stagflation.

It is up to this Congress not necessarily to say that all the fixings are irrelevant, but we should be able to put a full meal forward of legislative priorities, pass them, and help to get us out of the situation that we're in. I know that in a State with 14 percent unemployment, that would be a most welcome change to what we're experiencing now.

I yield back.

Mr. LATOURETTE. I thank the gentleman for those observations. Again, it's tough for you to see, so I just want to elevate this chart for a minute. But two of my favorites that we've spent an hour on is H. Res. 1294, expressing support for the designation of National Explosive Ordnance Disposal Day.

□ 2115

Now, I guess that means, you know, if you live next-door to a Korean War vet and if he smuggled home a couple of grenades and he has them in your basement that we are honoring the getting rid of those without blowing people up. Again, at a time when we haven't done a budget and we haven't done a transportation bill, the fact that we would spend an hour of time here coming up with honoring people who dispose of unsafe ordnances is a strange thing.

We've been joined now by my great friend from Ohio, Mr. TIBERI, of Columbus, Ohio.

You know, a lot of people point to the collapse of the subprime market and to the fact that we weren't on the ball when it came to the residential housing market. You can go back and forth. You can blame the Republicans, you can blame the Democrats, but the blame game really doesn't matter much.

The gentleman talked about a second recession. We do know that the mortgage market for a commercial property is about to explode. We have seen it. We see it coming. We know it's coming. Basically, what has occurred is because of the difficulties in the economy. Just as an example, if you were in the real estate business and if you purchased a building, an office building, and if it were fully rented—everybody pays you rent—but you bought it for $1 million and today it's not worth $1 million, the banks, which we've bailed out again and again and again, are now in the process of saying to the people who own those buildings, Well, wait a minute. We can't finance that for $1 million anymore because it's only worth $600,000. We know that that is coming. We know it.

Again, we are passing bills about the safe, you know, disposal—not even the safe disposal of hand grenades. We're just honoring people for having a week when they dispose of hand grenades.

You know, with the last one down here, H. Res. 1301, we supported the goals and ideals of National Train Day. That's about the fifth time that I can recall since the Democrats became the majority that we have recognized National Train Day. I happen to like trains. I support trains and so forth and so on. Yet how come we spent an hour of time and 337 hours of time having bills and having votes when everybody votes for them rather than dealing with this commercial mortgage crisis? I mean, where is the bill that does that?

What you will get instead is inaction. We'll honor, you know, a couple more universities for winning a swim meet or a curling tournament, and we'll not deal with the commercial mortgage crisis. Then we're going to start the blame game all over again. We're going to say, Well, it happened on your watch. It's George Bush's fault. It's Barack Obama's fault. How about, rather than honoring trains, we take an hour of our valuable time here and we do something about a crisis that we know is coming?

I yield to my friend from Ohio for his thoughts.

Mr. TIBERI. Well, I thank the gentleman from northeastern Ohio and the Cleveland suburbs in Lake County for organizing this hour today, and I think you've really hit on some of the important points.

When you kind of go back over a year ago when the stimulus bill was passed by the majority, the Speaker said that unemployment wouldn't go above 8 percent. Boy, it would be nice to see unemployment at 8 percent in Ohio at this time, wouldn't it? It would be nice to see unemployment at 8 percent in my district. It would be nice to see 8 percent unemployment in your district. It would be nice to see unemployment even close to 8 percent nationally, and we don't see that today. In fact, as someone who has a father factoring the last time unemployment was above 8 percent, which was in the early 1980s—he lost his job and lost his pension, and we lost our health care—it's kind of deja vu all over again.

Rather than try to focus on those issues, we have spent a whole lot of time on issues that don't employ people, that don't make a difference in people's lives. Maybe they are important, but not as important as dealing with the nuts-and-bolts issues that you've talked about tonight.

I mean, if you can't budget, you can't govern, one man said, who is now the chairman of the Budget Committee from South Carolina. If you can't budget, you can't govern. Maybe you've already said this, but, since 1974, the House has never passed a budget. This year, the Democratic majority is not going to pass a budget in this House of Representatives. If you can't pass a budget, you can't govern. By the way, for the 6 years that I was in the majority here, we didn't have a 78-Member majority like the Democrats do today. This is unbelievable.

I was knocking on doors in my district in central Ohio and in Columbus on Saturday. Americans are mad and they are struggling. They are scared and they are concerned. Those who have the ability to expand their businesses—and there are some employers, job creators who have the ability—are frightened. They are frightened. I don't know if you talked about this before I came. They are frightened at the prospects of higher taxes. They are frightened at the prospects of more regulation. So what are they doing? They are kind of retracting and are not doing what they could be doing, which is creating jobs, obviously.

Rather than being on the floor here to honor somebody who is going to

have a courthouse named after him, which might be worthy, let's focus on these issues that you've talked about that are vitally important. We have an election in 5 months. Between now and then, nobody who I talked to in central Ohio who is a job creator, who is an entrepreneur, who is a risk-taker, is willing to take that risk based upon what they see coming out of this Congress.

So the gentleman from northeastern Ohio is correct in saying that it is not the roadmap that we need to be on to make our economy better in the greatest country in the world. We have too much debt, too many taxes, and too much spending. What we need to be doing is just the opposite of what the majority is doing today.

I yield back.

Mr. LATOURETTE. I thank the gentleman for that.

I just want to give credit to somebody who is in the Chamber with us. He can't speak because he happens to be the Speaker pro tem, the gentleman from Idaho (Mr. MINNICK), and he is presiding over the House for this Special Order.

When you talk about commercial real estate, he has got a plan. I mean, he has put together some very bright people to help avert what he sees and what everybody in this Chamber should see, if they don't see, which is that we are headed for this big fall off the cliff in commercial real estate, which will make the housing market, the residential housing crisis, really—and you're talking about millions and millions of dollars per building.

Go ahead.

Mr. TIBERI. Will the gentleman yield?

Mr. LATOURETTE. I'd be happy to.

Mr. TIBERI. Just last week, back in central Ohio, as we were home during the Memorial Day recess week, I convened a meeting—and I'm a former Realtor, a recovering Realtor. We had real estate folks on the commercial real estate side. We had small businesses. We had business or building managers, building owners and managers and bankers in the meeting.

To your point, they said that the commercial real estate market, if Congress doesn't deal with this issue soon, is going to make the housing meltdown look like minor league compared to what could happen on the commercial real estate side, not just in Ohio but across the country. This is happening very, very soon.

As we deal with this financial regulatory bill that is coming soon, which is in conference committee today, that could actually add to this problem by restraining credit and by creating a bigger problem with respect to access to capital. In this Congress today, with the majority, we are really heading for a disaster of epic proportions if we don't deal with this.

So I am pleased that Representative MINNICK is on the case. I am pleased that you are on the case, and I hope that some folks can get to the leadership on the Democratic side to actually do something about this before it is too late.

I yield back.

Mr. LATOURETTE. I thank the gentleman.

Here are three quick examples of things that we haven't done that could, one, make sure we don't spend more than we are supposed to and, two, that could deal with the sector of the economy workforce that is not facing 10 percent or 13 percent or 15 percent unemployment but that is facing, rather, 27 percent to 40 percent unemployment. We're not looking forward, as the current resident of the Chair, Mr. MINNICK, is, to averting another meltdown for which we will again engage in a lot of finger pointing: It's this person's fault or it's that person's fault.

The gentleman from Ohio, I know, serves on the Ways and Means Committee, and the other side of this is not just what haven't we done in terms of action, but there are a number of things that are set to expire that have to do with job creation, and I'll ask the gentleman to address some of those in just a second.

Again, referring to the list, rather than dealing with these issues or with the issues that we are going to talk about in a minute, we spent an hour here in the House of Representatives expressing the support of the week of April 18 through April 23 as National Assistant Principals Week.

Now, you know, there are a lot of things that honor teachers, school counselors, so forth and so on. I don't know what my friend's experiences were, but it was the assistant principal you would see when you went to get spanked, when I was growing up, because you were misbehaving. So I'm trying to figure out, you know, of all of the people we honor—and I suppose I voted for it as did everybody when the roll was called; but you know, assistant principals, I'm not so sure, are up there with everybody else.

I'll yield to the gentleman from Ohio to talk a little bit about what are affectionately called the ''Bush tax cuts.'' What we're talking about is the tax legislation that was enacted in 2001 and 2003. They are characterized by our friends on the other side of the aisle as tax breaks for filthy rich people, but maybe you could go through a few of them, and we could identify them, because I think they go from cradle to grave.

What is about to expire? People are going to pay higher rates on what?

Mr. TIBERI. Well, I thank the gentleman for yielding on this matter and for bringing this up because we've spent a lot of hours on issues right behind you that are not life-or-death issues.

Just a couple weeks ago, we spent less than an hour on an issue that deals with tax increases for people who own partnerships. Quite honestly, the way the majority sold it was we're going to tax people who are hedge fund partners. Yet the reality is, if you look at what the Congressional Budget Office said, in going back to your point about commercial real estate, the U.S. Conference of Mayors expressed grave concern about what the majority Democratic Party was doing with respect to carried interest. Real estate partnerships are the most impacted group, and we're going to take their real estate partnership and go from 15 percent to ordinary income.

So, next year, which is what you just said based upon the tax cuts expiring, the marginal rates going up, the rate increase and the payroll tax for health care, you're going to see a huge increase in people who invest in our cities, in commercial real estate. At the same time that this problem is going to occur that you've already explained, you're going to see tax increases from 15 percent to over 40 percent for some people.

What the Conference of Mayors understands, which is not exactly a conservative group in any way, shape or form, is that, if you're going to increase taxes on people who invest in our cities from 15 percent to over 40 percent, they're not going to invest in our cities. This is a huge impact, even before those tax cuts expire at the end of this year.

What will happen next year is we're going to see capital gains rates go up. We're going to see dividends go up. We're going to see marginal rates go up—close to 40 percent for the top tax group. As the gentleman from northeastern Ohio knows, before all of these tax rates go up, we have already seen 53 percent of Americans today pay Federal income tax. There are 47 percent of Americans who don't, and that is going to get worse when these tax cuts expire. So you are close to a situation where you have more people actually in the wagon than are pulling the wagon rather than people pulling the wagon than are in the wagon. This is not a good situation for America.

My mom and dad came to America for a better life, for the American Dream, for an opportunity, and that is slowly slipping away for so many people under this Democratic majority where it's class warfare every step of the way. When these tax cuts expire, it's more of that class warfare—the haves versus the have-nots—and it's a bad, bad recipe for the future of America if we continue this class warfare argument, whether it's on income, whether it's on capital gains and dividends, whether it's targeting the job creators and the entrepreneurs versus the people in America who aren't.

Mr. LATOURETTE. Well, to the gentleman's point, you mentioned a variety of tax provisions that are set to expire. I want to focus on two—interest and dividends.

So any senior citizen who is living on a fixed income, who receives his or her income as a result of investments that he or she makes and who receives interest income if he or she is invested in

the stock market or in some other fund and he or she gets dividends as a result of that, currently, under the current law, what is the rate that that senior pays on his or her interest and dividends?

Mr. TIBERI. Fifteen percent.

Mr. LATOURETTE. Okay. Now, what's going to happen when the majority party indicates that it is not going to take any action?

Again, as they're not on the budget, as they're not on the transportation bill, as they're not on the commercial real estate side, when they fail to take action to extend those, the senior citizens who today are paying 15 percent on the money they earn in interest and on the money that they earn in dividends, what is their tax rate going to be?

Mr. TIBERI. The capital gains and dividend rate will go up to 20 percent, and depending on what rate they are on, that marginal rate will go up as well.

Mr. LATOURETTE. Okay. So, you know, some of my favorite discussions here are semantics, so we're going to hear that because people who raise taxes repeatedly usually don't get reelected because people aren't real crazy about that. So we'll hear, We're not raising anybody's taxes. We're just letting this set of tax rates expire. Okay. But, you know, if I've made 100 bucks in interest and today the tax on that is $15 and it's going to go up to at least $20 that then I'll have to pay, I have a tough time, and I would really have a tough time explaining to the commonsense people whom we represent in Michigan and Ohio how that is not a tax increase.

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But, with a straight face, there are people who will come down to the well of this House and say, ''We're not raising anybody's taxes. We just let these taxes expire.''

And I see the discussion of taxes has once again gotten the gentleman from Michigan on his feet, and I yield to him.

Mr. MCCOTTER. I thank the gentleman for yielding on your point about how the proponents of the tax increases going up, tax rates going up, will say that they really didn't do anything, that they just simply let the tax relief expire.

This is akin to coming upon an accident scene and saying, ''Well, I did not help the victim. I merely let them expire.''

I yield back.

Mr. LATOURETTE. I thank you.

The Chair tells us we have about a minute and 45 seconds, and I'd just yield to my friend from Ohio for any closing observations that he has.

Mr. TIBERI. Well, I thank the gentleman.

You know, the bottom line is there are a lot of people in our State that are hurting. There are a lot of people in Ohio that would like a job. There are a lot of people in Michigan that would like a job.

Looking back over the last year, we have spent a lot of time on energy and cap-and-trade and health care and stimulus. And the bottom line is, ever since we spent that time, more and more people in Ohio and Michigan are out of work. We have record unemployment, record unemployment going back to when I was in high school back in the early 1980s, with no end in sight.

And then, on top of that, we have tax increases coming. We have spending out of control. We have spending that is higher than I've ever seen. Even the high spending that we thought we saw a couple of years ago is minor league compared to the spending today.

And Americans are getting it. And all the time that we've spent on the legislation that you've talked about that is not really important in people's lives is starting to penetrate to the American people, to Ohioans and to Michiganders, that we need to be tackling some of these tough issues.

How do you tackle these tough issues, sir, without passing a budget? And that's the bottom line.

Mr. LATOURETTE. Well, that's right.

And it's interesting, this special order, we have people from Ohio and Michigan. And at least each November we don't get along very well, but on this issue we're very united. And I thank both of you for participating, Mr. MCCOTTER and Mr. TIBERI.

And, Mr. Speaker, I yield back the balance of our time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Ms. WOOLSEY, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. RICHARDSON, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

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

Mr. MORAN of Kansas, for 5 minutes, June 16.

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

Mr. JONES, for 5 minutes, June 16.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, today and June 10.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Thursday, June 10, 2010, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first and second quarters of 2010 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GEORGIA, BANGLADESH, PAKISTAN, AND UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 26 AND APR. 2, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Price	3/27	3/28	Georgia		348.00						348.00
	3/28	3/30	Bangladesh		536.00						536.00
	3/30	4/01	Pakistan		575.00						575.00
	4/01	4/02	United Kingdom								
Hon. Jeff Fortenberry	3/27	3/28	Georgia		348.00						348.00
	3/28	3/30	Bangladesh		536.00						536.00
	3/30	4/01	Pakistan		99.00						99.00
	4/01	4/02	United Kingdom		485.00						485.00
Hon. Stephen Lynch	3/27	3/28	Georgia		348.00						348.00
	3/28	3/30	Bangladesh		536.00						536.00
	3/30	4/01	Pakistan		640.00						640.00
	4/01	4/02	United Kingdom		485.00						485.00
Hon. Jim McDermott	3/27	3/28	Georgia		348.00						348.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GEORGIA, BANGLADESH, PAKISTAN, AND UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 26 AND APR. 2, 2010—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	3/30	4/01	Pakistan		640.00						640.00
	4/01	4/02	United Kingdom		485.00						485.00
John Lis	3/27	3/28	Georgia		348.00						348.00
	3/28	3/30	Bangladesh		536.00						536.00
	3/30	4/01	Pakistan		640.00						640.00
	4/01	4/02	United Kingdom		485.00						485.00
Rachael Leman	3/27	3/28	Georgia		348.00						348.00
	3/28	3/30	Bangladesh		536.00						536.00
	3/30	4/01	Pakistan		640.00						640.00
	4/01	4/02	United Kingdom		485.00						485.00
Asher Hildebrand	3/27	3/28	Georgia		348.00						348.00
	3/28	3/30	Bangladesh		536.00						536.00
	3/30	4/01	Pakistan		640.00						640.00
	4/01	4/02	United Kingdom		485.00						485.00
Committee total					12,436.00						12,436.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID E. PRICE, May 14, 2010.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON MAY 7, 2010

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David Price	5/07	5/07	Haiti		10.00						10.00
Hon. David Dreier	5/07	5/07	Haiti		10.00						10.00
Hon. Donald Payne	5/07	5/07	Haiti		10.00						10.00
Hon. Lucille Roybal-Allard	5/07	5/07	Haiti		10.00						10.00
Hon. Mazie Hirono	5/07	5/07	Haiti		10.00						10.00
Hon. Lynn Woolsey	5/07	5/07	Haiti		10.00						10.00
Hon. Bobby Rush	5/07	5/07	Haiti		10.00						10.00
Hon. Gregory Meeks	5/07	5/07	Haiti		10.00						10.00
Hon. Brad Miller	5/07	5/07	Haiti		10.00						10.00
Hon. Gwen Moore	5/07	5/07	Haiti		10.00						10.00
John Lis	5/07	5/07	Haiti		10.00						10.00
Dave Grimaldi	5/07	5/07	Haiti		10.00						10.00
Margarita Seminario	5/07	5/07	Haiti		10.00						10.00
Brad Smith	5/07	5/07	Haiti		10.00						10.00
Asher Hildebrand	5/07	5/07	Haiti		10.00						10.00
Rachael Leman	5/07	5/07	Haiti		10.00						10.00
Deanne Samuels	5/07	5/07	Haiti		10.00						10.00
Committee total					170.00						170.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID E. PRICE, May 14, 2010.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill H.R. 5026, the Grid Reliability and Infrastructure Defense Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5026, THE GRID RELIABILITY AND INFRASTRUCTURE DEFENSE ACT, AS AMENDED

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact [a]	0	0	0	0	0	0	0	0	0	0	0	0	0

[a] H.R. 5026 would amend existing law regarding the regulation of electric power transmission facilities. Under this amended version of the bill, the Tennessee Valley Authority and Bonneville Power Administration would be exempt from certain requirements in the bill for an 11-year period beginning on the date of enactment. As a result, CBO estimates that enacting the legislation would have a negligible effect on net direct spending over the 2010–2020 period.

EXECUTIVE COMMUNICATIONS, ETC.

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

7814. A letter from the Acting Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Microentrepreneur Assistance Program (RIN: 0570-AA71) received May 21, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7815. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Boscalid; Pesticide Tolerances [EPA-HQ-OPP-2009-0268; FRL-8826-4] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7816. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Diquat Dibromide; Pesticide Tolerances [EPA-HQ-OPP-2009-0920; FRL-8827-7] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7817. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Novaluron; Pesticide Tolerances [EPA-HQ-OPP-2009-0273; FRL-8825-3] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7818. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prothioconazole; Pesticide Tolerances [EPA-HQ-OPP-2009-0279; FRL-8828-6] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7819. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulations Supplement; Letter Contract Definitization Schedule (DFARS Case 2007-D011) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7820. A letter from the Director, Defense procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements Thresholds (DFARS Case 2009-D040) (RIN: 0750-AG59) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7821. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitations on Procurements with Non-Defense Agencies (DFARS Case 2009-D027) (RIN: 0750-AG67) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7822. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General David A. Deptula, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7823. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Douglas E. Lute, United States Amry, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7824. A letter from the Under Secretary, Department of Defense, transmitting Authorization of the enclosed list of officers to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

7825. A communication from the President of the United States, transmitting the National Security Strategy of the United States of America; to the Committee on Armed Services.

7826. A letter from the Officer Manager, Department of Health and Human Services, transmitting the Department's final rule — Public Health Service Act, Rural Physician Training Grant Program, Definition of ''Underserved Rural Community'' (RIN: 0906-AA86) received May 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7827. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Florida; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Jacksonville, Tampa Bay, and Southeast Florida Areas [EPA-R04-OAR-2009-0612-200914(a); FRL-9155-3] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7828. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision [EPA-R02-OAR-2010-0131; FRL-9146-4] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7829. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of State Implementation Plan Revisions; State of North Dakota; Air Pollution Control Rules, and Interstate Transport of Pollution for the 1997 PM2.5 and 8-hour Ozone NAAQS: ''Significant Contribution to Nonattainment'' and ''Interference with Prevention of Significant Deterioration'' Requirements [EPA-R08-OAR-2009-0282; FRL-9155-6] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7830. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Interstate Transport of Pollution Revisions for the 1997 8-hour Ozone NAAQS: ''Significant Contribution to Nonattainment'' Requirement [EPA-R08-OAR-2007-103 2; FRL-9155-5] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7831. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting The Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Transportation Conformity Regulations [EPA-R03-OAR-2010-0320; FRL-9156-2] received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7832. A letter from the Chairman, National Committee on Vital and Health Statistics, transmitting the Ninth Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act (HIPAA), pursuant to Public Law 104-191, section 263 (110 Stat. 2033); to the Committee on Energy and Commerce.

7833. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-046, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7834. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-043 Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7835. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-032, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7836. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report pursuant to the U.S. Policy in Iraq Act, Section 1227(c) of the National Defense Authorization Act for Fiscal Year 2006 (P.L. 109-163) as amended by Section 1223 of the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181) and Section 1213(c) of the National Defense Authorization Act of Fiscal Year 2009 (P.L. 110-417); to the Committee on Foreign Affairs.

7837. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report on progress toward a negotiated solution of the Cyprus question covering the period February 1, 2010 through March 31, 2010, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

7838. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

7839. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Auditor's Review of Environmental Standards Requirements Pursuant to the Compliance Unit Establishment Act of 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7840. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a copy of the report entitled, ''Auditor's Review of Compliance with Certified Business Enterprises Requirements Pursuant to the Compliance Unit Establishment Act of 2008'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7841. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2010 Annual Performance Plan; to the Committee on Oversight and Government Reform.

7842. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — NARA Facility Locations and Hours [FDMS Docket NARA-10-0002] (RIN: 3095-AB66) received May 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7843. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the South Carolina Advisory Committee; to the Committee on the Judiciary.

7844. A letter from the Director, Office of National Drug Control Policy, transmitting A report on the use of HIDTA funds to investigate and prosecute organizations and individuals trafficking in methamphetamine in the prior calendar year, pursuant to 120 Stat. 3523; to the Committee on the Judiciary.

7845. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30724; Amdt. No. 3373] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7846. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30723; Amdt. No. 3372] received May 24, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7847. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawl of Federal Antidegradation Policy for all Waters of the United States within the Commonwealth of Pennsylvania [EPA-HQ-OW-2007-93; FRL-9156-5] (RIN: NA2040) received May 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7848. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates and to the Long-Term Care Hospital Prospective

Payment System and Rate Year 2010 Rates: Final Fiscal Year 2010 Wage Indices and Payment Rates Implementing the Affordable Care Act [CMS-1406-N] (RIN: 0938-AQ03) received May 26, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

7849. A letter from the Director, Office of National Drug Control Policy, transmitting 2010 National Drug Control Strategy, pursuant to 21 U.S.C. 1504; jointly to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Ways and Means, Homeland Security, the Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, and Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. LEVIN:

H.R. 5486. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; to the Committee on Ways and Means.

By Mrs. NAPOLITANO:

H.R. 5487. A bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act; to the Committee on Natural Resources.

By Mr. BACA:

H.R. 5488. A bill to require each authorized public chartering agency to publish on the Internet the financial expenditures of each charter school that is authorized or approved by such agency and receives Department of Education funding; to the Committee on Education and Labor.

By Mr. BRIGHT:

H.R. 5489. A bill to amend section 14102(a)(1)(A) of title 40, United States Code, to provide that Bullock County, Alabama, is included in the definition of the Appalachian region for purposes of Appalachian regional development; to the Committee on Transportation and Infrastructure.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 5490. A bill to amend the Internal Revenue Code of 1986 to allow a credit against excise taxes with respect to distilled spirits and wine for certain distilled spirits or wine produced from domestic agricultural waste or byproducts; to the Committee on Ways and Means.

By Mr. CARNEY (for himself and Mr. PLATTS):

H.R. 5491. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for taxpayers with long-term care needs; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. CLEAVER, Mr. JACKSON of Illinois, Ms. FUDGE, Mr. GUTIERREZ, Ms. MOORE of Wisconsin, Mr. PAYNE, Mr. RANGEL, Mr. WATT, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. DELAHUNT, and Mr. HASTINGS of Florida):

H.R. 5492. A bill to permit expungement of records of certain nonviolent criminal offenses, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 5493. A bill to provide for the furnishing of statues by the District of Columbia for display in Statuary Hall in the United States Capitol; to the Committee on House Administration.

By Ms. NORTON:

H.R. 5494. A bill to direct the Director of the National Park Service and the Secretary of the Interior to transfer certain properties to the District of Columbia; to the Committee on Natural Resources.

By Mr. PAYNE (for himself and Mr. CARNAHAN):

H.R. 5495. A bill to build capacity and provide support at the leadership level for successful school turnaround efforts; to the Committee on Education and Labor.

By Mr. WILSON of Ohio:

H.R. 5496. A bill to repeal the public telecommunications facilities assistance program; to the Committee on Energy and Commerce.

By Mr. WILSON of Ohio:

H.R. 5497. A bill to amend the Internal Revenue Code of 1986 to allow an individual to designate $3 on their income tax return to be used to reduce the public debt; to the Committee on Ways and Means.

By Ms. CLARKE (for herself, Mrs. MALONEY, Mr. NADLER of New York, Mr. MEEKS of New York, Mr. SERRANO, Mr. RANGEL, Mrs. MCCARTHY of New York, Mr. KING of New York, Mr. TONKO, Mr. TOWNS, Mr. PAYNE, Mr. DAVIS of Illinois, Ms. VELÁZQUEZ, Ms. FUDGE, Mr. ISRAEL, Mr. COHEN, Mr. HALL of New York, Mr. WEINER, Mr. HINCHEY, Mr. ENGEL, Mr. MAFFEI, Mr. CROWLEY, Mr. BISHOP of Georgia, Mr. ACKERMAN, Mr. BRALEY of Iowa, and Mr. MCMAHON):

H. Res. 1428. A resolution recognizing Brooklyn Botanic Garden on its 100th anniversary as the preeminent horticultural attraction in the borough of Brooklyn and its longstanding commitment to environmental stewardship and education for the City of New York; to the Committee on Oversight and Government Reform.

By Mr. LATTA:

H. Res. 1429. A resolution celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

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

H.R. 191: Mr. YOUNG of Alaska.
H.R. 393: Mr. PLATTS.
H.R. 413: Mr. COLE.
H.R. 482: Mr. FRANK of Massachusetts.
H.R. 595: Mr. CRITZ.
H.R. 775: Mr. BLUNT, Ms. LEE of California, and Mr. TOWNS.
H.R. 847: Mr. LOBIONDO.
H.R. 881: Mr. AKIN, Mr. WITTMAN, and Mr. OLSON.
H.R. 932: Mr. CRITZ.
H.R. 988: Mrs. DAHLKEMPER and Mr. SALAZAR.
H.R. 1021: Mr. NYE.
H.R. 1036: Mr. PAULSEN.
H.R. 1074: Mr. CRITZ and Mr. PERRIELLO.
H.R. 1220: Mr. CRITZ.
H.R. 1255: Mr. SMITH of Texas, Mrs. BLACKBURN, and Mr. WEINER.
H.R. 1340: Mr. MORAN of Virginia.
H.R. 1351: Mr. CHANDLER.
H.R. 1362: Ms. MOORE of Wisconsin and Mr. NYE.
H.R. 1556: Mr. LARSON of Connecticut.
H.R. 1584: Mr. WALDEN and Ms. KOSMAS.
H.R. 1770: Mr. HOLDEN.
H.R. 1828: Mr. FRANK of Massachusetts.
H.R. 1844: Mr. HALL of Texas.
H.R. 1990: Mr. CRITZ.
H.R. 2000: Mr. POSEY.
H.R. 2067: Ms. FUDGE.
H.R. 2189: Mr. DJOU.
H.R. 2378: Mr. CRITZ.
H.R. 2455: Mr. HINCHEY, Mrs. MALONEY, and Ms. DELAURO.
H.R. 2480: Mrs. MILLER of Michigan.
H.R. 2515: Mr. PAYNE.
H.R. 2575: Mr. BARROW.
H.R. 2579: Mrs. MALONEY, Ms. MOORE of Wisconsin, and Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 2963: Mr. CRITZ.
H.R. 3012: Mr. CRITZ.
H.R. 3101: Ms. ESHOO.
H.R. 3168: Ms. DEGETTE.
H.R. 3189: Mr. HILL.
H. R. 3359: Mr. RODRIGUEZ, Ms. CLARKE, Mr. CLEAVER, Ms. HARMAN, Mr. SNYDER, Mr. MCDERMOTT, Mr. BACA, Mr. PALLONE, Mr. GUTIERREZ, Ms. EDWARDS of Maryland, Mr. FATTAH, Ms. JACKSON LEE of Texas, Mr. LARSON of Connecticut, Mrs. NAPOLITANO, Mr. JOHNSON of Georgia, and Mr. REYES.
H.R. 3470: Mr. CONYERS.
H.R. 3480: Mr. MORAN of Virginia.
H.R. 3519: Mrs. KIRKPATRICK of Arizona.
H.R. 3652: Mr. TURNER, Mr. ROGERS of Alabama, Mr. GORDON of Tennessee, Mr. SESSIONS, Mr. PETERSON, and Ms. WATERS.
H.R. 3716: Mr. TERRY.
H.R. 3764: Mr. SERRANO.
H.R. 3765: Mr. BACHUS.
H.R. 3790: Mr. SCHRADER and Mr. CRITZ.
H.R. 4038: Mrs. BLACKBURN.
H.R. 4191: Mr. KUCINICH.
H.R. 4195: Mr. SABLAN and Mr. CAPUANO.
H.R. 4278: Mr. LOBIONDO, Mr. MCCLINTOCK, and Mr. MINNICK.
H.R. 4335: Ms. BALDWIN and Mr. CONYERS.
H.R. 4347: Mr. SABLAN, Mr. COLE, Ms. RICHARDSON, and Mr. CLAY.
H.R. 4505: Mr. BROWN of South Carolina and Mr. RODRIGUEZ.
H.R. 4514: Mr. DAVIS of Illinois, Ms. SPEIER, Mr. BUTTERFIELD, and Mr. SABLAN.
H.R. 4533: Mr. CAPUANO, Mr. CONNOLLY of Virginia, and Mr. MEEK of Florida.
H.R. 4662: Mr. GRIJALVA.
H.R. 4684: Mr. ALTMIRE, Mrs. BLACKBURN, Mr. BOUCHER, Ms. MOORE of Wisconsin, Mr. GORDON of Tennessee, and Ms. HARMAN.
H.R. 4800: Mr. PAYNE.
H.R. 4806: Mr. SCHIFF.
H.R. 4813: Mr. ROGERS of Alabama.
H.R. 4832: Mr. JOHNSON of Georgia and Ms. LEE of California.
H.R. 4886: Ms. LORETTA SANCHEZ of California and Mr. MCGOVERN.
H.R. 4888: Ms. SPEIER and Ms. ESHOO.
H.R. 4914: Ms. WOOLSEY, Mr. HINCHEY, and Mr. STARK.
H.R. 4925: Ms. KOSMAS.
H.R. 4933: Mr. GRAYSON and Ms. SCHAKOWSKY.
H.R. 4943: Mr. GINGREY of Georgia.
H.R. 4947: Mr. PLATTS.
H.R. 4993: Mr. DENT.
H.R. 4996: Mrs. MYRICK.
H.R. 4999: Mr. BROUN of Georgia.
H.R. 5012: Mr. WEINER.
H.R. 5028: Mr. KUCINICH and Mr. WEINER.
H.R. 5029: Mr. OLSON.
H.R. 5090: Mr. KUCINICH and Mr. THOMPSON of Mississippi.
H.R. 5091: Ms. RICHARDSON.
H.R. 5092: Ms. KOSMAS and Mr. SABLAN.
H.R. 5121: Ms. DEGETTE.
H.R. 5141: Mr. UPTON and Mr. DJOU.
H.R. 5142: Ms. SHEA-PORTER.
H.R. 5156: Ms. GIFFORDS.
H.R. 5162: Mr. MILLER of Florida and Mrs. SCHMIDT.
H.R. 5200: Ms. RICHARDSON.
H.R. 5211: Mr. COURTNEY.
H.R. 5218: Mr. SARBANES.

H.R. 5226: Mr. LATOURETTE.
H.R. 5248: Mr. WEINER.
H.R. 5255: Mr. MCNERNEY.
H.R. 5260: Mr. ISRAEL and Mr. ACKERMAN.
H.R. 5268: Ms. DEGETTE and Mr. QUIGLEY.
H.R. 5300: Ms. SUTTON and Mr. CONYERS.
H.R. 5301: Mr. WALDEN.
H.R. 5304: Ms. LEE of California and Mr. SCOTT of Virginia.
H.R. 5307: Mr. NYE and Mr. LIPINSKI.
H.R. 5308: Ms. NORTON and Mr. MEEK of Florida.
H.R. 5312: Mrs. HALVORSON.
H.R. 5323: Mr. STEARNS.
H.R. 5340: Mr. HOEKSTRA, Mrs. BLACKBURN, and Mr. WESTMORELAND.
H.R. 5355: Mr. WEINER.
H.R. 5385: Mrs. MCMORRIS RODGERS, Mr. MCGOVERN, and Mr. SABLAN.
H.R. 5412: Mr. HODES.
H.R. 5426: Mr. UPTON.
H.R. 5434: Mr. MOORE of Kansas, Mr. GRIJALVA, and Mr. PLATTS.
H.R. 5439: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 5441: Mr. MOORE of Kansas.
H.R. 5449: Mr. FILNER, Mr. GRIJALVA, Mr. WEINER, and Mr. MCGOVERN.
H.R. 5476: Mr. GARAMENDI.
H.R. 5478: Ms. KILROY.
H. Con. Res. 18: Mr. SESSIONS.
H. Con. Res. 110: Mr. MARSHALL.
H. Con. Res. 122: Ms. SCHAKOWSKY.
H. Con. Res. 200: Mr. SESSIONS.
H. Con. Res. 219: Mr. SMITH of Nebraska.
H. Con. Res. 259: Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. OBERSTAR, and Mr. SIRES.
H. Con. Res. 275: Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. COSTELLO, Mr. BACA, Ms. RICHARDSON, Mr. RODRIGUEZ, Mr. WAXMAN, Mr. COHEN, Mr. LEWIS of Georgia, and Mr. CASTLE.
H. Con. Res. 279: Mr. BARTLETT, Mr. LAMBORN, Mr. NEUGEBAUER, Mr. OLSON, Mrs. BLACKBURN, Mr. FLEMING, Mrs. BACHMANN, Mr. ISSA, and Mr. AKIN.
H. Con. Res. 280: Mr. GUTIERREZ.
H. Con. Res. 281: Mrs. BLACKBURN.
H. Con. Res. 283: Mr. ALTMIRE and Mr. CRITZ.
H. Res. 22: Mr. FALEOMAVAEGA.
H. Res. 173: Mr. DENT and Mr. PERRIELLO.
H. Res. 333: Mr. SERRANO and Mr. HINCHEY.
H. Res. 363: Mr. RUSH.
H. Res. 536: Mr. HIMES.
H. Res. 546: Mr. BUTTERFIELD, Mr. MEEK of Florida, Mr. KUCINICH, and Mr. HIMES.
H. Res. 771: Mr. FRANK of Massachusetts.
H. Res. 1226: Ms. BERKLEY and Mr. BURGESS.
H. Res. 1230: Mr. BROUN of Georgia.
H. Res. 1241: Mr. OLSON and Mr. BRADY of Texas.
H. Res. 1322: Mr. PETRI, Ms. NORTON, and Mr. PRICE of North Carolina.
H. Res. 1335: Mrs. MALONEY.
H. Res. 1381: Mr. MEEK of Florida, Mr. SESTAK, and Ms. MATSUI.
H. Res. 1393: Mr. FRANK of Massachusetts, Mr. FILNER, Ms. ZOE LOFGREN of California, and Ms. ROYBAL-ALLARD.
H. Res. 1394: Ms. RICHARDSON and Mr. PRICE of North Carolina.
H. Res. 1395: Mr. COBLE.
H. Res. 1396: Ms. NORTON.
H. Res. 1401: Mr. COURTNEY, Ms. CLARKE, Ms. MARKEY of Colorado, and Ms. SUTTON.
H. Res. 1406: Mr. YOUNG of Alaska, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. MCCLINTOCK, Mr. CASSIDY, and Mr. DUNCAN.
H. Res. 1412: Mr. ROTHMAN of New Jersey, Mr. MCCAUL, Ms. KILROY, Mr. POE of Texas, Mr. COHEN, Mrs. MYRICK, Ms. ROS-LEHTINEN, Mr. KIRK, Mr. REHBERG, Mr. CRENSHAW, Mr. JACKSON of Illinois, and Mrs. LOWEY.
H. Res. 1427: Mr. MCNERNEY, Mr. BECERRA, and Mr. COSTA.

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. LEVIN

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 5486, the Small Business Jobs Tax Relief Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

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Senate

The Senate met at 10 a.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

PRAYER

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

Let us pray.

O God, who turns night shadows into morning, we pause in the freshness of this new day to seek Your guidance and to understand Your will.

Lead our lawmakers as they strive to serve the American people. Mold our Senators to Your purposes, fashion them with Your hands, and shape them into instruments for Your use. May they be sincere and honest in their relationships with one another, modeling integrity in all they do. Lord, empower them to do justly, to love mercy, and to walk humbly with You.

Bring sense and system to our disordered world so that we may find the pathway that leads to peace.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MICHAEL F. BENNET 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, June 9, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BENNET 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 any leader remarks, the Senate will resume consideration of the House message to accompany H.R. 4213, which is a bill to extend a number of expiring provisions, some of the tax issues we have to deal with every year, and some other good things to create jobs. There are going to be rollcall votes throughout the day.

We have four amendments that are pending. The chairman and I spoke last night. We believe we need to clear some of these amendments out of the way before we start piling on more amendments. We really need Members to come forward. If they have amendments, talk with the managers of the bill. We need to move forward on this legislation. We cannot sit here, as we did yesterday, and not do a lot.

Tomorrow, as everyone knows, we are going to spend a lot of time on the Murkowski resolution. That could take as many as 7 hours of floor time.

We need to move forward. We are out of session on Friday and Monday, really the only two nonvote days we have this entire work period.

PRIMARY NIGHT

Mr. President, it was primary night last night. I expressed in many different ways—I was up early this morning with my supporters in Nevada, telling them I appreciate their help.

I congratulated my Republican opponent in the general election, Sharron Angle, on the campaign she ran. She actually came from nowhere in a 13-person field in the Republican primary to win this election. I extended my appreciation to her in that regard.

BASEBALL

Mr. President, as a little sidenote, because we have 5 months to campaign all over the country, including Nevada, I want to take a pause and think about some of the things going on in the country.

One of the things going on in the Nation's Capital is tremendously interesting to me, and that is baseball. I watched on television last night much of the performance of this 21-year-old phenom, Stephen Strasburg. I watched not only him pitch but the interview after the game. He is 21 years old. He carried himself so well. In 7 innings, he struck out 14 Major League Baseball players. He did it very well. He is right-handed, but he reminded me so much of Sandy Koufax because he throws more than 100 miles an hour. He throws a curveball about 85 miles an hour. People who follow baseball know that is remarkable. That is great control. The reason I mention that is because he was the No. 1 draft choice for the Washington Nationals.

The No. 1 draft choice for the Washington Nationals a couple of days ago was a 17-year-old boy from Las Vegas, NV, named Bryce Harper. When Bryce Harper was 15 years old, he hit a home run more than 550 feet, which is a Mickey Mantle-type of home run, which Mickey Mantle did not do often. He took the GED when he finished his sophomore year in high school. He went immediately to junior college and played in the Junior College World Series this year. He is a wonderful young man. He has a great family. He is going to be in Washington playing Major League Baseball very soon. I think he will probably start playing in the Major Leagues at about the same age

as Al Kaline did, who was a Major League Baseball player. He throws as well as Al Kaline. He hits probably better than Al Kaline did.

Washington is fortunate to have these two fine young men. Not only are they great baseball players, but from everything we know about the two young men, they are good role models for young men and women around the country.

Mr. MCCONNELL. Mr. President, will the majority leader yield before changing the subject?

Mr. REID. Yes.

Mr. MCCONNELL. Mr. President, I say to my friend from Nevada, I was there. I had a chance to see Strasburg. As remarkable as the 14 strikeouts my friend referred to is the fact he did not walk anybody. What a remarkable athlete. We can only hope and pray that his arm holds up and that he has the kind of career everyone is anticipating. There was literally electricity in the air. It was an exciting event. It was great to be there.

Mr. REID. I so appreciate my counterpart talking about that. I wish I could have been there. But it was, even watching it on TV—gee whiz, there are those of us who love sports, and I know my friend loves basketball, especially that which takes place in Kentucky and the others, of course, in Kentucky. But this was really a remarkable performance. For Washington, which has been so starved for a good athletic team of some kind, it was nice.

I say to my friend through the Chair, when I was going to law school here, I watched two Major League Baseball games in the old Griffith Stadium. Oh, they were so much fun. I don't know who won. I am sure the Washington team lost. I know the two teams they played both times were the Yankees, where I watched Roger Maris, Mickey Mantle, Yogi Berra, and all those great players.

From this work in which we are engaged, which is always so serious, it is nice once in a while to divert our attention to something that is a little more relaxing. That baseball game last night was not relaxing, but it sure was a lot of fun.

Mr. President, my staff just indicated that I said we would not be in on Friday and Monday. We probably will be in; there will just be no votes.

Mr. MCCONNELL. Mr. President, if I may add one point, the majority leader mentioned that Bryce Harper was drafted by the Nationals on Monday. I look forward to him being the next Nevada contribution to the Washington area, right after my friend the majority leader.

Mr. REID. Mr. President, I say to my friend, it is a wonderful story. His brother, who was a great pitcher at California State Fullerton—which won the NCAA National Baseball Championship—his brother thought so much of his little brother, who is 4 years younger than he is, that he transferred from California State Fullerton to a junior college so he could play with his brother. The elder Harper is a pitcher, and the catcher is his little brother. The senior member of the brotherhood of Harper ball players, his record was 12 and 1 this year.

Another word about Bryce Harper. Community college baseball is very competitive. The record for the most home runs for any player in junior college baseball was 12. Bryce Harper hit 30. His batting average as a 17-year-old boy playing with men was .450. In one game, he was six for six. I think he had three or four home runs. It is an interesting story.

Mr. MCCONNELL. Mr. President, I will say that what one can conclude from this is that next year, when the Senate is not in session in the evening, both the Democratic and Republican leaders will be at the Nats games.

Mr. REID. I think that is pretty clear.

RECOGNITION OF THE MINORITY LEADER

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

URGENT CRISES

Mr. MCCONNELL. Mr. President, our Nation faces many urgent crises at the moment. Americans are looking for solutions. They are not getting any from Washington. Whether it is the housing crisis or the financial crisis, the debt crisis or the crisis in the gulf, what they are getting is a White House and a Democratic majority in Congress that seems more intent on pursuing a government-driven political agenda than finding commonsense solutions to the problems about which all of us are concerned.

Americans are exasperated by all this, but they should not be surprised because if there is one motto that defines this administration, it is the one delivered by the White House Chief of Staff in a revealing moment just after the President's election. I am referring, of course, to what Rahm Emanuel famously referred to as ''Rule 1: Never allow a crisis to go to waste.'' It is a fitting slogan for an administration which saw a crisis at some of America's great automaking firms as an opportunity for the government to extend its reach into industrial policy, which saw the panic on Wall Street as an opportunity for government to extend its reach further into Main Street, which saw out-of-control costs in health care as an opportunity to extend government's reach further into health care decisions of every American, and which is now talking about using a nightmarish environmental calamity in the gulf as a prime opportunity to extend government's reach even further into Americans' lives through a new, job-killing national energy tax that would hit every single household and business, small or large, in our country.

Think about it. For more than 50 straight days, an underwater geyser of oil, now roughly the size of Vermont, has been polluting the gulf. This is the kind of crisis that in the past would have united the Nation in a focused effort to solve the problem. Yet day after day, as this toxic oil continues to flow, what we get from the administration is some new twist on the blame game or some ham-handed effort to appear in control of the situation.

Meanwhile, in Congress, we are getting much the same thing. The deficit extenders bill that is now on the floor was supposed to be about giving job creators some assurance that the tax benefits they currently are receiving and on which they depend to retain workers will be there the next time they have to make a major business-related decision. Yet Democrats are using this bill as another opportunity to extend government's reach. Desperate for funds to bail out programs, they are raiding a trust fund—get this—created to pay for just the kind of cleanup we now need in the gulf. They are quintupling the tax that oil companies pay into the Oil Spill Liability Trust Fund that was created in the wake of the Exxon Valdez fix, and instead of using this money to clean up the oil that is spewing in the gulf, they are raiding the trust fund to pay for new unrelated spending.

Dipping into the oilspill trust fund in order to pay for something else—in other words, they are using the crisis in the gulf not only as a cover for even more government spending but as a major source of funding for it. This is really an outrage, and it should give every American a window into the Democratic approach to spending, as well as the lack of seriousness about the debt. Frankly, they just cannot restrain themselves. That is the only possible excuse for raiding this trust fund for unrelated government spending.

At the same time, as Americans wonder when this gusher will ever be plugged, we hear word that the administration and my good friend, the majority leader, want to piggyback their controversial new national energy tax—also known as cap and trade—to an oilspill response bill that could and should be an opportunity for true bipartisan cooperation. So again we see the administration using a crisis—in this case the disaster in the gulf—as an opportunity to muscle through Congress another deeply unpopular bill that has profound implications for small businesses and struggling households.

Look, if the health care debate taught us anything—anything at all—it is that Americans want these kinds of massive bills to be debated out in the open, not rushed past them on a holiday or tucked into a must-pass bill aimed at alleviating the kind of suffering we are seeing in the gulf. The problem for Democrats is that debating the Democratic cap-and-trade bill

might not fit neatly into the White House messaging plan since it has been widely reported that a major part—a major part—of the Kerry-Lieberman bill was essentially written by BP.

Let me say that again: A major part of the Kerry-Lieberman bill was written by BP. This is clearly an inconvenient fact. An administration that seems to spend most of its time coming up with ways to show how angry it is with BP is pushing a proposal that BP actually helped to write. I can't understand, and I don't think the American people will understand, why the majority believes it makes sense to respond to the BP oilspill by imposing a gas tax increase on the American people that was advocated by BP.

I think the American people want us to work together to address the disaster in the gulf, not exploit it—not exploit it—for partisan political purposes. The oilspill trust fund ought to be used to clean up oilspills. The oilspill trust fund ought to be used to clean up oilspills. This is one crisis Americans will not let Democrats exploit for their policy purposes.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

AMERICAN JOBS AND CLOSING TAX LOOPHOLES ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 4213, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment to H.R. 4213, an act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus amendment No. 4301 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute;

Sessions/McCaskill amendment No. 4303 (to amendment No. 4301), to establish 3-year discretionary spending caps;

Cardin amendment No. 4304 (to amendment No. 4301), to provide for the extension of dependent coverage under the Federal Employees Health Benefits Program;

Franken amendment No. 4311 (to amendment No. 4301), to establish the Office of the Homeowner Advocate for purposes of addressing problems with the Home Affordable Modification Program; and

Cornyn/Kyl amendment No. 4302 (to amendment No. 4301), to increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, in a few moments I will speak on the pending business before the Senate—the American Jobs and Closing Tax Loopholes Act—but before I do, I would like to refer to the comments of the Republican leader, as well as the statement of the Senator from Louisiana that he gave yesterday.

For several months now, Americans have witnessed a massive oilspill in the Gulf of Mexico, Americans have seen the sweeping environmental damage, and Americans have seen the dramatic economic effects. It is something that is overwhelming, it is appalling, and it is incredible how much damage is being created by the BP gulf oilspill. I am sure to the average observer there might seem no better time than now to ask oil companies to contribute more to shoulder the burden of the oilspill. Actually, they have caused the spill—at least one company has—and they should bear the burden.

This, then, would seem to be an appropriate time to raise the oilspill liability tax. The oilspill liability tax is pretty small. It is 8 cents a barrel. That is all it is currently. One would have to come up with a pretty creative argument if one wanted to protect big oil companies from this fee.

Well, the Senator from Louisiana, and just now the Republican leader, have done that. They have come up with a pretty creative argument to protect the oil companies. The Senator from Louisiana, for example, has returned to the last refuge of bean counters, and he has cried double counting. The double counting argument seems to be a favorite among bean counters, Mr. President. It seems to be the argument one falls back on when one cannot argue the substance and one just wants to muddy the waters. In reality, the funds collected by raising the oilspill liability tax will strengthen the Oil Spill Liability Trust Fund. That is simple arithmetic. But opponents of raising the tax on big oil companies want to make it less attractive for doing so. They want to make it so that the funds collected by raising taxes on big oil do not count in the Federal budget. That way it will be less effective and less attractive to raise taxes on big oil.

So don't be misled by the green eyeshades talk. Don't be misled by the bogus charges of double counting. Don't buy into the arguments of those who want to protect big oil. I urge my colleagues that when we get to it later today to vote against the Vitter amendment and to reject the arguments we have been hearing today that raising the per-barrel tax for funds which go into the oilspill liability fund is somehow double counting because, clearly, that money goes into the trust fund, and funds from that trust fund are then used to pay for the cleanup and some damage that has occurred and also counts toward reducing the Federal deficit because it is extra money that goes to government debt and, therefore, is money which is not doubled counted.

I urge my colleagues to reject those arguments.

Mr. DURBIN. Will the Senator from Montana yield for a question?

Mr. BAUCUS. I will yield to the Senator.

Mr. DURBIN. I listened to the statements made today by the Republican leader about the increase in this fee that is to be paid into the Oil Spill Liability Trust Fund. I would like to ask the chairman of the Finance Committee, currently, the fee is 8 cents a barrel?

Mr. BAUCUS. That is correct.

Mr. DURBIN. And the price of a barrel of oil, as of this morning's Wall Street Journal, is $71.99 a barrel?

Mr. BAUCUS. That is correct.

Mr. DURBIN. So this is a small, tiny fraction—one-tenth——

Mr. BAUCUS. Of the current fee.

Mr. DURBIN. Of the current fee. One-tenth of 1 percent as best I can calculate it.

Mr. BAUCUS. That is true.

Mr. DURBIN. That is being paid by oil companies into a fund so that if there would be a spill and the oil company responsible couldn't pay for it, they would have at least accumulated enough money to protect the taxpayers——

Mr. BAUCUS. That is correct.

Mr. DURBIN. From this liability.

Mr. BAUCUS. That is correct. I might also say this fund was created in the wake of the Exxon Valdez spill.

Mr. DURBIN. Twenty-one years ago. I might also ask the chairman of the Finance Committee, it is my understanding that the total value of the current Oil Spill Liability Trust Fund is somewhere in the range of $1.5 billion?

Mr. BAUCUS. I think that is the amount. I am not certain, but it is about that.

Mr. DURBIN. So the effort in this bill is to increase that per-barrel tax paid by oil companies for this oilspill liability fund to——

Mr. BAUCUS. Forty-one cents.

Mr. DURBIN. Forty-one cents. So 41 cents would represent, as I calculate it, one-half of 1 percent of the current cost of a barrel of oil.

Mr. BAUCUS. The current oil priced at $71 a barrel.

Mr. DURBIN. Right. So the argument from the other side is that even if we accumulated this money and put it into this fund for cleaning up spills, we shouldn't count it as additional money being held by the Federal Government at the same time; is that correct?

Mr. BAUCUS. That is correct.

Mr. DURBIN. And if we fail to count it as an additional source of revenue being held by the Federal Government, is it not true that it would be subject to a budget point of order, which would then require 60 votes, and that would allow the oil companies to find 41 friends on the Senate floor—and I think I know where they will start looking—to defeat this effort to create this tax?

Mr. BAUCUS. I might say that is my reading of the Budget Act; that is correct.

Mr. DURBIN. Could I also ask the chairman of the Finance Committee, in this situation—where BP is clearly responsible for the mess in the Gulf of Mexico and has at least stated its responsibility; where we have a deep-pocket defendant that declared $5.6 billion in profits the first quarter of this year—if the next spill or the next accident resulting in multibillion-dollar damage to the Gulf of Mexico, or wherever, is caused by a company without deep pockets, is this fund the only place to turn to protect taxpayers?

Mr. BAUCUS. That is exactly correct.

Mr. DURBIN. And if we fail to increase this tax and increase the size of this fund, it means the taxpayers would be called on to bail out other oil companies that may be responsible for similar damage in the future?

Mr. BAUCUS. That is the precise theory of all trust funds in the first place, but now the cap needs to be raised.

Mr. DURBIN. So all the protests from the other side of the aisle about this 40-cent tax on big oil companies is basically not only to protect the big oil companies but to put the taxpayers on the hook for another bailout——

Mr. BAUCUS. That is correct.

Mr. DURBIN. If we run into another oilspill?

Mr. BAUCUS. If the fund is not large enough, that is exactly correct.

Mr. DURBIN. I thank the Senator.

Mr. BAUCUS. Mr. President, I know my friend wants to speak, but let me just set the lay of the land so my friend from Vermont can speak.

The Senate has returned to the American Jobs and Closing Tax Loopholes Act. I want to remind my colleagues this bill is about jobs. It is about helping 15 million Americans who have lost their jobs as well. We are talking about people who have worked, who want to work, and who will work again. These are our neighbors, and they need our help.

The Labor Department just reported that although things are getting better, there are still five unemployed Americans for every job opening available—five. For comparison, throughout 2007 there were fewer than two unemployed workers for every job opening. Again, today there are five. We need to do more to help create jobs. We need to continue to help those who do not have jobs to get by.

Let me also remind my colleagues that hundreds of thousands of unemployed Americans need the assistance in this bill just to get by. The Senate needs to pass this bill, and we need to do it soon. As I have noted, this bill is about jobs. This bill is about helping the 15 million Americans who have lost their jobs. I remind my colleagues about that because, so far, aside from the substitute, none of the amendments offered is about jobs or about helping the 15 million Americans who have lost their jobs.

Many of the pending amendments are worthy efforts, but I encourage my colleagues to stick to the task, to address the subject at hand, and to pass this bill. People need help.

Right now, we have five amendments pending: this Senator's amendment in the nature of a substitute, the Sessions amendment to cap appropriations, the Cardin amendment to provide for dependent coverage under the Federal Employees Health Benefits Plan, the Franken amendment to create the homeowner advocate in the Home Affordable Modification Program, and the Cornyn amendment for more reports on government debt.

The majority leader has requested that the Senate address the backlog of pending amendments before we allow more amendments to become pending. That is why I am serving notice that until we have voted on some of the pending amendments, I will be obliged to object to setting aside any of the pending amendments in order to allow further amendments to become pending. Thus, we would like to line up some of the votes, Mr. President.

If possible, we would like to have votes at least by noon or, at the very latest, 2 p.m. We very much hope we can make some progress today—not just hopefully but make progress. It is our obligation to make progress. That is our job. People elected us to do what is right for America. It is right to help extend these so-called tax extenders, the R&D tax credit, and so on and so forth, but it is also right to make sure unemployment benefits are available for those who are out of work.

I urge us to come together and do our work in these next couple of days. I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Vermont.

Mr. SANDERS. Mr. President, I want to speak briefly about an amendment I have filed and look forward to getting pending in a short while. This is an amendment which addresses many of the issues we have been hearing about this morning about which the American people are concerned.

This amendment helps us lower the record-breaking deficit this country is facing, and this amendment will help us transform our energy system away from fossil fuel—away from the oil disaster that we are seeing in the gulf right now—to energy efficiency and sustainable energy. So for all my colleagues who are concerned about record-breaking deficits, I hope they will support this amendment which I will explain in a moment. And for all of my colleagues who understand that the future of this country is not offshore drilling, I hope they will support this amendment.

Let me explain briefly what this amendment does. At a time when the profits of big oil companies are soaring, at a time when we are in the midst of the largest oilspill in our Nation's history—one of the greatest ecological disasters this country has ever experienced—at a time when we desperately need to end our dependence on oil and gas and seriously transform our energy system by investing in energy efficiency, conservation, and renewable energy, this amendment is simple and it is straightforward and I think it addresses all of those concerns.

This amendment simply repeals over $35 billion in tax breaks to the oil and gas industry. Let me repeat that. This amendment simply repeals over $35 billion in tax breaks to the oil and gas industry, all of which were recommended for elimination in President Obama's fiscal year 2011 budget. What this amendment is doing is simply bringing to the floor of the Senate the recommendations that were in President Obama's budget.

According to OMB, the repeal of these tax breaks would be equivalent to about 1 percent of domestic oil and gas industry revenues over the next decade. This is not an onerous attack on the oil industry. In other words, the cost to the oil and gas industry of repealing these tax breaks is negligible. And $25 billion of the money saved under this amendment would be used to reduce the deficit and $10 billion would be used to invest in the highly successful Energy Efficiency and Conservation Block Grant Program over a 5-year period.

This amendment does two things. For all of my friends, and every American who is concerned about a $13 trillion national debt and record-breaking deficits, this amendment says let us put $25 billion into deficit reduction. For all of us who are concerned about transforming our energy system away from fossil fuel to energy efficiency and sustainable energy, this amendment says, over the next 5 years let's put $10 billion into the Energy Efficiency and Conservation Block Grant Program, which provides funding to States, cities, and towns all over America to begin transforming energy in their communities.

This amendment is supported by Physicians for Social Responsibility, Friends of the Earth, Public Citizen, moveon.org, Center for Biological Diversity, One Sky, Environment America, the Sierra Club, and Greenpeace.

If there is anything we should be learning from the gulf disaster, the horrendous disaster we are experiencing today on the gulf coast, it is that it is time to move aggressively away from polluting and unsafe fossil fuels which are getting more and more difficult to produce as we move farther and farther offshore to drill for them. With a $13 trillion national debt, the last thing we need to be doing is giving huge tax breaks to big oil and gas companies that have been making record-breaking profits year after year.

As I indicated before, all of the oil and gas tax breaks that my amendment seeks to repeal have been targeted for elimination in President Obama's fiscal year 2011 budget. So

here we are. For all of my deficit hawk friends: $25 billion into deficit reduction by asking the oil industry, which has been hugely profitable in recent years, to start paying their fair share of taxes.

Let me quote from a speech that President Obama gave on this subject.

> Our continued dependence on fossil fuels will jeopardize our national security. It will smother our planet. And it will continue to put our economy and our environment at risk. . . . If we refuse to take into account the full cost of our fossil fuel addiction—if we don't factor in the environmental costs and national security costs and true economic costs—we will have missed our best chance to seize a clean energy future. . . . The time has come once and for all for this Nation to fully embrace a clean energy future. Now, that means . . . rolling back billions of dollars of tax breaks to oil companies so that we can prioritize investments in clean energy research and development.

That is the end of the quote from President Barack Obama. Frankly, that is what this amendment is all about.

Let me give one interesting example of the absurdity of continuing to provide tax breaks to the oil and gas industry. Last year, ExxonMobil, the most profitable corporation in the history of the world, reported to the SEC that not only did it avoid paying any Federal taxes, it actually received a $46 million refund from the IRS. How is that, folks? So, for all of the taxpayers in this country, people who are making $30,000 or $40,000 a year, who are prepared to pay their fair share of taxes, we have a situation where last year ExxonMobil, the most profitable corporation in the history of the world, reported to the SEC that not only did it avoid paying any Federal taxes, it actually received a $46 million refund from the IRS.

We have a lot of working people in the State of Vermont who make $50,000 or $60,000 a year, working 6 or 7 days a week in order to take care of their family. They pay taxes. ExxonMobil, the most profitable corporation in America, gets a refund from the IRS. If anyone thinks that makes sense I would like to hear about it.

ExxonMobil is the same huge oil company that had enough money to pay a $398 million retirement package to its outgoing CEO, Lee Raymond, a few years ago, so it is a real struggling company. They make more profits than any company in the history of the world and paid their outgoing CEO $398 million in a retirement package but they cannot afford to pay a nickel in taxes. In fact, they get a tax refund. Do you think we need to change that system? I do.

ExxonMobil is the same company that is making its profits by gouging consumers at the pump by charging higher and higher prices for gasoline even when demand is low and supply is high. In Vermont, gas is now $2.85 a gallon. That has to stop.

This amendment would begin to make sure that ExxonMobil, BP, and other big oil companies pay at least a minimal amount of their record-breaking profits in taxes to the Federal Government so we can begin to deal with our record-breaking deficit; so we can begin the process of transforming our energy system.

Let me be clear. As millions of Americans have lost their jobs, their homes, their life savings, and their ability to send their kids to college because of this horrendous Wall Street recession, we cannot continue to allow big oil companies to make out like bandits. In the first quarter—I refer people to this chart—in the first quarter of 2009, when our gross domestic product shrank by 6.4 percent and overall corporate profits decreased by 5.25 percent—that is what a recession is about; profits are down, overall corporate profits—the five largest oil companies were still able to earn over $13 billion in profits. As this chart shows, during the last 10 years the five largest oil companies—ExxonMobil, Shell, BP, ChevronTexaco, and ConocoPhillips—earned over $750 billion in profits: a 10-year period, $750 billion in profits. That is not chickenfeed.

During the first quarter of this year, big oil's profits increased by 85 percent—not bad, 85 percent. Instead of using these profits to invest in renewable energy and to prevent oilspills, big oil and gas companies are primarily using this money to buy back their own stock and enrich their CEOs. According to the American Petroleum Institute, between 2000 and 2007 the entire oil and gas industry, of all of their profits—remember, $750 billion of profits over the last 10 years—invested only $1.5 billion in North American ''nonhydrocarbon investments'' aimed at reducing the Nation's dependence on oil. That is less than one-quarter of 1 percent of their profits during this time period.

Meanwhile, the CEOs of big oil companies have received hundreds of millions in retirement packages and total compensation. Over the last 5 years, Ray Irani, the CEO of Occidental Petroleum, received over $725 million in total compensation; John Hess, the CEO of the Hess Oil Company, has received over $240 million in total compensation; David Lesar, the CEO of Halliburton, has received over $114 million in total compensation; James Mulva, the CEO of ConocoPhillips, has received over $95 million in total compensation; and Rex Tillerson, the CEO of ExxonMobil, made over $30 million in total compensation over that 5-year period. Further, since 2002, the five largest oil companies have repurchased almost $270 billion of their own stock.

It is important for the American people to understand how excessively we are subsidizing fossil fuels and benefiting big oil. It is not only that they are making record-breaking profits; it is not only that they are not paying their fair share of taxes; it is not only that they are not investing in renewable energy so we can break our dependency on fossil fuel and clean up this planet, but in addition to that, they are receiving huge amounts of taxpayer subsidies. These guys who tell us how terrible the big government is are not hesitant to be running here to Capitol Hill to get their fair share of their welfare payments.

As this chart shows, according to the Environmental Law Institute, from 2002 to 2008, the U.S. Government provided more than $70 billion in fossil fuel subsidies compared to just over $12 billion for wind, solar, geothermal, biomass, and other renewable energies which in fact are the future of this country in terms of energy. This set of priorities is totally absurd. We have to put an end to the outrageous tax breaks and subsidies that have been given to big oil and gas companies.

But that, again, is not all this amendment would do. It is not only $25 billion in deficit reductions. This amendment begins to move us away from fossil fuel to energy efficiency and renewable energy by investing $10 billion into the Energy Efficiency and Conservation Block Grant Program. The stimulus package provided $3.2 billion for this highly successful program, and that money is filtering throughout 50 States in America. Hundreds and hundreds and thousands of communities are now making energy efficiency improvements in their townhalls, in their schools, and they are moving toward sustainable energy as a result of this program. We would put $10 billion more, over a 5-year period, into a program which finally moves us away from fossil fuel to sustainable energy and energy efficiency.

Let me give an example of how this program is working. This program is helping to build wind turbines in Carmel, IN, to power its city sewer treatment plant. It is being used in Salt Lake City, UT, to provide loans to businesses to make energy efficiency upgrades. It is being used in Columbus, OH, to make 29 public buildings more energy efficient.

I think, as everybody knows, the most significant thing we can do today, the best return on our dollar, is energy efficiency. That is what they are doing in Columbus, OH. That is what they are doing in Vermont. That is what they are doing, in fact, all over this country, as a result of programs such as the Energy Efficiency Block Grant Program. It is being used in Portland, ME, to retrofit 55 public buildings. It is being used in Miami, FL, to convert landfill gas into the production of electricity. Methane gas out of rotting organic matter in a landfill provides electricity. What can be smarter than that? It is being used in New York City to help homeowners and businesses with energy efficiency and renewable energy loans, among many other projects we are seeing all over America, 50 States utilizing this program, young people getting involved in thinking about energy, energy efficiency, sustainable energy. We need to keep

these investments in energy efficiency and conservation going and that is what this amendment does.

Finally, this amendment would dedicate $25 billion for deficit reduction. At a time of record-breaking deficits and debt, we simply cannot continue to give oil and gas companies huge tax breaks.

When it comes down to it, this amendment asks a very simple question: Which side are you on? Which side are you on? Are you on the side of big oil and gas companies or are you on the side of reducing the deficit, reducing our dependence on oil, saving consumers and businesses money on their energy bills, and saving the planet we live on? I would hope most of our colleagues here are on the side of doing what is right for the American people. That is what this amendment is about. I understand that anytime you stand up to big oil and to big gas companies, there is going to be a lot of political push back. We know that since 1990 the oil and the gas industry has made over $238 million in campaign contributions, and over the past 2 years alone, they spent over $210 million on lobbying. With the BP disaster in the gulf coast, my guess is these guys are all over the place now lobbying and sending out their campaign contributions. But this amendment is the right thing to do. It should bring together all of us who are concerned about transforming our energy system, all of us who are concerned about lowering our record-breaking deficits.

I intend to be offering this amendment. I look for widespread support on both sides of the aisle.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN LAW AND THE U.S. CONSTITUTION

Mr. COBURN. Mr. President, I send to the desk to have printed in the RECORD a letter I sent to Justice Sonia Sotomayor dated the day before yesterday. The reason for that concern is our Supreme Court process has broken down.

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

U.S. SENATE,
COMMITTTEE ON THE JUDICIARY,
Washington, DC, June 8, 2010.

Justice SONIA SOTOMAYOR,
Supreme Court of the United States, Washington, DC.

DEAR JUSTICE SOTOMAYOR: I write to inquire about your decision to join Justice Anthony Kennedy's opinion in the case of *Graham* v. *Florida*, No. 08–1224. In that case, a 5–4 majority of the Court ruled that sentencing a juvenile offender to life in prison without parole for a nonhomicide crime is unconstitutional.

In Justice Kennedy's opinion, he employs a methodology similar to that used in *Roper* v. *Simmons*. In *Roper* and *Graham*, the majority relies on what five Justices perceive to be ''evolving standards of decency'' in concluding that the punishment in question violates the Eighth Amendment's ban on cruel and unusual punishment. In arriving at this conclusion, Justice Kennedy looked to both the sentencing practices of the states and the federal government and to the ''judgments of other nations.'' Justice Kennedy's opinion in *Graham*, which you joined, states, ''[the] global consensus against the sentencing practice in question'' provides ''support for our conclusion'' that the punishment is unconstitutional. He further writes, the ''judgments of other nations and the international community'' and the ''climate of international opinion'' are ''not irrelevant'' to determining the ''acceptability of a particular punishment.'' Specifically, the opinion notes, '''the overwhelming weight of international opinion against' life without parole for nonhomicide offenses committed by juveniles 'provide[s] respected and significant confirmation for our own conclusion'' ' that it violates the Eighth Amendment.

Given your testimony at your confirmation hearing, I have serious concerns about your decision to join Justice Kennedy's opinion, which extensively cites foreign law, At your hearing. I asked you the following question: ''[W]ill you affirm to this Committee and the American public that, outside of where you are directed to do so through statute or through treaty, refrain from using foreign law in making the decisions that you make that affect this country and the opinions that you write?'' You responded: ''I will not use foreign law to interpret the Constitution or American statutes. I will use American law, constitutional law to interpret those laws, except in the situations where American law directs a court.'' I sought further clarification and asked: ''So you stand by it? There is no authority for a Supreme Court justice to utilize foreign law in terms of making decisions based on the Constitution or statutes?'' You responded: ''Unless the statute requires you or directs you to look at foreign law . . . the answer is no.''

Your decision to join Justice Kennedy's opinion that uses foreign law to ''support'' its conclusion conflicts with your pledge to the Judiciary Committee and the American public not to ''use foreign law to interpret the Constitution.'' In light of that conflict. I respectfully request that you explain why you chose to join the majority's opinion in *Graham*. I recognize that Justice Kennedy's opinion does not rely on foreign law as precedent for its decision; however, if foreign law is of no value to the reasoning of the opinion and did not influence the final outcome, then please explain why you supported its inclusion in the opinion. These questions are particularly relevant as the Senate is faced with evaluating another Supreme Court nominee in the coming months. Accordingly, I would appreciate a prompt response.

Sincerely,

TOM COBURN, M.D.,
U.S. Senator.

Mr. COBURN. I want to read you some quotes of the Justice, and then I want to read you the answers she gave to my queries during her hearing on the Judiciary Committee. I think it is going to be plain to see that we have to change what we are doing on Supreme Court nominees.

Previous quotes from Judge Sotomayor on foreign law; the use of foreign law to interpret the U.S. Constitution, which is forbidden under the Constitution, except in those international treaties where it is so directed under statute and treaty.

Statement of Judge Sotomayor:

To suggest to anyone that you can outlaw the use of foreign or international law is a sentiment that is based on a fundamental misunderstanding. What you would be asking American judges is to close their minds to good ideas. Nothing in the American legal system prevents us from considering the ideas.

That is true.

The international law and foreign law will be very important in the discussion of how we think about unsettled issues in our own legal system. It is my hope that judges everywhere will continue to do this. Within the American legal system, we are commanded to interpret our law in the best way we can. That means looking to what anyone has said to see if it has pervasive value.

Well, that is wrong. The Constitution defines what judges look at in considering their decisions. So I asked her the following questions during her confirmation hearing before the Judiciary Committee:

[W]ill you affirm to this Committee and the American public that outside of where you are directed to do so through statute or through treaty, refrain from using foreign law in making the decisions that you make that affect this country and the opinions that you write? [or concur with.]

Sotomayor's response:

I will not use foreign law to interpret the Constitution or American statutes. I will use American law, constitutional law to interpret those laws, except in situations where American law directs a court [to do otherwise.]

So you stand by it?

These are my words.

There is no authority for a Supreme Court Justice to utilize foreign law in terms of making decisions based on the Constitution or our statutes?

Here is her response.

Unless the statute requires you or directs you to look at foreign law, the answer is no.

So her statements before she comes before the committee are totally opposite of what she tells the committee, and then what she has done since proves that her testimony before the committee was totally meaningless.

On May 17, Justice Sotomayor joined an opinion citing the ''judgments of other nations'' when interpreting the eighth amendment to prohibit sentencing of a juvenile offender. The opinion states the following:

[The] global consensus against the sentencing practice in question provides support for our conclusion.

Well, either she was dishonest with us in the committee or she does not know what she is signing on to, which tells you that our process for intervening and holding Supreme Court candidates is a failure.

The opinion further states that:

The judgments of other nations and the international community [and the] climate of international opinion are not irrelevant to determining the acceptability of a particular punishment.

That is a total violation of the U.S. Constitution and its statutes. It is a total negation of what she told the committee as she came through the

committee process. That is one of the reasons I did not believe her, because I believed her earlier statements to be her true feeling.

So what we have before the Judiciary Committee—and we have another nominee coming up now—is the ability for Justices to say whatever we want to hear, and then do whatever they want to do and ignore the U.S. Constitution, as she did, and in her testimony before the committee.

As journalist Stuart Taylor recently wrote in The Atlantic—this opinion that she cosigned onto:

> The opinion was based on little more than the personal policy preferences of the five majority justices. And it looked abroad for consensus that so plainly does not exist here and violates our own U.S. Constitution.

So it did not matter what she told the committee. She did exactly the opposite of what she told the committee as she signed onto this opinion. We are going to need more than promises from the next nominee. An acceptable Supreme Court nominee must have a demonstrated record of adhering to the Constitution and their judicial oath by strictly interpreting the Constitution, according to our Founders' intent, not international opinion or consensus. It has no role in the interpretation of our Constitution. Senators cannot simply accept pledges from Supreme Court nominees that they will not use foreign law when interpreting the U.S. Constitution. The nominee to come before us, Solicitor General Kagan, wrote the following:

> There are some circumstances in which it may be proper for judges to consider foreign law sources in ruling on constitutional questions.

Oh, really? Is that what our Constitution says? Is that what this candidate believes? Here is what she said. What is she going to say before us in committee, that she will not? What value is that if, in fact, she knows that to be the law, she admits that is what the U.S. Constitution says, and as soon as she is affirmed, does exactly the opposite? The process has to be changed. We can no longer take it on faith because, in fact, the process under which—since Bork actually spoke what he believed, since him, nobody has said what they believe. They have all chiseled on what they believe. They will not be accountable to what they believe. So we have to change that process.

The other concerning thing about Nominee Kagan is that when she went to Harvard, she made international law mandatory in terms of getting a degree out of law school at Harvard. But do you realize Harvard does not require its lawyers to take constitutional law? You can graduate from Harvard Law School and never have studied U.S. constitutional law. That tells you the trend this country is going in; we are abandoning our Constitution and the very wisdom that gives us the freedom we have today.

I will finish by saying, the consideration of any judge in the future, in terms of this Senator, is going to be borne out by what they have said before they got to the committee, not what they say to the committee, because we can no longer, as a body, trust what the nominees say in committee.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURRIS.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. 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. DURBIN. Mr. President, pending before the Senate is a bill that includes many provisions. It is known in shorthand as the extenders bill because each year there are portions of the Tax Code which expire, and they relate to a lot of different things we kind of take for granted—the biofuels tax credit, for example—and other things. Each year, Congress extends or reauthorizes those portions of the Tax Code, and most of them are noncontroversial.

The obvious question many people ask who are affected by them is, Why do you do this every year and go through this exercise? It is an honest and legitimate question. I just say that the honest answer is, Because the extenders themselves are not controversial; they are popular. They become the spoonful of sugar that helps the medicine go down because they usually accompany other things that have more controversy with them. That is the way politics works. That is the way the Congress works, and that is what we do each year. This year is no exception, and we are considering the extension of portions of the Tax Code and including with it other things that will have an impact on the country and on the economy.

When I look at what is included in this bill, which is going to be important, there are several provisions that I think are critically important for the economy.

Most of us believe we would be better off in America if we stopped exporting good-paying American jobs overseas. So the President has said repeatedly and many of us have said in our speeches on the floor and back home that we want to stop rewarding in the Tax Code companies that decide it is to their economic advantage to locate overseas, closing down a factory in Galesburg, IL, and moving over to Europe or Japan or China or India or wherever it happens to be. So this bill, first and foremost, eliminates major tax cuts and loopholes available to U.S. corporations that want to relocate their business operations overseas. I think that is eminently sensible. Why would we in our Tax Code reward companies that want to leave the country, companies that want to eliminate American jobs? That is the No. 1 thing this extenders package does, in addition to extending some of the tax provisions I mentioned earlier.

It also provides help for small businesses across America. If we are going to get out of this recession sooner rather than later, we really need to depend on small businesses in America that will be able to step up and hire more people. We all think about the big company that is going to locate its new plant in our hometown and create 1,000 or 2,000 jobs. Occasionally, that happens. But more likely than not, the job growth in most communities and most cities will be when smaller businesses can hire 1 or 2 people or maybe 10 or 20 people. Cumulatively, those efforts result in a growth in the American workforce. This bill, as a second part, creates tax incentives and help for small businesses to hire more people in this weak economy.

Those are the two pillars of the bill: stop the export of American jobs by eliminating the tax incentives in our American laws that reward companies for sending jobs overseas and, secondly, create an environment in our Tax Code and programs that help small businesses retain and hire more American workers. I cannot think of two better things to do in a weak economy. Yet it seems there is opposition to this bill from the Republican side of the aisle. There are some who may support it, and I hope they do. I hope it genuinely becomes a bipartisan bill.

But there is a genuine concern about some other provisions that I would like to address.

I don't know that there is an American alive today who is unaware of what is going on in the Gulf of Mexico. I don't know what day we are in—60, 61—of this terrible environmental disaster where the BP rig blew up, killing 11 innocent people, and then the oil started spewing into the Gulf of Mexico. British Petroleum came in and has been trying vainly to stop this oil from flowing into the gulf. They have said repeatedly that they will make this all whole at the end of the day; they will stop the oil from flowing and set about repairing the damage, which is extensive.

Twenty-one years ago, I was on a congressional trip up to Prince William Sound in Alaska. The Exxon Valdez, a large tanker, had run aground because the captain, they think—it was alleged—had been drinking and didn't pay attention. It gashed the hull of the boat and ended up spewing oil in every direction. I will never forget that as long as I live because there was this black, dirty, sludgy oil all over everything. We went out on a Coast Guard ship and looked at it. You would see these horrible situations where, in this pristine Alaskan environment, everything would be covered with this black oil, and you would look down into the rocks and you could see as deep as you could see that there was more and more of that oil.

I asked Senator MURKOWSKI of Alaska what Prince William Sound is like

21 years later, and she said things have gotten back to a more normal state but some things have changed forever. Some species of fish, such as the herring, are just gone from this particular place. Maybe at some distant point in the future, they will return, but for the last 20 years, they have been extinct and gone. I hope Mother Nature takes care of that over time. You can see that it will take a long period of time.

We don't know what is going to happen in the Gulf of Mexico, but we know it will be expensive, first, in terms of human life—losing 11 people—and, second, in terms of the environmental damage, which is incalculable at this moment; that is, the economic cost of the damage.

If there is any encouraging thing—and there isn't much—in this whole conversation, it is the fact that British Petroleum is a very wealthy company. In the first 3 months of this year, they announced $5.6 billion in profits. When they say they can pay for the damage, it is clear that they have deep pockets and they can pay. And they will pay. The taxpayers will not pay.

There is a provision in this bill relating to this issue that has become controversial on the floor. We decided back in the time of the Exxon Valdez spill that we would create an oilspill liability fund. In other words, we would collect money and put it into a ''rainy day fund'' that would be there in case of an environmental disaster to pay for the damage. We collect, under current law, 8 cents for every barrel of oil to put into this fund. This morning's paper tells us that a barrel of oil is selling for $71.99, so 8 cents represents about one-tenth of 1 percent of the cost of a barrel of oil. It is a tiny, small amount.

Over time, with all the oil that has been explored and produced, we have collected over $1 billion into this oilspill liability fund, thinking we were prepared for the worst. We couldn't imagine what happened in the Gulf of Mexico, where $1.5 billion wouldn't even come close to paying for the damage that has been created by this BP disaster. So this bill will increase the amount of tax on a barrel of oil to 41 cents a barrel.

Remember, the price of a barrel of oil is $71.99, and we are going to charge 41 cents to be put into this oilspill liability fund. There is an objection to this from the Republican side of the aisle. Their objection is a little hard to follow because they are kind of tied up in a budgetary argument here. I think it is pretty clear to see what the choices will be. If we don't collect this money for every barrel of oil and put it into an oilspill liability fund, God forbid if there is another environmental disaster; there won't be enough money to pay for it.

Today, British Petroleum has its slimy fingerprints all over this mess. We know they are going to end up holding the bag, as they should. They have the money to pay for the damages associated with it. But what about tomorrow? What if the company involved is not as well off as BP? What if they are bankrupted by an environmental disaster and they go out of business? Who then is going to compensate the shrimpers, the oystermen, the fishermen, the tourist industry, the resorts, and all the others who are affected by all this? At that point in time, you would look to this oilspill liability fund. But the $1.5 billion it currently holds is not enough to do the job. That is why this bill increases the amount per barrel of oil from 8 to 41 cents, so instead of one-tenth of 1 percent, it is about one-half of 1 percent of the current cost of a barrel of oil that will be set aside as an insurance fund.

The Republicans are objecting to this. You have to ask them, what is the alternative? If the oil companies don't pay so that we have an insurance fund for the next environmental disaster, who will pay? I think we know the answer. It will require another taxpayer bailout, which means taxpayers across America will be called on to come up with the emergency disaster funds to pay for the next environmental disaster, God forbid it ever occurs. Isn't it better to have the industry drilling for oil building up the reserves in this oilspill liability fund so that the taxpayers don't end up ultimately paying for the cleanup? It is obvious to me. The alternative is unacceptable, but the alternative is what is being argued for on the Republican side of the aisle. They want to step aside from what is the clear responsibility of the big oil companies and those who would drill.

Yesterday, we had a hearing in the Senate Judiciary Committee, and we talked about the liability of the oil companies in this situation. It turns out that Senator PATRICK LEAHY, of Vermont, and Senator SHELDON WHITEHOUSE, from Rhode Island, did some research on it and found that most of the law that governed this situation was ancient law—150, 160 years old. The law, for example, for the 11 people who died on this oil rig in the explosion limits the recovery of their surviving families to the actual monetary losses—in other words, how much future income will be lost to that family because of the death of that worker. They cannot collect for any loss of companionship due to the death of a father or husband, and they cannot collect punitive damages, except to the amount of the actual compensatory damages—one to one. There is a limit to what they can recover.

Yesterday, Christopher Jones testified about his brother Gordon, who died as a result of the explosion on this rig in the Gulf of Mexico. He showed us photos of the family, the two little boys—one born after the father died and another young boy and his mom. It was so compelling.

The argument was made by a man representing the oil and energy industry that it would be reckless for us to expand the liability of oil companies beyond the current limitations in the law. I think it is reckless for us to consider allowing anybody to drill in the Gulf of Mexico who doesn't have the bonding and wherewithal to stand up for any damages they should incur. Why in the world would we allow anybody to go out in this circumstance, when we can see what happens when it goes wrong, and do it again without having some sort of insurance that protects those involved working there, as well as those who are affected by the environment around the Gulf of Mexico? They have no business drilling, as far as I am concerned, if they are not financially responsible and if they cannot stand behind their operations to make sure the taxpayers don't end up in a situation where they are vulnerable.

The Republican position that says we should not impose a new tax on oil companies to make sure there is enough money in an oilspill fund so that the taxpayers won't have to pay for these disasters in the future is a position that is indefensible. It is a position that makes no sense.

They argue, incidentally, that if we collect this money, we should somehow say it won't be used for any other purpose. Well, the money will be used for the purpose of oilspill cleanup, but because it will be a new asset of the Federal Government, it will be shown on the books on the positive side. We are collecting the tax, gaining the asset, and increasing in a small way our budget picture on the positive side. I think they are lost in a budgetary argument that really is, in effect, trying to protect the oil companies from this new tax.

I hope my colleagues won't be discouraged in this debate but will stand by the efforts of the committee to impose this new tax responsibility. I hope that as Members of the Senate consider this bill—and I see my friend from Ohio here, and I will yield momentarily to him—they will try to understand how difficult it might be to explain why they voted against a bill that eliminates tax breaks for American companies that want to locate their businesses overseas and why they voted against a bill that provides help for small businesses in America to hire more workers in a time of high unemployment. Those are the two most important elements in this so-called extension bill. I hope—wouldn't it be a great day—we could have bipartisan support for those two basic ideas and at the end of the day do something on the floor to create jobs in America and, in the process, do it in a sensible way that builds for our future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I stand here a bit incredulous about the comments of Senator DURBIN, the assistant majority leader, about the oil industry and Republican opposition to simply making them pay for potential problems they cause.

I say I am incredulous, but as I think a little longer, I realize that is par for the course. I have only been in the Senate 3½ years. I have seen the Republicans side with the insurance companies on health care reform. I have seen them side with the drug companies on Medicare issues. I have seen them side with big Wall Street banks on Wall Street reform. Now they side with the oil industry, with BP, with Exxon and these companies that have had—literally, BP's profits were over $1 billion, several billion, multibillion-dollar profits per quarter. And my friends on the other side of the aisle—I don't know if it is the campaign contributions, social connections, what it is with the oil industry—it is always the oil industry first, taxpayers second, and the consuming public third with them. I don't get that.

COBRA SUBSIDY PAYMENTS

I wish to talk about an amendment Senator CASEY is offering and of which I am a primary cosponsor dealing with COBRA, the health insurance issue. When this recession started and unemployment began to spike, most of us in Congress acted to help those in clear need with the stimulus package and with the extension of unemployment insurance.

Remember, it is insurance; it is not welfare. People pay into the unemployment insurance fund when they are working, and when they lose their jobs, through no fault of their own, they get assistance from the unemployment insurance fund.

Another part of that is, when someone in Joliet or Cleveland or Springfield, IL, or Springfield, OH, loses their job, they all too often lose their insurance. There is a Federal program, a Federal law, that you can continue to draw health insurance when you lose your job if you, the employee, pay for your part of it and you pay the employer contribution for your health insurance, which at least doubles, sometimes triples the amount of money you were paying for health insurance when you were working.

That means simply, when you are working, you are paying X dollars, which is never cheap. When you lose your job, you are paying 2X or 3X, and almost nobody can afford that. If you have lost your job, how can you pay more money for health insurance than before you lost it?

That is why in the Recovery Act a year and a half ago, I wrote legislation, later amended in the bill, to give a significant subsidy to those people who lost their job but are trying and struggling to keep their insurance. It allows newly unemployed workers to stay on their former employer's health plan with that subsidy.

I have received countless letters and e-mails from Ohioans who describe how COBRA is more expensive than rent or food. That is why we stepped in. We did a 65-percent subsidy. In other words, if you lose your job, instead of paying your part of the insurance and your employer's part, instead of paying that combined amount, which was Federal law for years, we are subsidizing 65 percent of that amount.

I cannot count the number of people I have talked with in the last year who have come up to me and said: I still have insurance because I was able—it is still difficult; it is not as though money is growing on trees for these people who lost their jobs. It is still difficult. But so many people have come up to me and said: I still have my insurance because of that subsidy.

In this legislation, the House took away the COBRA subsidy under the view that we simply cannot afford this subsidy anymore. The Casey-Brown amendment says: Yes, we can, and we are going to do it.

A recent report by the U.S. Department of Treasury concludes COBRA ''has been an important source of insurance coverage during the recession, especially for the middle class.''

It said that COBRA has ''significantly slowed the growth of the uninsured population, which had been skyrocketing through February 2009.'' In other words, this government report showed what we are doing is working. A lot more people have insurance as a result of the COBRA subsidy, just as a lot more people have jobs today because of the stimulus package.

Granted, it is not good. There are too many people who have lost their insurance and too many people who have lost their jobs. More people have jobs because of the stimulus package and a whole lot more people have health insurance and are not a burden on the State, their community, or their families because they actually have insurance through COBRA.

The COBRA subsidy expired for newly unemployed Americans on May 31, 9 days ago. The managers' amendment includes an extension of the unemployment insurance program, which is a good thing, but it does not include an extension of COBRA.

This absence is striking, given the fact that a recent survey shows that 15 percent of unemployed insurance recipients rely on COBRA for affordable coverage. Unemployment insurance is an important lifeline. Of course, we need to do that. But it does not give enough money for a family to pay for their insurance.

Again, look at the math. Your unemployment insurance is less than you were making when you were working. Your insurance payment for COBRA, if we do not subsidize it, is a lot more, a factor of two or three times, in most cases, what you were paying for insurance when you were working. You have less income and significantly higher health care costs. That is why that subsidy is so very important. That is why I am joining with Senator CASEY in offering an amendment that will extend the COBRA Premium Assistance Program for another 6 months.

Let me conclude with a couple letters from Ohioans who explain the personal side of this issue. We all come to the floor and talk about policy. We all are a little geeky sometimes. I like to come to the floor and read letters from people I represent in my State.

Robert and Rachel are from Montgomery County. That is Dayton, Kettering, Huber Heights, West Carrollton—those communities:

> One month after I was laid off, my wife, a registered nurse, had a stroke.
>
> Since that time, we have struggled but managed to keep our heads above water because of the COBRA subsidy. We have four children, and simply cannot live without health insurance, because the cost can be devastating.

Understand, too, if you lose your insurance, trying to get insurance again is so difficult and so expensive. We do not want this interrupted.

Robert writes:

> We feel the need to be one more voice encouraging your colleagues to speak out for the families that have been hurt the most by this economic disaster.
>
> Please keep fighting for us.

Montgomery County, Dayton, has been inflicted with a GM plant closing. National Cash Register, NCR, one of the oldest companies people associate with the city of Dayton—the CEO did not talk to anybody. He pulled the company up, left, and moved to Atlanta. DHL, a large cargo carrier, a German company, pulled out of Wilmington nearby. That was several thousand jobs. They have had that kind of economic hardship in Dayton.

We absolutely need to extend the COBRA subsidy for people such as Robert and Rachel.

The last note I wish to read is from Mary from Cuyahoga County, which is the northeastern Ohio area:

> I live in northeast Ohio and have been out of work 13 months. I live alone with no dependents, yet I can barely meet my monthly financial challenges.
>
> I became a cancer victim last year, but when my COBRA subsidy is stopped, it will feel like an additional cancer in my life.
>
> The COBRA subsidy has bought me time to explore what I hope to be an improving job market.

We are seeing good signs in northeast Ohio of increased job numbers and companies hiring people.

> The COBRA subsidy has bought me time to explore what I hope to be an improving job market. And not only would it buy me time, it would renew my faith in government.

I urge my colleagues to support this amendment to continue the COBRA subsidy. It clearly is the right thing to do. It is going to matter to so many families.

I don't understand why so many on the other side would oppose something such as this. It simply makes sense. I urge my colleagues to support the Casey-Brown amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. 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. CASEY. Mr. President, I rise today to speak about an urgent issue that faces the American people, and it is an issue the Senate as well as the House must deal with, in my judgment; that is, the issue of extending COBRA premium assistance, health insurance assistance, to many Americans who, through no fault of their own, are out of work; in many instances, millions of Americans who have been out of work for a long time.

Mr. President, I ask unanimous consent to add the following Senators as cosponsors of an amendment I have that extends COBRA premium assistance. These are Senators who will be added beyond those who were original cosponsors.

They are Senators FRANKEN, STABENOW, REED of Rhode Island, and GILLIBRAND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise today to speak about the basic issue to have health insurance coverage for those who have been out of work. I know I join Senator BROWN and the other cosponsors of this amendment to urge support for the extension of the eligibility period of the COBRA Premium Assistance Program, which was authorized under the Recovery and Reinvestment Act of 2009.

I do want to commend and note my appreciation for the support of Senators BEGICH, WHITEHOUSE, LAUTENBERG, KERRY, WYDEN, HARKIN, LEVIN, BURRIS—the Presiding Officer—FRANKEN, REED of Rhode Island, and STABENOW, who have cosponsored the amendment.

We continue to recover from this economic recession, a horrific chapter in American history almost too difficult or too complicated for some of us to fully understand because we haven't lived through it ourselves. We in the Senate haven't lost our jobs or lost our health insurance. But we hear from and know of people who have, and that is one of the main reasons we are here to talk about this issue today.

We are recovering but we haven't recovered fully, and now is not the time to pull up the ladder on people who are still hanging on, in some cases to the last rung of the ladder. These basic, and I would argue, vital safety net programs—whether it is unemployment insurance or COBRA premium assistance for health care—are programs that we can't short-circuit. We can't cut people off at this point.

The American people agree with us, by the way. They understand we have made progress on economic recovery, but the unemployment rate is still far too high. It has just been a little bit less than 10 percent for far too long. In my home State of Pennsylvania, fortunately it is lower than that. It has been lower than 9 percent a long time but has bumped up to around 9. But that doesn't really matter. The percentage doesn't really tell the story. In our State, we have over 580,000 people out of work, and the total number or the percentage number is a lot higher in many other States. So we just can't pull up the ladder and pretend we have fully recovered, that we can begin to transition to a different strategy.

For millions of Americans out of work, through no fault of their own, medical costs continue to rise while their personal savings dwindle or in some cases have been wiped out because of this recession, leaving millions of Americans without adequate health care coverage and leading many to refuse necessary treatment due to the high cost.

Americans who lose their coverage through job loss cannot be expected to purchase expensive health care plans while they are unemployed. It is difficult enough for someone who has a job to pay for health insurance. We know that is difficult. A lot of small businesses were telling us about that throughout the health care debate. But just imagine if you are out of work and you are trying to survive and you are called upon or required to pay for an expensive health care plan. So we should act, and we should act now, to provide an extension for COBRA subsidies to ease the economic strain of expensive health care coverage for the unemployed.

The amendment I have offered, and that today I am just speaking about, will provide much needed relief at a very difficult time for many families as unemployed workers focus on finding new employment rather than having to worry—and worry doesn't even begin to describe the anguish people feel—about receiving adequate health care coverage for themselves and their families. We ought to provide them some peace of mind so they can concentrate on finding a job instead of worrying about whether they, someone in their family, or a loved one is going to get the medical treatment they deserve.

The COBRA Premium Assistance Program has already been successful in ensuring that Americans receive quality health care. Let me give one example from a letter I received from Susan, in LeHigh County, PA. She is a cancer survivor, but due to her treatments she has been diagnosed with congestive heart failure as well. She is on five different medications. Susan has relied upon her husband's health insurance, but in September of 2009 her husband lost his job.

What I am describing has happened to millions of people. This isn't isolated. This isn't anecdotal. This is a situation that millions of Americans, if not tens of thousands, at a minimum, in a State such as Pennsylvania have faced. So what does Susan do at that point? She has to rely upon her husband's health insurance, he loses his job, and now they have nothing. They have no coverage at all.

So Susan and her husband were able to utilize the COBRA Premium Assistance Program as a means to keep their health insurance. Thank goodness the Recovery Act provided that kind of help. When my office followed up with Susan, we were happy to learn her husband had found a new job and they were off of their COBRA Premium Assistance Program and on her husband's new health insurance. Fortunately, that has a good ending, but a lot of stories don't end that way.

Susan's story is a perfect example of the purpose behind the COBRA Premium Assistance Program which helps people transition.

Here is another letter, which I will refer to in pertinent part. This is a letter I received from another constituent in Pennsylvania by the name of Lisa. I will not read her full name because I don't have permission, but this is a letter she sent to us in early March, and here, in pertinent part, is what she wrote about her own health care situation. She said:

> I have been receiving chemotherapy nearly every other week for the past 18 months. The treatments were covered by my COBRA benefits and has kept me alive.

So she is not saying the premium assistance from COBRA was something that just gave her a little help when she needed it. She isn't just saying: Thank goodness the COBRA premium assistance can pay for my treatments—the chemotherapy that she needed. She is saying the COBRA benefits ''kept me alive.'' That is a direct quotation from her letter. Then she says:

> I must continue chemotherapy but ran into a problem when an extension of my COBRA coverage was denied.

In this country, with all the challenges we have, some things aren't difficult to solve. If we pass an extension of COBRA premium assistance, Lisa doesn't have to worry whether she is going to be able to continue her chemotherapy treatments. Why should she have to worry when we can help her here?

I know we will hear from people in Washington—a lot of hot air, a lot of lecturing, a lot of speeches—that it is time to transition; that the economy is getting better and it is time to transition now and let Lisa get her treatments on her own. We hope she lives. But some people in Washington may not want to help her any longer.

We know the American people support this extension. We know they understand what real people are up against because, guess what, they are living with it. People in Washington who come to the Senate every day and are Senators and Congressmen, they do not quite understand this sometimes. We don't have a full appreciation for how difficult it is for Lisa and her chemotherapy treatments. We don't have a full appreciation here for how difficult it has been for Susan. Thank goodness her husband was able to get a job, but it was pretty tough when they didn't have a job and they didn't have health insurance.

So COBRA helps a lot of people, and we should know what the consequences

are of inaction, without the extension of the COBRA Premium Assistance Program. A report from the National Employment Law Projects predicts that as many as 150,000 Americans each month will lose out on the subsidies necessary to afford quality health care. A study by Families USA shows that 4 million Americans, including almost 100,000 in Pennsylvania, lost their employer-based coverage due to job loss in 2009 alone—4 million Americans.

The average cost of COBRA family coverage is three-fourths of the monthly unemployment benefits in Pennsylvania and 40 other States. So the good news is you have unemployment coverage if you lost your job, but the bad news is three-fourths of that goes for your health insurance. We shouldn't force people to be in those situations.

In some States, health premiums actually cost more than the monthly unemployment benefits, slowly driving families further into debt. Providing continued relief for Americans is not just necessary, it is essential to keep some people alive, literally—no exaggeration—as Lisa's letter tells us. Giving people assistance in their greatest time of need will allow them to focus on finding employment, caring for their families rather than avoiding expensive treatments or teetering on the brink of bankruptcy.

In conclusion, besides the amendment that Senator BROWN and I have been working on, along with our cosponsors, we circulated a letter that will be delivered to Senator REID and Senator BAUCUS this afternoon that urges both to support the extension of the program and also the pleas from people in Pennsylvania and a lot of other States who are telling us how important this is—to provide an extension through the end of November for COBRA premium assistance, so people can have health care and in a larger sense, I guess, to have peace of mind to know even though they are out of work we care about them, we are going to fight for them, and we are going to make sure they have health insurance coverage as they try to go from joblessness to transition into having a job.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Madam 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. 4303

Mrs. MCCASKILL. Madam President, today, once again, the Senate is going to consider the Sessions-McCaskill discretionary spending cap. I wish to take a couple of minutes and try to, once again, talk some common sense about Congress and our spending habits and about this very modest baby step we must take if we are ever going to do the right thing when it comes to spending in the U.S. Government.

What is this amendment about? Well, at its heart, this amendment is about trying to regain the trust of the American people. We have had to do big, bold things because of an economic crisis. No question this President inherited a mess, and that we had to do some big, bold things to try to get out of the ditch.

But in the process, we have also, I hope, begun to realize that there is a two-step here. One is, big, bold things we had to do to get the economy back on track, and the other is beginning to recognize, maybe for the first time in a long time, that the path we are on is unsustainable.

Chairman Bernanke said it yesterday. It is unsustainable, the path we are on, in terms of spending in Washington, DC. What this amendment does is something that is very responsible and, frankly, modest. It is not a cut in spending. In this economy, I understand many economists would argue it is not the time to cut spending, but is it not time we capped growth?

Think about it for a minute. Everywhere in America, whether it is at a family's kitchen table or whether it is at a school board meeting or whether it is at a city council meeting or a county legislative body meeting or a State legislative budget hearing, everywhere in America they are having to trim their sails, cut their budgets, try to find a meaningful way to do more with less.

And what are we doing here? We cannot agree to cap growth? Are you kidding me? We cannot even say to the American people, we are not going to grow by as much over the next 3 years?

This does not even try to cut spending, it tries to cap growth. There are actually people in this body who think we cannot take this small modest step to say we are not going to grow as quickly or by as much over the next several years?

How on Earth can we do hard stuff? How on Earth can we live up to our responsibility as Members of the Senate, when it comes to fiscal policy? How can we ever in the future do what we are going to have to do to rein in this government if we cannot even cap spending at a time when everybody in America is cutting? Reining in growth should not be a hard vote. It should not be a hard vote.

There are people, and I understand this, I understand there are a lot of people in this body who have made it their work to appropriate, and that has been the committee everybody wants to get on. It has been the powerful committee. Everybody knows around here, if you spend the money, you have power. I understand this is like the Earth shifting a little bit, that all of a sudden people who appropriate around here are going to have to take a different view of what their job is.

It is inevitable that that happens. Whether it happens this year, next year, or the next decade, anybody knows we cannot sustain the course we are on. But what is frustrating to me is that some of the people who are so anxious to defeat this amendment are using such old-fashioned fear tactics it is almost insulting. There are talking points that are being circulated against this amendment that I think you ought to blush if you are responsible for. The notion is that we are going to make these cuts in our most important programs. There is a talking point going around that this would make us have to cut Border Patrol. Come on. That we are going to have to cut the priorities of this government right now. No, we are not. We may have to cut back on some of the earmarking? Yes, probably. And cut that money from the budget.

Would we have to maybe cut out some low-performing government programs? Yes, we would. In fact, the President announced that he wants everyone in the executive branch to identify 5 percent of their low-performing programs. Then the next step would be that he would cut half of that, 2½ percent. He is asking them to find cuts in government.

All this amendment is doing is saying, we are going to curb growth. So this amendment is not going as far as the President has asked his executive branch to do. The other thing about this is I keep getting pushed at, well, these are priorities, our domestic discretionary spending—and this is from a lot of my colleagues on this side of the aisle. But this amendment is not just about domestic discretionary spending. It is about defense discretionary spending. It exempts out $50 billion a year for our overseas contingency operations. It clearly exempts out emergencies, and there have always been more than 67 votes when we have appropriated for emergencies in this country. It is not as though 67 votes are hard to get after a Katrina, after some kind of emergency that demands we respond to it.

The notion that we have now for the first time gotten the kind of support this amendment has received from Republican Senators to freeze the growth on defense spending is huge. It is huge. Anybody who has spent any time looking around at contracting in the Department of Defense, which I have spent a lot of time on, or the way money is spent at the Pentagon, knows there are savings there. To curb the growth in spending, in discretionary spending in the Defense Department is a wonderful step forward. So it is not just domestic that is impacted by this amendment, it is both domestic spending and defense spending, and it is time. It is time.

I hope everyone who has voted against this amendment in the past does a gut check this time and thinks of themselves in front of a bunch of people they work for in their home State, explaining to them why they could not vote to curb growth in the Federal Government's budget. I am telling you what, that is one explanation I would not want to have to give

right now at home. I would not want to tell the people in Missouri that it was impossible for us to even put a lid on the growth of the Federal Government, right now at this time in this Nation's history, with all of the economic issues that are swirling around.

I think it would have a positive impact on our economy, to send this signal. I think it would have a positive effect on our markets. I think it would have a positive global effect as we look at what is going on in Europe, that the Federal Government is finally acknowledging we have got to begin to curb the growth of our expenditures.

These votes have been close. We got 56 the first time. We got 59, and then everybody got nervous because we got 59 votes. Then the next time we got 57. Three more votes. Three more votes, and we will send the right signal to the American people that we get it. I hope today is the day we send the signal to the American people that we know there are hard decisions ahead and we are beginning to take some modest steps to show we have the guts and the fortitude to make those decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I stand to strongly support my amendment No. 4312, which I introduced today, along with Senators GREGG, CORNYN, ENZI, ALEXANDER, and HUTCHISON, and I urge all of my colleagues, both sides of the aisle, to support this commonsense amendment.

This is about something at issue in this present extenders bill on the floor now that is near and dear to my heart, because it is directly related to the ongoing oil disaster, the ongoing crisis in the gulf, and that is an increase in taxes to supposedly fund the Oil Spill Liability Trust Fund but which does not do that at all, which is stolen from that trust fund, used for completely unrelated purposes.

Put another way, it is double counted. It is used as a fraudulent offset to mask other spending, other deficit spending in the bill. We have a real crisis on our hands. Obviously it affects my State more than any other. But it is a national challenge and a national crisis. I have a pretty modest suggestion, in my opinion. Let's focus on the challenge. Let's meet the challenge, not use it and abuse it politically for other unrelated goals up here in Washington.

But I am afraid the Oil Spill Liability Trust Fund is being used and abused in this bill for those other completely unrelated goals. I am afraid it is a perfect example of Rahm Emanuel's now famous phrase from around February 2009, ''We are not going to let a good crisis go to waste.''

Well, this is a crisis. This is a whopper. But I take offense to not letting it go to waste, meaning to using and abusing it for other purposes. This bill proposes increasing the tax which ultimately is a consumer tax on energy products that is supposed to be for the Oil Spill Liability Trust Fund.

It increases that tax from 8 cents a barrel to 41 cents a barrel. That is an over fivefold increase. If that is necessary to clean up oilspills, to have it ready for the future, I am completely open to it. But that is not where the number came from. The number was pulled out of thin air. Because as soon as that money supposedly goes into the trust fund, it is stolen. It pays for completely unrelated spending items in the bill—for example, $15 billion over 10 years, and in this bill that is double-counted because it is used as an offset to mask deficit spending, to mask other spending items. That is wrong.

Amendment No. 4312 is simple and straightforward. It says and does two things. No. 1, it says that the revenue supposedly going into the Oil Spill Liability Trust Fund can only be used to clean up oilspills. It is supposed to be there to clean up oilspills, it is supposed to be a trust fund, so it can only be used for that purpose. Secondly, it says that it cannot be double-counted. It is not be used as an offset under the Congressional Budget Act or pay-as-you-go or anything else, as an offset for unrelated spending, to hide other deficit spending.

That is the amendment—two things, pure and simple. A number of the leadership of the majority have come to the floor concerned about this, as they should be, because it stinks, and the American people know it stinks, and have done gyrations and backflips to try to say they are not stealing the money, they are not double-counting, it will be there. If they really mean that, it is simple: No. 1, they should support my amendment. No. 2, they should publicly admit that the true deficit cost of this bill is not what they say it is. It is $15 billion more. It is not $79 billion; it is $94 billion. If they are sincere, if they mean it, great. Support my amendment and admit that the true deficit cost of the bill before us is $15 billion more. But don't steal from that trust fund. Don't use that money that is supposed to be there to clean up oilspills, such as the one that is hammering my State, for completely unrelated purposes. Don't double-count it. Don't use it as Enron accounting, a fraud to mask other spending, to artificially lower the deficit impact of this bill. That is wrong. That is using a crisis. That is ''not letting a crisis go to waste.''

We have a crisis. It is a heck of a crisis. It is a serious crisis. We should solve it. We should go at it. We should address it together as a national challenge. We should not use it and abuse it politically for an unrelated tax-and-spend agenda in Washington.

I urge all colleagues to come together, support amendment 4312, protect the Oil Spill Liability Trust Fund, prevent it from being used and abused, double-counted—Enron accounting to mask deficit spending. Do the right thing by the people of Louisiana and by the people of this Nation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

BURNING OF THE GASPEE

Mr. WHITEHOUSE. Madam President, here in this historic Chamber it is appropriate to recall those who came before us and risked their lives to create the great Republic we serve in this Senate.

Today, I would like to talk about a group of men who, 238 years ago, on this date, engaged in a daring act of defiance against the British Crown—the first bloody act of defiance in the conflict that became the American Revolution.

For many, the Boston Tea Party is considered a first act of defiance. Growing up, we were taught how, on December 16, 1773, Bostonians poured shipments of tea overboard into Boston Harbor to defend the principle, ''no taxation without representation.'' I think almost every schoolchild in America has heard of the Boston Tea Party.

Conspicuously missing from those children's education is the story of the brave Rhode Islanders who dared to challenge the British Crown more than a year before those Bostonians threw tea into the Boston Harbor. Today I would like to take us back to the real beginning of America's fight for independence and share with all of you the story of the British vessel, the HMS Gaspee, and to introduce some little known names, heroes from history, who seem now to be lost in history's footnotes.

In 1772, amidst growing tensions with American Colonies, King George, III, stationed the HMS Gaspee in Rhode Island to prevent smuggling and enforce the payment of taxes to the Crown. But to Rhode Islanders, the Gaspee quickly became a symbol of oppression.

The patronizing presence of the Gaspee was matched by the patronizing and domineering manner of its captain, LT William Dudingston. Lieutenant Dudingston was known for destroying fishing vessels and confiscating their contents and flagging down ships only to harass, humiliate, and interrogate their sailors. But on June 9, 1772, an audacious Rhode Islander named Captain Benjamin Lindsey took a stand.

Aboard his boat, the Hannah, Captain Lindsey set sail from Newport to Providence. When he was hailed by Lieutenant Dudingston to stop for a search by the Gaspee, the defiant Captain Lindsey continued on his course. Gunshots were fired, and the Hannah sped north up Narragansett Bay with the Gaspee in full chase behind.

Outsized and outgunned, Captain Lindsey drew courage and confidence from his and his crew's keen familiarity with Rhode Island waters. He led

the Gaspee into the shallow waters of Pawtuxet Cove, where the smaller Hannah cruised over the sandbars and the heavier Gaspee ran aground. The Gaspee was stranded in a falling tide, and it would be hours before high tide would again set her free.

Captain Lindsey took advantage of this favorable situation. Arriving triumphantly in Providence, Captain Lindsey visited John Brown, whose family helped found Brown University. Knowing the Gaspee's helpless state, the two men rallied a group of patriots at Sabin's Tavern—one daren't speculate on the form of refreshment they took there—in what is now the east side of Providence.

The Gaspee was universally despised by colonists who had been bullied in their own waters, and the vulnerability now of this once powerful vessel presented these patriots an irresistible opportunity. On that dark night, 60 men in longboats with muffled oars, led by Captain Lindsey and Abraham Whipple, moved quietly down the dark waters of Narragansett Bay.

As they encircled the Gaspee, Brown shouted a demand for Lieutenant Dudingston to surrender his ship. Dudingston refused and instead ordered his men to fire upon anyone who tried to board. The fearless Rhode Islanders took this as a cue to force their way onto the Gaspee and forward they charged in a raging uproar of screams, gunshots, powder smoke, and clashing swords. It was amidst this violent struggle that Lieutenant Dudingston was shot by a musket ball. Right there in Rhode Island, right then, the very first blood of the conflict that would lead to the American Revolution was drawn. Victory was soon in the hands of the Rhode Islanders.

Brown and Whipple took the captive Englishmen back to shore and returned to set the abandoned Gaspee afire. She burned prodigiously through the night, until the flames reached her powder magazine. Then, with a convulsive explosion, she was flung in pieces across the bay. The site of this historic victory would later be named Gaspee Point.

Too few people know of this bold undertaking which occurred 16 full months before the heroes of Boston painted their faces and threw tea into the Boston Harbor in the event that became known as the Boston Tea Party. I hope the tale of the Gaspee will work its way into the history books. It preceded the Tea Party. It was more significant than the Tea Party. It was more violent than the Tea Party. And I think it set the stage of conflict that led to our independence and the freedoms we enjoy today.

So I hope Americans will think not just of the date of the Boston Tea Party but will remember June 9, the day the Hannah led the Gaspee across the sandbars of Pawtuxet Cove, stranding her, and those 60 Rhode Islanders came down by oar to attack, burn, and destroy the Gaspee and engage in armed conflict with her crew.

I do know these events are not forgotten in my home State. Over the years, I have often had the chance to march in the annual Gaspee Day's parade through Warwick, RI, as every year we recall the courage and the zeal of these men who risked it all for the freedoms we enjoy today, drawing the first blood of our later Revolutionary conflict.

I hope the young pages I see in the Chamber who, I assume, have all heard of the Boston Tea Party—I see heads nodding, yes, they have—and may not have heard of the Gaspee—I see heads shaking, they have not heard of the Gaspee—at least a small audience of young people today has been educated that it was Rhode Islanders first, Rhode Islanders more energetically, Rhode Islanders more aggressively, and Rhode Islanders more defiantly than anyone else at the early stages of the Revolution.

I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

ISLANDS OF SECRECY

Mr. DORGAN. Madam President, this week there was a full-page advertisement in the magazine Politico. It was actually a letter to me, an open letter to Senator BYRON DORGAN, and then it says: ''Setting the Record Straight About the Cayman Islands.'' It is signed by a man named Anthony Travers, chairman of the Cayman Islands Financial Services Association. The letter says:

During the recent debate over financial regulatory reform, you—

Meaning me—

perpetuated the myth that the Cayman Islands is a tax secrecy jurisdiction with unbelievably enormous loopholes. Neither of these claims are true.

And so on. I thought I would respond to Mr. Travers. I don't know Mr. Travers from a cord of wood, but since he bothered to buy a full-page ad in the newspaper Politico setting me straight, I thought perhaps it would be useful for those who might ever have read this to know the facts.

The Cayman Islands is a wonderful place. It has I guess the nicest water I have ever seen; blue-green, beautiful water, beautiful beaches. I don't know much about the Cayman Islands. I have visited there. I know about some of the Cayman Islands from a number of things I have read and seen about their banking system. What I have done on many occasions on the floor of the Senate when I have been talking about those who have been trying to avoid paying taxes to the United States and those who want all that America has to offer them, except they don't want to meet the obligations of citizenship by paying the taxes they owe, is I have held up a picture of a house in the Cayman Islands. So I will do it again today. This is called the Ugland House. A very enterprising reporter named David Evans from Bloomberg News brought this to my attention the first time.

This is a five-story white house. It sits on Church Street in the Cayman Islands. It is a building that has 18,857 corporations that call it home.

The first time I showed this on the floor, this five-story white building on Church Street in the Cayman Islands, it had, I believe, 12,748 corporations that say this is our corporate home. Now it has grown. There are actually 18,857 companies in this five-story building. Oh, they are not there; it is just a fiction. They claim a mailbox in this little white stucco building in order to find a way to avoid responsibilities to others outside of the Cayman Islands. Many of them would be American companies searching for ways to provide secrecy for their financial transactions and presumably searching for ways to avoid paying their tax obligations.

The fellow who wrote to me, whose name is Anthony Travers—and let me describe who he is. Mr. Travers, says the Cayman Islands News Service, is chairman of CSI Stock Exchange and a former partner of Maples and Calder. Anthony Travers apparently chairs the Cayman Islands Financial Services Association. So he is a former partner of Maples and Calder. Who is Maples and Calder? The law firm of Maples and Calder is the only occupant of the Ugland House. Isn't that interesting? They have 18,857 companies that claim to be there—that is pretty crowded, right—18,857 companies claim to be crowded into this five-story white stucco building. But these companies are just there to claim a mailbox—perhaps they all use the same mailbox—to avoid their obligations to other countries, especially our country.

So Mr. Travers has an epileptic seizure because I suggest that the Cayman Islands is a place where there is tax secrecy and he writes a letter to set the record straight. He does no such thing. He doesn't have the foggiest idea what he is talking about. I know what I am talking about. This is a place he used to work. This is where the law firm he worked for existed. They are the ones that accomplished apparently the opportunity to have 18,857 companies claim a mail box as their legal address.

Well, if that is not enough, let me say this: The Wall Street Journal had an opinion piece by Robert Morgenthau in New York, he said:

There is $1.9 trillion—

He is talking about the lack of financial transparency and the activities of principals in the financial markets—

There is $1.9 trillion, almost all of it run out of the New York metropolitan area, that

sits in the Cayman Islands, a secrecy jurisdiction. Let me say that again: ''A secrecy jurisdiction.''

That is from Mr. Robert Morgenthau, who knows what he is talking about.

By the way, let me also say that McClatchy reported this:

Goldman Sachs used offshore tax havens to shuffle its mortgage-backed securities to institutions worldwide, including European and Asian banks, often in secret deals run through the Cayman Islands, a British territory in the Caribbean that companies use to bypass U.S. disclosure requirements.

Well, I guess Mr. Travers sure did set me straight, except he didn't have the facts. He knows what the facts are because he has been in this building with 18,857 corporations. One wonders where he could find a chair or even find lunch—a pretty crowded place.

Let me further then say, the Asset Protection Law Center, reportedly run out of a law firm located in California, describes this as the four main factors for being involved in the Caymans and being involved in what they are doing:

No. 1: There are no income taxes, capital gains taxes, profits tax or estate taxes.

No. 2: The bank secrecy laws are among the strictest in the world with criminal penalties for unauthorized disclosure.

No. 3: The law allows companies to be formed with a minimum of paperwork, and shares can be held anonymously in bearer form or by nominees.

No. 4: The law regarding the formation of trusts is highly developed and allows an excellent level of flexibility—

I will bet it does—

an excellent level of flexibility, asset protection, and privacy.

I guess that describes what we have in the Cayman Islands. Again, the letter from Mr. Travers to myself explains how the claims of tax secrecy jurisdictions are untrue.

Then, if I might, one more time, without being too repetitious, the five-story white building where Mr. Travers—or at least Mr. Travers' old firm—occupies and accommodated 18,857 neighbors to join them for the purpose of getting their mail there in order to claim that is where their business location exists. Is it because they have relatives in this building? No, no relatives. Is it because they visit the building from time to time? No, likely they have never seen the building. Is it because they want to claim an address in the Cayman Islands because they like blue and green water or beaches? No. It is because they need a location in an area where you have unbelievable secrecy so you can claim this is home to avoid taxes and to avoid other disclosures of what you are doing with a substantial amount of money.

Mr. Morgenthau had it correct. Mr. Morgenthau talked about $1.9 trillion that has been run around through these orifices, in this case a five-story building in the Cayman Islands. All I say to Mr. Travers is this: I have certain expectations of those who want everything that America has to offer. If you are an American citizen or an American corporation, which is an artificial person, if in those circumstances you want all that America has to offer, then I believe you have responsibilities to pay your taxes and become productive citizens and meet the responsibilities that citizens have in this country. Most of the people I represent up the street and down the block and out on the farm don't have the ability or the willingness to decide to hide their income from their government. But some of the biggest enterprises in the country do, so they find a willing partner in a little white building on Church Street in the Cayman Islands that allows them to do that. That is very unfortunate.

I would say to Mr. Travers: Next time you try to set somebody straight, use a few facts. Perhaps it will buttress your argument. But don't try to fool me or the Congress or the American people about what is going on inside of this white building. We understand what is going on inside this building, and I think the people who allow that to happen and to decide it is a legitimate way to do business ought to be ashamed of themselves.

GULF OILSPILL

Madam President, if I might—I understand some colleagues are here—I wish to make some very brief comments about a hearing we had this morning in the Energy Committee with Secretary Salazar dealing with the oilspill.

I asked this morning again about the promise and the pledge that BP has made that they will cover all of the ''legitimate'' costs that occur as a result of this oilspill. I have asked this question to the U.S. Justice Department, I talked to the President about it yesterday, and I talked to Secretary Salazar about it. Isn't it time now, on the 51st day of this gusher, for us to say to BP that we expect you to pay and we don't expect the American taxpayer to bear the burden of your mistakes? If, in fact, you have made a pledge—and they have repeatedly—to cover all legitimate costs, let us finally take steps to make that pledge binding. BP is a very large company that has made $150 billion in net profits over the last 10 years, averaging $15 billion a year. This company made $6 billion in net profits in the first quarter of this year. It is time to say to that company: If you are serious and your commitment is real, then let's make a binding commitment.

I believe we ought to ask BP to put $10 billion in a gulf coast recovery fund now, and that fund ought to be the result of a signed agreement between our government and BP. That signed agreement ought to create a special master and a special counselor from BP working together to disperse funds from that $10 billion which will be the first tranche of funds that likely will be necessary to respond to this oilspill.

As I speak, there are people standing on a dock in a small town on the gulf and they have a fishing boat at the end of a pier that is going nowhere because there is no fishing to be done. They have to make a payment on that boat at the end of this month. Also, there is likely a small cafe on that pier and the people who put their life savings into that don't have any customers. Who is going to help them? Who is going to respond to their needs, and when? It is time, in my judgment—past the time—for us to make this commitment that BP has said they will pledge a binding commitment.

The initiation of that, in my judgment—I have written to the Justice Department. I hope very much they will initiate that effort to do this. If BP says, You know what, no, we are just going to give you a pledge, I would say we have seen that pledge and heard that pledge before, and long after people are dead. I am talking about Exxon Valdez. A company that was still objecting to paying, despite the fact they made the same pledge.

I want BP to make that pledge binding, and that can be done I believe contractually through our government and BP by establishing a gulf coast recovery fund. Placing the first $10 billion into that fund and having a special master and counselor be in charge of that fund in order to respond to those people out on the dock who are wondering: How do I make my payment? How do I make my living? What do I do tomorrow, next week, next month?

This is a very important issue, and I hope in the coming days the administration and the Congress will be able to address this.

Let me make one final point. I know there are people trying to create other issues from this disaster in the gulf. This President, President Obama, did not punch that hole in the planet, he didn't drill that well, and he can't cap that well. The fact is he, his administration, and others have done everything possible.

This morning I met with Dr. Tom Hunter. I don't know whether people know Dr. Tom Hunter. He is the head of Sandia National Laboratory. He is one of the extraordinary minds, one of the really interesting people in this country. Dr. Tom Hunter had some health issues some many months ago, but I will tell my colleagues where he has spent his last 51 days. He, as a part of a group with the other best thinkers in this country, has been called by this administration to represent the core of competent people to try to figure out how to address this issue. When I heard Dr. Hunter was working on this with Dr. Steve Chu, the Energy Secretary, Ken Salazar and so many others, I told the Secretary of the Interior this morning: You know what, you look like you need 10, 12 hours of sleep.

I said: That doesn't mean you look awful; I just know how weary it has been working every day for 51 days. This administration has tried very hard, and they are continuing to try. The fact is, there are a lot of people playing politics with this oilspill. We don't need to point fingers. We need to

gather together and join hands and understand this was a national disaster, and the consequences of it will be with us for a long time.

Now our first responsibility is simply to work together to figure out how to shut off this gusher. Second, how do we deal with the problems that exist for so many people as a result? How do we begin the process of trying to clean up the environmental damage it has done? Third, it is quite clear to me things aren't going to change with respect to offshore drilling.

We need oil production. Thirty percent of our domestic production comes from offshore drilling. Perhaps there is a difference between shallow water and deep water production. There will be changes in regulations and in approaches. All of that is necessary. But first and foremost, we need to stop this gusher and then begin work to find a way to address the needs of so many people who have lost hope and their livelihoods. We can do that.

Let me just say again that this administration has done everything it can, and it continues to do that. I am pleased to see Dr. Hunter and so many of the others with the best minds in America brought together, brought to bear on this issue. If this gusher can be stopped—and it will be—it will be because some of the best people in the country have worked 51 days overtime trying to find a way to address this very significant disaster.

I apologize to my colleague for the waiting. I will perhaps come back again if Mr. Traverse from the Cayman Islands wishes to send additional information out about the Ugland House. Maybe I should visit the Ugland House, if it is not too crowded with the 18,857 companies calling it home. But that is perhaps for another speech and another day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I enjoy it very much and I learn a lot every time the Senator from North Dakota gets up to speak. There is no one in this body who better states the issues I am concerned about than he does. This house in the Cayman Islands—maybe we should take a codel down there. Also, his comments on the gulf are absolutely right on point. Not only am I not disturbed, I enjoyed the opportunity to hear him speak once again.

IN PRAISE OF JUDGE TIMOTHY RICE

Mr. KAUFMAN. Madam President, I rise today to recognize another of our Nation's great Federal employees.

Since first embarking on this series over a year ago, I have honored so many dedicated public employees from across the executive branch. I have shared the stories of some who work in the legislative branch as well. Today, it is my distinct privilege to highlight an outstanding public servant from the Federal judiciary.

Ever since the First Congress passed the Judiciary Act of 1789, one of the hallmarks of American life has been our fair and independent judicial system. Indeed, our courts have long been the envy of the world and a model for other nations.

It has been an honor to serve on the Judiciary Committee and to participate in the confirmation of Federal judges. Over the past year in office and in my many years of working as chief of staff for the former Judiciary chairman, JOE BIDEN, I have met so many highly qualified judges.

America's Federal judges have, at times, faced great danger. From those who served on the frontier in the 19th century to those who today face ever-increasing threats from angry litigants and others, Federal judges honor us all through selfless devotion to duty.

Although they come from diverse backgrounds, judges must all share a dedication to justice and the law. For so many, these are truly a passion. They don their robes each day inspired by the biblical pronouncement: ''justice, justice, you shall pursue.''

The great Federal employee I am honoring today serves as a magistrate judge for the district court for the Eastern District of Pennsylvania. That court falls under the jurisdiction of the Third Circuit, which also covers Delaware.

Judge Timothy Rice has been a Federal magistrate judge since 2005. Before coming to the bench, Tim spent 17 years working for the Justice Department as an assistant U.S. attorney. He served as chief of the Eastern District's financial crimes section from 1995–1997 and later as chief of the public corruption section from 1997–2002. In his last 3 years as an assistant U.S. attorney, Tim served as chief of the criminal division.

While obtaining his law degree magna cum laude from Temple University, he held the position of editor-in-chief of the Temple Law Review. After graduating he clerked for Judge Anthony Scirica of the Third Circuit Court of Appeals.

Before attending law school, Tim worked for 4 years as a news reporter for the Observer-Dispatch in Utica, NY.

Despite his busy schedule presiding over a wide range of criminal and civil matters, Tim makes time to give back to his community and his country. He has taught courses at the Temple University School of Law since 1990, and he was appointed last year by Chief Justice John Roberts to serve on the Advisory Committee on Federal Rules of Criminal Procedure of the U.S. Judicial Conference.

Tim volunteers his time with a number of charitable Catholic organizations, such as the St. Vincent De Paul Society and ResponseAbility. He also works with Philadelphia Reads, a literacy mentorship program for second grade students.

As a magistrate judge, Tim cofounded the Supervision to Aid Reentry or ''STAR'' program to help reduce recidivism among ex-offenders. Not only has the 3-year-old STAR program helped dozens of ex-offenders make a smoother transition back into society, it has also saved the Federal prison system an estimated $380,000. With volunteers from the court system, the Philadelphia Bar Association, and area law schools, as well as support from local charitable organizations, the STAR program mentors ex-offenders to finish high school or college, find employment, and avoid a return to crime. Thanks in large part to Tim's commitment, energy, and vision, the STAR model is being replicated elsewhere around the country.

Tim and his wife Elaine have passed on a love of public service to their daughters, Meghan and Courtney, who work for the State Department and have been assigned to numerous overseas posts since 2005, including wartime service by both in Iraq. Their youngest daughter, Caitlin, just graduated from the College of Charleston.

Judge Timothy Rice is just one of hundreds of Federal judges across the Nation working day in and day out to fulfill the promise of our Constitution's preamble to ''establish justice'' throughout this land. I hope my colleagues will join me in thanking him and all those serving in the Federal judiciary for their tireless work to protect our lives and our liberties. They are all truly great Federal employees.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTION OF DISAPPROVAL

Mr. DURBIN. Mr. President, pending before us on the floor is the bill from the Senate Finance Committee, the extenders bill relating to the Tax Code, but I would like to address an issue which is to come before the Senate tomorrow. It is an issue that rarely comes here under a procedure that was designed to give Congress a voice in the determination of regulations and rules promulgated by a President and the administration.

The Senate has entered into a unanimous consent agreement to consider S.J. Res. 26 tomorrow, which would disapprove of the Environmental Protection Agency's endangerment. As a result of this action by the Senate, if we

vote, we will vote in disapproval of this endangerment. The EPA's action was in response to a Supreme Court order that it make a determination about whether greenhouse gases as pollutants could be reasonably anticipated to endanger public health or welfare.

This is an interesting story because it began with a question that was posed to Carol Browner, then head of the Environmental Protection Agency under President Bill Clinton. As I was told the story, the Republican leader in the House, Tom DeLay, asked Carol Browner of the EPA whether the Clean Air Act covered greenhouse gases, and she said she would have to get back to him because that particular question had never been directly asked or answered. After long study, she replied in the affirmative, which was not the reply the gentleman from Texas was expecting. This led to a flurry of lawsuits and questions because it really raised the question as to whether greenhouse gases, as we know them, going into the atmosphere are dangerous to the health and safety of people living on Earth and particularly here in the United States.

The EPA studied this for a long period of time. The Supreme Court considered this case, as to whether the Clean Air Act applied to greenhouse gases, and ultimately concluded that it did but left it to the EPA to make the final determination as to whether in fact these greenhouse gases were dangerous. The EPA responded to the direction provided by the Supreme Court by proposing to find that the emission of six greenhouse gases—carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluorides—threatened the public health and welfare of current and future generations and the combined emissions of these same gases from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these greenhouse gases and hence the threat of climate change.

So, literally, tomorrow the Senate will be debating and voting on the question of climate change and whether greenhouse gases in fact are dangerous to the environment and the health and safety of people living in the United States. This has been a long, torturous process that led us to this moment. But the resolution being offered by the Senator from Alaska, Ms. MURKOWSKI, would basically ask the Senate to find against the scientific findings linking greenhouse gases and climate change. The judgment of the EPA was based on scientific findings that showed that the concentration of greenhouse gases is at unprecedented levels compared to the recent and distant past; the effects of climate changed observed to date and projected to occur in the future will have impacts on public health and welfare; and the emissions of greenhouse gases from on-road vehicles regulated by the Clean Air Act contribute to climate change.

There are those who deny the connection between greenhouse gases and what is happening to the Earth, the world in which we live. There are some who do not believe in climate change, they do not believe in global warming, and they are very vocal in their positions.

I have had many groups come to see me on the issue from my State of Illinois. Many of them are farmers, agricultural groups, and I have made a point of asking these farmers—as they tell me they oppose any type of efforts to control carbon, to tax it or measure it in the future—a very basic question: Do you believe human activity on Earth is leading to changes in the world we live in—climate changes, the melting of glaciers, different problems with pollution, public health issues, asthma, lung problems? And I have been surprised, at least initially, to find that none of them believed it—not one. Three—after I asked this repeatedly—three said they had some questions about it, but not one said they believed it; that human activity was changing the world in which we live. I said to them: It is very difficult for us to have a conversation let alone a debate about this issue if you don't buy the premise, if you don't buy the starting point that things we are doing—the way we live, the way we produce electricity, the way we move from one place to another—create pollution which changes the Earth.

This resolution by Senator MURKOWSKI basically takes the same position: that the Environmental Protection Agency's finding that these greenhouse gases are a danger to us in the future and now is wrong. The EPA did not reach this conclusion lightly, as to whether there was a connection between greenhouse gases and the safety and health of people living on Earth. They had over 380,000 public comments they elicited for this work.

The EPA endangerment finding has been supported not only by their conclusions but peer-reviewed literature in the work of the Intergovernmental Panel on Climate Change and the Proceedings of the National Academy of Sciences. For the Senate to decide tomorrow that greenhouse gases do not pose a danger to our environment or our own health is comparable to the Senate voting against gravity, saying basically we are going to disagree with the scientific conclusion on gravity.

I could argue without gravity the space program would be a lot cheaper. But the fact is, gravity is a scientific finding backed up by virtually everyone. Here we have a scientific finding backed up by the National Academy of Sciences, and the Senator from Alaska is going to ask us to vote tomorrow to reject it—the Senate to reject it. We will stand in judgment of these scientists and find they are wrong.

By what authority could we reach that conclusion? They have gone through this long process of concluding that greenhouse gas emissions endanger the planet we live on and our lives in the future. They have suggested we need to take that into consideration when we talk about the fuels we burn in the future, the way we generate electricity in the future, and start making plans to improve fuel efficiency, energy efficiency, to reduce the dangers associated with this.

I think this is an important vote, maybe a historic vote. It is also interesting who supports the position of Senator MURKOWSKI that we basically reject the sound science behind the EPA position. It is a position backed by many groups but particularly supported by big oil. The big oil companies are concerned about the impact of measuring greenhouse gas emissions and carbon emissions on the environment because it directly impacts the product they create and produce and sell.

Here we are in the midst of an environmental disaster in the Gulf of Mexico brought on by one of the biggest oil companies on Earth, and we are now going to consider in the Senate a Murkowski resolution that is supported by the same big oil interests asking us to reject the finding by the EPA that greenhouse gas emissions do pose a danger to our environment and the people living in the United States.

I say to my colleagues, tomorrow I hope they will think long and hard about this vote. This is not just another vote about another political issue. The credibility of the Senate is at issue. If we are going to stand in judgment of these scientific findings and reject them, then I think we will at least subject ourselves to a level of criticism that we have not accepted basic and sound science as it has been developed.

There are many groups supporting the Murkowski resolution. I mentioned big oil. But there are many groups that oppose the Murkowski resolution. Among them are the American Academy of Pediatrics, the Children's Environmental Health Network, the American Nurses Association, the American Lung Association, Public Health Association, Physicians for Social Responsibility, the Association of Schools of Public Health, Union of Concerned Scientists—the list goes on and on.

It is interesting, too, that automobile manufacturers oppose the Murkowski effort to reject the science behind greenhouse gas emissions. An alliance of automobile manufacturers and 11 member companies have written to us expressing concern over the Murkowski resolution that would overturn the EPA's endangerment finding on greenhouse gas emissions.

> . . . if these resolutions are enacted into law, the historic agreement creating the One National Program for regulating vehicle fuel economy and greenhouse gas emissions would collapse.

They are, of course, referring to an agreement which is trying to move toward more fuel-efficient vehicles and vehicles that pollute less. An agreement is being reached. Most Americans

would agree that is a good thing. But the basis for agreeing it is a good thing is the belief that what is coming out of your tailpipe is not necessarily good for the world we live in, and if we can reduce the greenhouse gas emissions by moving toward hybrid engines, electric cars, getting better mileage in cars we do use, it is a good thing for the American owning the car—they buy less fuel oil—and it is a good thing for the environment because there are fewer emissions.

If the Murkowski resolution prevails, we are rejecting the scientific basis for believing that what comes out of your tailpipe can be harmful to the world in which we live. That is a position which is hard to understand and difficult to explain.

The auto workers have written to us asking us to vote against the Murkowski resolution, saying they are very concerned that such a vote ''would unravel the historic agreement on one national standard for fuel economy and greenhouse gas emissions.''

We have had EPA Administrators from Presidents, both Democratic and Republican—under Nixon, Ford, and Reagan—who oppose the Murkowski resolution: Russell Train, William Ruckelshaus, many faith groups, a long list of environmental groups, and key stakeholders who oppose this Murkowski resolution. The list goes on and on.

It will be an interesting vote tomorrow to see if this Senate, this historic and traditional body, will be looking forward to the future and realizing if we do not take better care of the world we live in, we will not be leaving as clean a world, as safe a world to our children in the future.

The Murkowski resolution says ignore the science, ignore the findings, and ignore the responsibility we face to do something about this problem. I think that is clearly a move in the wrong direction, and I hope my colleagues will reject this resolution when it comes before us tomorrow.

There are some who have argued if we do not pass the Murkowski resolution the EPA will start regulating just about everything in sight. When my farmers come here and start worrying about the tractors they drive in the fields, I wonder if they have taken a close look at what the EPA rule has suggested.

There are approximately 900 currently regulated facilities, and the EPA estimates there will be about 550 more that would be affected by this rule. No small farms, restaurants, or midsize commercial facilities emit enough carbon to be regulated by the EPA. Many of these entities have been frightened by people who have been exaggerating the reach of the EPA or their interest in this particular issue.

When you look at the phase-in called for by the EPA, they are dealing with the largest emitters of pollution in our country. What I think it does is, unfortunately, make the debate somewhat distorted to suggest it is going to apply to a farmer or small businessperson because the EPA's schedule and rules do not.

The alternative of doing nothing is unacceptable from my point of view. I do believe, sadly, things are changing for the worse in many respects when it comes to the environment of the world in which we live. I do believe there has been, as the EPA has found, an increase in greenhouse gas emissions and accumulation of those emissions in the environment which have had a negative impact on the world.

I have seen the photos—most everyone has—about the warming of this Earth. Although there are clearly days and weeks when we have a lot of cold weather—we had it in Washington—we know on average the temperature of the world we live in is going up. As it does, things change: glaciers melt, there is more water in the oceans, currents change, the temperature of the water that moves around the world changes, and climate patterns start to change as well.

We need to do something about it. Voting for the Murkowski resolution is a step in the wrong direction. It basically says we are walking away from our responsibility, a responsibility which, though it is politically difficult, I think is a responsibility we must face because the science and our human experience lead us to that conclusion.

I know it is going to mean some changes in the world. I come from a State where there is a lot of coal. That coal is a source of a lot of energy. But it also could be the source of a lot of pollution. There are ways to deal with it.

I see the Senator from Missouri on the Senate floor. He and I have come together, not on every issue but at least on the notion of carbon sequestration. The idea is to take the emissions from an electric powerplant using coal, for example, and pipe them deep into the earth well below any surface where they could escape. I think this is one of the technologies, one of the scientific processes that should be researched as a possibility.

Let me conclude, because I see my colleague on the floor, by urging my colleagues to oppose the Murkowski resolution tomorrow. This resolution wants to basically reject scientific findings that have been backed up across the world. It would subject this body to not only criticism but maybe even ridicule for us to step away from basic scientific findings which have linked the activities of humans on Earth and a change in the Earth in which we live. We need to accept that basic premise and accept that basic responsibility.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I wish to make some remarks on this extenders bill now before us. It would seem to me, from what I have heard as I traveled this past week, that Americans want to send a very clear message to Washington. They have had enough of runaway spending, exploding debt, the bailouts, and the job-killing policies coming out of this Congress and this administration.

Unfortunately, with the bill on the floor now, it is clear that Washington, or most of it, has stopped listening to the American people. This bill is supposed to be about getting job creators some certainty that temporary tax benefits they rely on to retain workers will continue to be there. Instead, it seems Democrats cannot resist the opportunity to use this bill to expand the debt and extend the government reach because this $126 billion baby does all of the above. It is loaded up with unrelated spending that has nothing to do with extending necessary benefits and creating jobs. It is not fully paid for and would add another $78.7 billion to the debt.

With the national debt at now a whopping $13 trillion, the American people have said enough. Our children and grandchildren, if they were here, would say: Don't put any more on our credit cards. Our debt is now at an unprecedented $13 trillion for the first time in history. This is no small milestone.

Make no mistake, the next crisis our Nation must deal with is the exploding debt crisis that is upon us. I believe Chairman Bernanke referred to that today.

I support the provisions in this bill that would give our small businesses, our job creators, the security that longstanding tax benefits they are counting on will continue. I also support extending necessary benefits such as the Medicare reimbursements to keep doctors supplying Medicare patients with health care. This was left out of the ObamaCare bill to make it look not as expensive as it really was. But we need to pay for that.

The difference between our view on this side of the aisle and that of those on the other side of the aisle is that we should pay for temporary tax extensions with reductions and cuts in spending, not with permanent tax increases. We want to pay for necessary benefits with cuts now, not saddle our children and grandchildren with even more debt down the road.

I believe most of my colleagues on this side of the aisle agree. Like me, many Republicans support some of the provisions buried in this boondoggle of a bill. In fact, many of these provisions would easily sail through the Senate, but Democrats continue to bury these provisions in massive spending bills such as the ones before us, compelling anyone who cares about our Nation's fiscal health to vote no. Americans are demanding that we say no, that we put an end to the Washington-gone-wild policies.

They have had enough spending, tax increases, debt, bailout, government overreaching, and job-killing policies.

Right now it appears that the majority is not listening. This bill contains provisions that will severely curtail the ability of U.S. businesses that operate internationally, and will drive countless more jobs and corporate headquarters overseas at a time when we should be focusing on job creation and improving the competitiveness of the United States.

These tax increases are a step in the wrong direction. The President has even said we are going to have an economic recovery driven by exports. Well, he has not stepped up and said we need to do free trade agreements which would do that; free trade with Colombia, South Korea, Panama.

This bill, by taxing the people who go overseas to create the opportunity for more exports of American goods, will obviously destroy our ability and lessen our ability to export more. As a technical matter, six of the eight international tax increases in the extenders bill have not even been considered in the committee. Two of the eight were in the President's Greenbook. The other six were only publicly bounced out for the first time May 20. This is $14.5 billion of tax increases over the next 10 years.

Let me point out, as I have traveled overseas and looked at job creation, I have been stunned to see that America is one of only two countries that taxes businesses overseas and taxes them at home. Most other countries which are growing in their export and their influence overseas do not tax double.

Well, we are taxing double and we are increasing those taxes now. Several of the international tax increases are retroactive tax increases. Many companies, in their reports with the SEC for the benefit of the investing public, have already claimed financial statement benefit for certain foreign tax credits they have already earned but for which they have not yet claimed credit.

The retroactive tax increases affect companies that have already claimed credit for the tax credits to which they were entitled. They have been treated properly as money in the bank. This extenders bill would cause such companies to lose the credits, issue earnings restatements and perhaps even lay off U.S. employees.

These international tax increases are permanent changes to the Internal Revenue Code, meant to pay for 1 year of temporary provisions in the Internal Revenue Code, a real mismatch. And how will the extenders be paid for next year?

Some on the other side may say these tax increases are necessary to preserve American jobs or keep business in America. Well, I can tell you firsthand that is not the way it works. If you say that, you do not understand economics and international business.

I have made many statements on this floor and written a book about how the best foreign policy we can have is export and foreign investment from this country. It is vitally important as a foreign policy imperative, but also, I have seen firsthand that investment overseas not only creates wealth overseas, but it brings more exports from the United States, creating more jobs here. So it is a win-win for both countries.

Foreign countries where we want to strengthen their economy are crying for investments and for more of our exports because that is how we can help them grow. But these tax increases make it less likely that American businesses will hire, that American businesses will grow. Instead, Germany, India, and Chinese companies, Australia, and the British will outcompete us. They will be hiring more as they grow overseas and as we shrink. This is not the way we should move forward in job creation.

You may say there are reforms needed in the international tax arena, but I think the biggest reform is to put us back on the same footing as most other countries in the world that do not tax overseas. Why are we the only ones? We are one of only two that do it. Does it make good economic sense to penalize productive investment abroad which brings back profits, capital, and export opportunities here at home? That is just one. That is a $14½ billion job killer.

Another $14 billion job killer is on entrepreneurs, the people who are creating jobs and need to have venture capital. This is designed to cut the ability of venture capital groups to put together the money you need for researchers or inventors who are creating jobs. I happen to be very interested in this, because my State of Missouri has tremendous research in universities and in organizations such as the Danforth Plant Science Center coming up with innovation in agricultural biotechnology that can provide better food, better products, pharmaceuticals, improve the environment, and improve the well being of people around the world. But there is a big jump between having something in the lab that may work and getting it out in sufficient quantity to supply the Nation and the world. Under the current law, entrepreneurs have a clear signal to take risks on investments in partnerships. The signal is this: They pay a 15-percent tax if they put their time and effort to bring money and ideas together and make it workable. They have to pay a 15-percent tax when it becomes valuable enough to sell.

That clear signal incentivizes the flow of capital into startup and other ventures. You cut that off and we are going to see venture capital-driven new business opportunities disappear. What are we thinking about? Let's go back.

The No. 1 concern of Missourians, of Americans, is creating jobs. These are the jobs of the 21st century. We are losing lots of jobs of the 20th century. We have to replace them with the jobs of the 21st century. That is where venture capital comes in working with entrepreneurs, working with researchers, bringing together the business acumen, the business skill to get these good ideas into provable products in the marketplace and supply the needs of the people in the world.

Unfortunately, the majority and the Obama administration want to raise that rate to 33 percent in a little over 6 months. This 33-percent hit is set to be augmented by an additional tax hike on the part of the partnership gain attributable to carried interest. It means there is a double whammy coming at startups and other business entities seeking capital to grow and, by the way, not incidentally, primarily create jobs.

We want jobs. Stop the idea of taxing people who are going to create jobs. Rule 1, if you want more of something, tax it less. If you want less of something, tax it more. We want less jobs. That is the message this substitute sends. The double whammy on startups and other businesses would mean that almost half that carried interest, that is now capital gain, would be treated as ordinary income. So with ordinary rates set to rise to almost 40 percent, which will help kill small businesses, it means two-thirds of that carried interest would be almost 40 percent. That is a lot worse deal. That is the kind of thing this country cannot afford when we need jobs. Even though many in the business sector said they want some of the extenders, the temporary extenders the bill includes, research and development and other things, they do not want them if the price of getting them is these international tax increases.

Those opposing the bill include the Chamber of Commerce, the Business Roundtable, the National Foreign Trade Council, the National Association of Manufacturers, the Information Technology Council, IBM, and Microsoft. You can see that the innovative companies in our country know this is going to shrink their business if these tax increases go forward and it is going to cut both in international exports and to startup venture capital.

This goes back to what the Gallup poll has shown, that only 16 percent of Americans approve of the job Congress is doing, and 80 percent disapprove. If you poll those who will lose their jobs, the disapproval rate would be even higher.

I believe the only way to restore America's confidence in elected officials, particularly in this body, is to prove we are listening. The folks in my home State of Missouri, like most Americans, want Congress and the President to quit treating their hard-earned tax dollars like Monopoly money. The folks in Missouri want me to vote no and oppose any effort to pile more debt on our children and grandchildren, and to oppose efforts that would tax exports and job-creating investments in small and growing businesses.

I have heard. I am listening. I want to act on it. I hope my colleagues will join me.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE CAMPAIGN

Mr. MCCAIN. Mr. President, here we are the day after some elections in various States around the country. I think everybody will draw their own conclusion as a result of those elections, but it is hard to dispute the assertion that the so-called tea party candidates did rather well in the elections around the country.

Those people who believe the disconnect between themselves and their neighbors and their fellow citizens and what we do here in our Nation's capital is clearly disconnected. The anger and dissatisfaction continues to be displayed in poll after poll and election after election. And why are they so upset?

Well, our national debt has just surpassed $13 trillion for the first time. We now, this morning, in a prediction, have predictions that it will surpass $19 trillion in 5 years.

In the first 206 years of this Nation's existence, we were able to accumulate a national debt of $1 trillion. Now it is going to take us 5 years to add $4 more trillion, up to $19 trillion. So what is the response now by the administration and my colleagues across the aisle? Another bill that addresses $10, $20, $30, $40, $50, $100 billion additional to the debt and, of course, not paid for. And here we are, after spending a good part of a $787 billion stimulus package, where we were promised and assured that if we passed that the maximum unemployment in the United States would be 8 percent. As we all know, it is now at 9.7 percent, with the latest job information with a paltry 41,000 new jobs, and 400,000 temporary government Census jobs.

So is it surprising to anyone that there is great anger and dissatisfaction throughout the country? We seem to be not just tone deaf but deaf, which brings me to the issue of the so-called health care reform.

CBO recently came forward and said, the real cost of the reform in its new authorization is over $1 trillion, something we were assured at the time, in the year-long debate, that it would not be over $1 trillion. It will cost over $2.6 trillion over its first 10 years of full implementation.

I guess there was the assumption that either the American people would forget the debate that was held here in the Congress or would forget these promises were made about the benefits of health care reform, but they were wrong. Recent polls show that about 60 percent of the American people still oppose the legislation that was passed through the Congress and signed by the President, to great fanfare.

In the immortal words of the Speaker of the House, who said, ''We have to pass the bill so that you can find out what is in it,'' the American people are finding out what is in it, including medical device makers who assert that the new tax on them will cost jobs because of a 2.3-percent excise tax on companies that supply medical devices such as heart defibrillators and surgical tools to hospitals. It will cost an estimated $20 billion. The list of taxes goes on and on.

The response of those on the other side of the aisle is to launch a $125 million health campaign. They will spend an estimated $25 million a year over 5 years so that, quoting from a Politico story:

> The extraordinary campaign, which could provide an unprecedented amount of cover for a White House in a policy debate, reflects urgency among Democrats to explain, defend and depoliticize health care reform now that people are beginning to feel the new law's effects.

Interesting—$125 million.

To do its bit, the Medicare people have decided to spend—because we have lots of money; there are no worries—$18 million—chicken feed—in Medicare funds to send a mailer to Medicare beneficiaries. The flier is entitled ''Medicare and the New Health Care Law, What it Means for You.'' It was sent to 43 million Medicare beneficiaries under the guise of explaining how the new law will impact them. However, the brochure goes into great detail about provisions of the law that do not even apply to seniors and leaves out any mention of the cuts they will face. For example, 330,000 of my fellow citizens in Arizona are enjoying a program called Medicare Advantage. Medicare Advantage does what the government doesn't want our Medicare recipients to do, and that is to give people choices on dental care, eyeglasses, other decisions they would make. Of course, those people will see the Medicare Advantage program, which is very popular, dismantled under this law.

The flier and the President point out that over $500 billion in Medicare cuts could jeopardize seniors' health care, forcing millions to pay more. The cuts, according to the Obama administration's own Medicare actuaries, will lead to 7.4 million Medicare beneficiaries losing their health plan because of the $206 billion in cuts to Medicare Advantage. The CBO estimates that Medicare prescription drug coverage premiums will increase by 9 percent as a result of that law.

I look forward to continuing this debate with the President and my friends. He took time out from his musical evenings to have a health care townhall yesterday to talk about this great benefit to the American people that his legislation has brought. Unfortunately, seniors and the American people are not fooled.

I quote from a Wall Street Journal article of May 28, 2010:

In the full-circle department, recall the moment last September when Senator Max Baucus and Medicare went after the insurer Humana for having the nerve to criticize one part of ObamaCare. It turns out those same regulators have different standards for their own political advocacy.

This week Medicare sent a flyer to seniors, ostensibly to inform them of what ObamaCare ''means for you.'' Many elderly Americans are worried—and rightly so—about where they'll rank in national health care, given that the new entitlement is funded by nearly a half-trillion dollars in Medicare cuts. They must have been relieved to hear that ''The Affordable Care Act passed by Congress and signed by President Obama this year will provide you and your family greater savings and increased quality health care.''

That's the first sentence of the four-page mailer, and it gives a flavor of the Administration's respect for the public's intelligence. It goes on to mention ''improvements to Medicare Advantage,'' the program that Democrats hate because it gives nearly one out of four seniors private health insurance options. ''If you are in a Medicare Advantage plan, you will still receive guaranteed Medicare benefits.''

But that's not what Medicare's own actuary thinks. In an April memo, Richard Foster estimated that the $206 billion hole in Advantage will reduce benefits, cause insurers to withdraw from the program and reduce overall enrollment by half. Doug Elmendorf and his team at the Congressional Budget Office came to the same conclusion, as did every other honest expert.

I don't know if my colleagues will recall, but the first amendment we had proposed from this side when the bill came to the floor was to prohibit cuts in Medicare. Now we are seeing that there will be a $206 billion hole in Medicare Advantage that will reduce benefits and cause insurers to withdraw from the program and reduce overall enrollment by half, just as we predicted on the floor of the Senate.

I look forward to coming back to the floor with my friend from Tennessee and others as we continue this debate. Perhaps we should have been discussing it more all along. I can assure my colleagues, from the many townhall meetings I am having all over the State of Arizona, the people of Arizona, especially those in programs such as Medicare Advantage and others, are deeply concerned and deeply skeptical.

Our proposal still remains valid. Starting next January, we will make every effort to repeal and replace because we cannot lay this burden on future generations of Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Arizona for his leadership and for his thoughtful comments on the health care law. We fought those battles last year. We won the argument but lost the vote. That is not so good for the country, as our country is now finding out.

I am one of those 40 million Americans who are eligible for Medicare, who received that brochure in the mail last week. I spoke about it yesterday. I

found it very disingenuous and misleading and unfortunate.

(The remarks of Mr. ALEXANDER pertaining to the introduction of S. 3470 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 4325 TO AMENDMENT NO. 4301

Mr. ROBERTS. Mr. President, I ask unanimous consent to call up amendment No. 4325.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 4325 to amendment No. 4301.

Mr. ROBERTS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To exempt pediatric medical devices from the medical device tax, and for other purposes)

At the end of title VI, add the following:

SEC. _____. EXEMPTION FOR PEDIATRIC MEDICAL DEVICES.

(a) IN GENERAL.—Paragraph (2) of section 4191(b) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

''(D) medical devices primarily designed to be used by or for pediatric patients, and''.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''8 percent'' and inserting ''5 percent''.

Mr. ROBERTS. Mr. President, it is my understanding that we have reached an understanding that this amendment will be a side-by-side amendment to the amendment offered by Senator CARDIN. So at the time it would be considered we would have the vote.

Mr. President, included in the $½ trillion of new taxes in the health care reform law is a tax hike of $20 billion on medical devices. That is right. This new law imposes a $20 billion excise tax, a tax of 2.3 percent, on lifesaving medical devices.

The nonpartisan Congressional Budget Office and the Joint Committee on Taxation both confirmed that these excise taxes will not be borne by the medical device industry—will not be borne by the medical device industry. Instead, the tax will be passed on to patients in the form of higher prices and higher insurance premiums.

Recognizing that this tax, as initially proposed, was unpopular—because as written it would have increased taxes on medical devices such as eyeglasses and hearing aids—the bill was modified to exclude these and other items that are generally purchased by the general public at retail for individual use.

Yet even with these exemptions, patients still bear the burden of this new tax. Here are just a few examples of the people who will be hit by this new tax and the types of devices that will be taxed. People with disabilities, diabetics, amputees, people with cancer, and those with heart problems are just some of the people who will see their health care costs go up because of this tax.

During debate on the health care bill, I offered amendments to simply strike this unfair tax. Unfortunately, the majority did not approve these amendments. My amendment today prevents this new tax from raising the costs for pediatric medical devices—those devices that treat the youngest in our population: children who have serious or life-threatening illnesses such as cancer or a heart problem. The amendment exempts from the excise tax medical devices primarily designed to be used by or for pediatric patients.

This tax on medical devices is a tax on innovation as well. It harms research and development that leads to medical advancement. It creates an additional burden for medical device manufacturers to develop new products or to redesign them to meet the specific needs of pediatric patients.

As the FDA notes on its Web site:

Designing pediatric medical devices can be challenging: [Obviously] children are often smaller and more active than adults, body structures and functions change throughout childhood, and children may be long-term device users.

With these challenges and other barriers that exist to the development, approval, and availability of pediatric devices, it seems to me—and I think it should be clear to everyone, all of my colleagues—we should not add another barrier by taxing medical device manufacturers who develop and manufacture pediatric devices. Imposing the excise tax on pediatric medical devices will do nothing but slow innovation for these necessary and lifesaving devices.

So when innovative and lifesaving technologies are taxed, when the cost of many tests increases because the devices used in the tests are taxed, when new devices are not developed, and when fewer manufacturers are able to survive in the anticompetitive environment this tax will create, the consumers of health care will suffer for it.

I urge my colleagues to support this amendment to exempt pediatric medical devices from the excise tax to ensure that the youngest patients who need the lifesaving treatment these devices can offer do not have to pay more for that treatment. This is a step in the right direction to correcting the serious flaws in the health care law.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. 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. BAUCUS. Mr. President, we are hoping to reach an agreement soon on a procedure during which we can cast votes on various amendments. The first would be an amendment by Mr. CARDIN; the next, Mr. ROBERTS; and then the Sessions amendment. At the conclusion of the Sessions amendment, I think we will then have 40 minutes of debate, and then the Baucus amendment and then the Cornyn amendment, but that will be outlined much more specifically in a unanimous consent request which I think should be coming fairly quickly.

I wish to say a word or two about the Roberts side-by-side amendment with respect to medical devices. I think it is important to remind ourselves that we are a democracy. Sometimes I think that is forgotten. That is, we are a country of laws. This is a country where we live by the will of the majority, as enacted into law.

It used to be that we here in the Senate would air our differences, vote, and then move on. I must say that lately, and especially with regard to health care reform, many on the other side of the aisle appear to be unable to move on. Many on the other side of the aisle appear unwilling to accept the results of our legislative process as enacted into law and signed by the President. Many on the other side of the aisle appear simply unwilling to accept the new health care law. Some come to the floor daily to complain about it and, in a sense, relitigate it. It is already passed. It is the law. For the life of me, I don't understand why Senators don't realize that now is the time, since the law has been enacted, to offer constructive remarks to help make sure it works even better. We are here to serve the American people. We are not here to score partisan political points. I think most people at home want the Senate to work to offer ideas to help make the recently enacted health care reform law work even better.

So today, unfortunately, we have again an amendment to carve out an exception to the medical device fee that helps pay for health care reform. This amendment would pay for the loss of revenue by leaving more Americans without health insurance. We are in a situation where if we cut out this medical device provision, then we have to make it up in some way, so this amendment would pay for the lost revenue by leaving more Americans without health insurance.

Senator ROBERTS offered this amendment a few minutes ago, and it would again seek to make changes to the medical device excise tax that is set to go into effect in the year 2013. The Senate rejected an amendment earlier in the year very much like this one. It rejected it during consideration of the

Health Reconciliation Act on March 24. We have already been there. We voted on this, not only in the health care reform bill that passed, but we also already voted on this amendment, and the Senate rejected an amendment very similar to this and rejected it soundly by a vote of 57 to 40. Here we are again.

But, still, some on the other side of the aisle appear unwilling to move on. So for the same reasons we rejected this amendment in March, we should reject it again today. We should not exempt one set of medical device manufacturers from contributing their fair share toward health care reform. We should not decrease the number of Americans with health insurance, which this amendment would do—decrease the number of Americans with health insurance. We should, therefore, reject the Roberts amendment.

Let me describe the amendment in a little bit more detail. First, the amendment tries to exclude certain medical device sales from assessment. As my colleagues will recall, a fee was placed on various providers to help pay for health care reform, and in virtually every case, the providers agreed to the fee. They would rather not have to pay a fee, but they agreed to it. They didn't cause a big fuss. Why? Because, as a result, more people would have health insurance, and with more health insurance, providers generally make a little more money. What they may lose on markup they could make up in volume as more people would have health insurance.

Products that consumers will buy at retail are already excluded. Further attempts to exclude devices are attempts to undermine the entire medical device policy.

The health care reform bill included shared responsibility for all health care industries. I would remind my colleagues, that was the basic premise of health care reform. We are all in this together. Shared responsibility. All Americans help share responsibility—individuals, companies, insurance companies, manufacturers, doctors, hospitals. It is shared. All Americans share. It is about the only way we could make health care reform work in this country, and reform we must because of all the waste that otherwise occurs in our system. There are some estimates that there is up to 29 percent waste in the American health care system. That is a lot of money. We spend about $2.5 trillion a year on health care reform and waste in the American health care system. That is a lot of money. We spend about $2.5 trillion a year on health care reform, and 29 percent comes out to around over $800 billion of waste. I am not saying we can get all of that waste out of the system, but I am saying the passage of this legislation will go a long way, in many respects because of its very strong provisions to attack fraud and abuse in Medicaid and Medicare.

The health care reform bill included shared responsibility for all health care industries. Medical device companies pledged to do their part. They pledged to do their part, and they must do their part. This is particularly true since that industry will see at least 32 million more customers as a result of reform, leading to substantial new profits. The device industry and many other industries in health care will see 32 million more customers as a result of this health care reform law we passed, leading to substantial new profits for them.

This amendment offered by the Senator from Kansas also seeks to weaken the individual responsibility requirement in health reform—weaken it. Remember, this is a shared responsibility. He wants us to weaken a large part. The Congressional Budget Office has indicated that the requirement is one of the most critical pieces of reform; that is, that requirement that the Senator wishes to weaken. CBO, again, states this requirement is one of the most critical pieces of reform. Without it, we lose coverage for millions of Americans. Without it—without that reform—premiums could spike by up to 15 to 20 percent in the nongroup market. Premiums were likely to go up 15 to 20 percent in the nongroup market if this health care reform bill had not passed. That is the analysis of the nonpartisan Congressional Budget Office.

So, clearly, we must resist efforts to weaken the individual responsibility policy in the health care reform bill. I, therefore, do not support this amendment.

I have a couple of other matters. I have not had much opportunity to speak today, so I wish to speak on those matters. I see my good friend from Utah wishes to speak and I will try to speak quickly so he can make his remarks.

The Senator from Arizona came to the floor a few moments ago to attack a number of laws we have enacted this Congress. First, he attacked the Recovery Act. The Senator from Arizona ridiculed the Recovery Act's effects. But we here turn to the nonpartisan Congressional Budget Office for the straight facts. What are the facts? I think it was the late Senator Moynihan from New York who once said, you know, you can argue the policy, but you can't argue facts. Facts are facts. Facts are very tenacious things that are there that you can't wish away. So what are the facts, according to the Congressional Budget Office? The nonpartisan Congressional Budget Office says that in the first quarter of calendar year 2010, the Recovery Act's policies raised the level of real gross domestic product—that is adjusted for inflation—raised the level of gross domestic product by between 1.7 percent and 4.2 percent—not zero, not decreased but raised—raised the gross domestic product in the United States between 1.7 percent and 2.4 percent. Also, CBO says the Recovery Act lowered the unemployment rate by between .7 percentage point and 1.5 percentage points. That is the conclusion of the Congressional Budget Office.

What else did the Congressional Budget Office say? That the Recovery Act increased the number of people employed by between 1.2 million and 2.8 million—increased the number of people employed. That is the consequence of the act. The Congressional Budget Office further states that it increased the number of full-time equivalent jobs by 1.8 million to 4.1 million compared with what those amounts would have been otherwise. I think that is pretty clear.

I respect the ability of the Senator from Arizona to state his own thoughts. That is why we are here in the Senate, in many respects. But we can't dispute the facts as stated by the nonpartisan Congressional Budget Office, the facts which I just recited.

Mr. President, I ask unanimous consent that at 4 p.m. today, the Senate proceed to vote in relation to the following amendments in the order listed and that no intervening amendment be in order prior to the votes, with 2 minutes of debate prior to each vote, with the time equally divided and controlled in the usual form; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each: Cardin amendment No. 4304; Roberts amendment No. 4325; Sessions amendment No. 4303, with a modification which is at the desk, and that the amendment be modified.

The PRESIDING OFFICER. Is there objection?

The Senator from Utah.

Mr. HATCH. Mr. President, reserving the right to object, and I won't object, but I want to make sure I have enough time to give the remarks I was supposed to give.

Mr. BAUCUS. That depends on how long the remarks are going to be.

Mr. HATCH. They will be wonderful remarks.

Mr. BAUCUS. I am sure they are going to be wonderful. That wasn't the question.

Mr. HATCH. I am hopeful that I can be finished by 4 o'clock.

Mr. BAUCUS. We will work it out. We can always delay the first vote until, say, 5 minutes after 4 to accommodate the Senator from Utah.

Mr. HATCH. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 4303, as modified, is as follows:

At the end of the amendment, insert the following:

SEC. _____. DISCRETIONARY SPENDING LIMITS.

(a) POINT OF ORDER.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

(b) LIMITS.—In this section, the term ''discretionary spending limits'' has the following meaning subject to adjustments in subsection (c):

(1) For fiscal year 2011—

(A) for the defense category (budget function 050), $564,293,000,000 in budget authority; and

(B) for the nondefense category, $540,116,000,000 in budget authority.

(2) For fiscal year 2012—

(A) for the defense category (budget function 050), $573,612,000,000 in budget authority; and

(B) for the nondefense category, $543,790,000,000 in budget authority.

(3) For fiscal year 2013—

(A) for the defense category (budget function 050), $584,421,000,000 in budget authority; and

(B) for the nondefense category, $551,498,000,000 in budget authority.

(4) With respect to fiscal years following 2013, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

(c) ADJUSTMENTS.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

(i) with respect to fiscal year 2011, $50,000,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, $50,000,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, $50,000,000,000 in new budget authority.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013, that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, $7,171,000,000, for fiscal year 2012, $7,243,000,000, and for fiscal year 2013, $7,315,000,000.

(II) For fiscal year 2011, $899,000,000, for fiscal year 2012, and $908,000,000, for fiscal year 2013, $917,000,000.

(C) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

(I) For fiscal year 2011, $276,000,000, for fiscal year 2012, $278,000,000, and for fiscal year 2013, $281,000,000.

(II) For fiscal year 2011, $490,000,000; for fiscal year 2012, and $495,000,000; for fiscal year 2013, $500,000,000.

(iii) ASSET VERIFICATION.—

(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

(II) AMOUNTS.—For fiscal year 2011, $34,340,000, for fiscal year 2012, $34,683,000, and for fiscal year 2013, $35,030,000.

(D) HEALTH CARE FRAUD AND ABUSE.—

(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2011, $314,000,000, for fiscal year 2012, $317,000,000, and for fiscal year 2013, $320,000,000.

(E) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

(i) with respect to fiscal year 2011, $51,000,000 in new budget authority;

(ii) with respect to fiscal year 2012, $51,000,000 in new budget authority; and

(iii) with respect to fiscal year 2013, $52,000,000 in new budget authority.

(F) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2011, 2012, or 2013 that includes $3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to $1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed $1,900,000,000.

(d) EMERGENCY SPENDING.—

(1) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this subsection.

(2) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of this section, sections 302 and 311 of this Act, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress).

(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

(4) DEFINITIONS.—In this subsection, the terms ''direct spending'', ''receipts'', and ''appropriations for discretionary accounts'' mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) POINT OF ORDER.—

(A) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(B) SUPERMAJORITY WAIVER AND APPEALS.—

(i) WAIVER.—Subparagraph (A) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(ii) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this paragraph shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

(C) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of subparagraph (A), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this paragraph.

(D) FORM OF THE POINT OF ORDER.—A point of order under subparagraph (A) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(E) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this paragraph, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate

amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(6) CRITERIA.—

(A) IN GENERAL.—For purposes of this subsection, any provision is an emergency requirement if the situation addressed by such provision is—

(i) necessary, essential, or vital (not merely useful or beneficial);

(ii) sudden, quickly coming into being, and not building up over time;

(iii) an urgent, pressing, and compelling need requiring immediate action;

(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

(v) not permanent, temporary in nature.

(7) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

(f) POINT OF ORDER IN THE SENATE.—

(1) WAIVER.—The provisions of subsections (a) and (e) of this section shall be waived or suspended in the Senate only—

(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(g) LIMITATIONS ON CHANGES TO THIS SECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this section.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate my colleague's remarks and I appreciate his leadership on the Finance Committee. He is a fine man. We have been friends for a long time. He has had a very tough job on health care.

But I was a little amazed that he would suggest the Republicans are opening up the health care bill after the distinguished Senator from Maryland actually opened it up with his amendment. I suspect there is going to be a lot of opening by Democrats, as well as Republicans, of the health care bill because it is a colossally bad bill. There is no sin in doing that. Plus I have to say, coming from one of the States that is one of the major producers of medical devices, most of those device companies hardly agreed to what has happened to them. They are going to have to pass those additional taxes on to consumers.

I make those remarks to correct the record a little bit. I realize what my friend is saying. I suspect there will be a lot of amendments to what I consider to be a bill that I think will be a problem for the rest of our lives if we don't reform it.

I rise today to express my deep concern about the so-called American Jobs and Closing Tax Loopholes Act. I also wish to relay my growing frustration with the partisan gamesmanship and lack of leadership by the majority of this body that has brought us to the deplorable state in which we find ourselves in connection with the expired tax provisions.

As a long-time member of the Committee on Finance, it has been my privilege to work with my colleagues on both sides of the aisle to try to improve the tax laws of this country. While we have had our share of partisan fights over the nearly 20 years I have served on the committee, there has been an overall spirit of cooperation and bipartisanship that has set this panel apart from all the others on which I have served. Unfortunately, this positive spirit, which is so badly needed in the Congress today, has been unraveling for some time now.

Nowhere is this degradation of bipartisan cooperation more evident than in taking care of what used to be the routine business of extending expiring tax provisions. This, of course, is a major objective of the bill before us.

Let us move back a few steps and take an objective look at what we are attempting to do here with this bill. This legislation started out with the purpose of reinstating a growing number of important tax provisions that expired at the end of last year. I recall a time not so long ago when the Senate took care of expiring provisions before they lapsed, not 6 months or even more, after their sunset.

The problem is not with the provisions themselves—they almost universally enjoy wide and deep support on both sides of the aisle. Nor is it a problem that these provisions are not important to the American economy. Admittedly, some of them are more significant than others. The research credit, for example, is vital to our battle to keep R&D activities here in the U.S.—which, by the way, is a battle we are in danger of losing to many of our trading partners, who are working hard to attract these activities away from our shores.

Rather, the problem is twofold—a lack of taking care of needed business on the part of the Senate leadership and the tendency of the majority to use the expired tax provisions as a pawn in the games of politics they are playing.

Let me offer several examples of this. First, it has sadly become commonplace for the leadership of the Senate to not even begin to take the extension of expiring tax provisions seriously until after they have expired. We have, so many times now, routinely extended these provisions after the fact on a retroactive basis, that we have created a sort of expectation that this is a normal and fine way of doing things. This is true despite the fact that we know and admit that this sloppy way of managing public policy will create additional complexity and burdens to the taxpayers that are dependent on these provisions.

Second, the majority had ample opportunity before now to take up and pass the tax extenders, but political games got in the way. For example, early this year in a demonstration of bipartisanship worthy of the reputation of the Finance Committee, Chairman BAUCUS reached out to Senator GRASSLEY and other committee members on both sides of the aisle in an attempt to put together a job creation bill. This bill, which was eventually enacted as the HIRE Act, was to have included the expired tax provisions. Practically everyone agrees that these provisions are job creators, and both sides wanted to put them in the bill.

Instead, however, the majority leader essentially hijacked this cooperation and turned it into a partisan game where it was impossible for our side to participate. In the process of doing so, he inexplicably removed from the bill the expired tax provisions and trashed them as Republican-only initiatives. Thus, these tax extenders could have been enacted in March but the Democratic leadership demonstrated that it would rather play political games than get these important provisions taken care of, which we all pretty much supported.

Third, when the majority finally did turn its attention to extending these expired tax provisions, it decided to attach unrelated provisions that it felt it could push through the Congress because extender bills eventually become ''must pass'' legislative vehicles. These unrelated provisions include an expansion of the controversial Build America Bonds program and a Medicare ''doc fix'' provision that had been promised in the so-called health care reform bill. Adding these provisions effectively turned the extenders into a pawn in this game of politics.

Finally, the majority has engaged in a strange game of insisting that the expired tax provisions be offset with tax increases on other taxpayers, while allowing far larger portions of the bill, such as the extension of unemployment benefits, to remain un-offset under the guise that we are in an emergency.

Mr. President, we are indeed in an emergency, but it is an emergency caused by too-high taxes and by lack of spending restraint. And by national debt that is compounding itself day after day, year after year, until we double our deficit in the next 5 years and triple it in 10, if we are lucky.

The solution is certainly not to raise taxes and increase spending, yet this is exactly what this bill does. It is to these tax increases included in the bill that I wish to address the remainder of my remarks.

Most of my colleagues know that I have been a strong and long-time supporter of many of the expired tax provisions. Let me again mention the importance of the research tax credit. I, along with Senator BAUCUS, have long

championed this provision, and I have worked to make it a permanent credit so we do not have to see these repetitive lapses in its coverage, which only make it less effective as an incentive.

I wish this bill included a permanent research tax credit, which many of my colleagues on the other side of the aisle and the Obama administration insist they are in favor of enacting. Knowing that a permanent extension was out of the question, I attempted to strengthen the credit on a temporary basis, along the lines of the bill that Senator BAUCUS and I introduced last year, but the other side was not even willing to do this. Nevertheless, a straight extension of the current law research tax credit is significant and is of dire necessity.

I hasten to point out it would not have been as effective as the strengthening provision that we both had agreed should be in the bill.

Why, then, am I planning to vote against this bill? Along with the huge increase in un-offset spending, it is for the same reason that much of the business community is opposed to this legislation—the tax increases added to the bill will damage the economy and job creation and outweigh the benefits of extending the expired tax provisions.

That is at a time when we know that unemployment is not coming down, nor is the economy getting that much better.

Let us take a look at some of these so-called tax loopholes that this legislation is attempting to close.

The largest revenue raiser in the bill is the so-called carried interest provision. For several years now, we have heard it stated with outrage that hedge fund managers get by with paying a lower tax rate on their billion dollar compensation packages than the tax rate their secretaries pay on their relatively meager salaries. Well, if it were this simple, maybe this is a legitimate loophole that we should have closed a long time ago. Unfortunately, it is not this simple.

Rather, the carried interest issue is a complex one that permeates through many structures throughout our economy in ways that are difficult to understand. For example, the same partnership structure that is often utilized by a hedge fund is also used by venture capitalists and real estate developers. These structures have long been part of our tax law and many multi-billion dollar deals that have created millions of jobs have been built upon them.

I am not here to say that from a tax policy point of view, the way we tax carried interest should not be examined and possibly changed. What I am here to say is that we need to use extreme caution in making any changes to the taxation of these structures. Why? Because the simple fact is that if we increase the tax rates and change the nature of income from these partnerships, the economic hurdle rates will rise, and fewer deals will get done. And if fewer deals are done, less economic activity will be generated and fewer jobs will be created. At this time of economic strife in this country, this is not a chance we should take.

The problem Mr. President, is that these offsets are being considered for one reason and one reason only—for the tax revenue they are projected to provide. We are trying to fill a hole and we need a certain amount of new taxes to do it. We are not looking to improve tax policy here. If we were, we would approach this matter with the caution it warrants.

Another big tax change in this bill before us also needs to be reconsidered. I refer to the provision to change the way certain owners of S corporations are subject to self-employment tax. This $11 billion plus revenue raiser will create all kinds of headaches for legitimate small businesses that are currently playing by the rules.

The proponents of this change say that it is needed to close a loophole made famous by a former colleague of ours who will remain unnamed. However, the Internal Revenue Service already has all the tools it needs, in the form of existing tax rules, to enforce the kind of abuses that have occurred in this area.

The provision in this bill to correct this problem would arbitrarily afflict certain small businesses whose only sin is that they might have three skilled professionals rather than four. Essentially, the provision creates a raft of unanswered and complex questions that will likely bedevil hundreds of thousands of small business owners who would much rather be concentrating on surviving the tough economic climate and possibly creating some new jobs.

Finally, I must say a few words about another category of offsets in this bill that are entirely unjustified and were not well considered. These are the set of changes to the foreign tax credit rules that suddenly appeared on the scene just a few days ago. Unlike most other tax offsets that we discuss in the Finance Committee, which have been around for a long time and have had the benefit of examination by the professional tax community, these were sprung on us just a few days ago. They were not part of the administration's budget proposal and have not been subject to any kind of hearing in either House.

Rather, they were apparently concocted by some backroom bureaucrats in the bowels of the executive branch and brought forth in the guise that these are glaring loopholes that must be closed for the sake of the future of the federal fisc. However, what I have been told by seasoned tax professionals in the business community is that these are, in large part, not loopholes at all but legitimate tax planning techniques that the Treasury and Internal Revenue Service have known about for years.

What is worse is that the effective date of these provisions in this bill would have a retroactive effect. We all know that retroactive tax increases belie good public policy. Moreover, many on the majority side, including the chairmen of both of the tax-writing committees, earlier agreed that international tax reform provisions should be discussed in connection with international tax reform, not as a knee-jerk reaction to a perceived need for revenues on an unrelated bill. This is not good lawmaking and we should abandon consideration of these revenue raisers until we can examine them from a tax policy point of view.

In conclusion, we are on the low road with this bill. I am frankly ashamed to tell Utahns who ask me about the expired provisions that Congress has not dealt with them yet, and that the reason why is that we are too busy playing partisan games to manage the affairs of the nation in a responsible way.

It is not too late. Let us walk away from this mess and start again. Let us take up a clean bill to extend the expired provisions, which we all agree should be enacted, and then deal with these other issues separately. Most importantly, let us not increase taxes on anyone when the economy is in such a precarious position.

As our side has stated many times before, these tax provisions have been paid for many times over in previous years, by enacting permanent offsets to go along with their temporary extension. Let us not hurt our constituents in the name of false fiscal responsibility. Let us instead employ real fiscal responsibility and start finding ways to address our runaway spending addiction.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

AMENDMENT NO. 4304

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4304, offered by the Senator from Maryland, Mr. CARDIN.

The Senator from Maryland.

Mr. CARDIN. Mr. President, the amendment we will be voting on is an amendment that allows the Federal Employees Health Benefits Plan enrollees to enroll their children up to age 26 immediately rather than waiting until January 1, which is what the new law provides. Private insurance companies are providing this opportunity now for their individuals.

Let me point out that I understand a point of order might be raised under the Budget Act. This has negligible costs. In fact, it will save some money in that children who reach the age of 22 between now and the end of the year

will be required to disenroll and then reenroll again after January 1, which makes no sense whatsoever.

The Office of Personnel Management wants to implement this plan now. They have the capacity to do it, but they need the legal authority to do it.

For the sake of our 8 million active Federal workers, retirees, and their families, it makes sense for us in an orderly way to allow their children up to age 26 to be part of the Federal Employees Health Benefits Plan now rather than have to wait until January 1.

I urge my colleagues to support the amendment and to support the waiver of the budget point of order.

Mr. BAUCUS. Mr. President, prior to enactment of health care reform, there was no law that required insurers to extend coverage for young adults to remain on their parents' plans.

For years, getting a diploma also meant losing your health insurance. And whether you went on to college or not, it was often hard as a young person to find affordable coverage.

Overall, Americans in their twenties were twice as likely to go without health insurance as older Americans.

For too many young Americans over the years, the answer to these questions was simply to go without health insurance and hope that you stayed healthy.

Under the new health reform law, insurers will be required to allow all Americans under the age of 26 who do not get health insurance through their job to stay on their parents' plan.

And beginning in 2014, children up to age 26 can stay on their parent's employer plan even if they have another offer of coverage through an employer.

This provision is scheduled to go into effect in September. But every major insurance company—more than 65 in total—and several major self-insured organizations have said they will provide continuous coverage for young adults this summer.

The amendment by the Senator from Maryland would make it possible for the Federal Employee Health Benefit Program to follow the lead of private insurance companies and make this coverage available sooner, as well.

This is a worthy goal. And the amendment would have negligible effects on the budget. And so I support the motion by the Senator from Maryland and urge my colleagues to vote for it.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Utah.

Mr. HATCH. Mr. President, I have been asked to raise a point of order that the Cardin amendment violates section 311 of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask that there be a waiver of all points of order.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—57

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Burris	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Dodd	Lincoln	Udall (NM)
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—42

Alexander	Crapo	LeMieux
Barrasso	DeMint	Lugar
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brown (MA)	Feingold	Murkowski
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Cochran	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker

NOT VOTING—1

Byrd

The PRESIDING OFFICER. On this vote the yeas are 57 and the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment fails.

Mr. BAUCUS. Mr. President, the Senate is not in order.

AMENDMENT NO. 4325

The PRESIDING OFFICER. The Senate will be in order.

Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4325, offered by the Senator from Kansas, Mr. ROBERTS.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, much like Senator CARDIN's amendment, my amendment also recognizes the need to ensure that the youngest in our population have access to health care. My amendment does this by exempting medical devices primarily to be used by or for pediatric patients. The CBO and the Joint Committee on Taxation both confirmed that these excise taxes will not be borne by the medical device industry. The tax will be passed on to patients in the form of higher prices and higher insurance premiums.

My amendment prevents this new tax from raising the cost for pediatric medical devices—those devices that treat the youngest in our population, children who have serious or life-threatening illnesses, such as a heart patient or a cancer patient.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Roberts amendment would address almost exactly the same matter the Senate voted on March 24. We rejected it then and we should reject it now.

The amendment would carve out an exemption for certain medical device manufacturers from paying their fair share of costs for health care reform and it will be paid for by reducing the number of people to be covered by health insurance. The last thing we should do is cut back on health insurance coverage, and I urge my colleagues to oppose the amendment.

I move to table the amendment and 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 motion.

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.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—55

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Begich	Inouye	Reid
Bennet	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Brown (OH)	Kerry	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—44

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Boxer	Graham	Nelson (NE)
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Klobuchar	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	

NOT VOTING—1

Byrd

The motion was agreed to.

AMENDMENT NO. 4303, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4303, as modified, offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I rise to spend a few moments to talk about this amendment. We have voted on this amendment before, although we have made a couple of changes: exempting moneys that are being spent on contingency operations for our military overseas and lowering the vote threshold for emergencies where we need to go beyond the spending cap.

But this is the bottom line: On kitchen tables all across this country families are cutting their budgets. In county courthouses all over this country people are cutting budgets. In State legislatures all over this country people are cutting budgets. In city council chambers all over this country people are cutting budgets.

Then we get to Washington, and what we are trying to do here is not cut a budget. That is the amazing part about this. This does not cut a penny. All it does is curb the growth. Are we going to say to this country that we are unable to cap the growth of this government over the next 3 years?

This is a baby step. This is not a major assault on the spending of the Federal Government. This is a baby step.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. MCCASKILL. I urge the adoption of the amendment.

Mr. INOUYE. Mr. President, this will be the fourth time this year the Senate will be voting on an amendment offered by the Senator from Alabama which seeks to constrain discretionary spending. Each one of the amendments has been similar.

This is the fifth time I have risen to speak in opposition to this amendment, and I must admit I find myself somewhat at a loss for words. There are only so many ways to highlight the negative impact of this amendment on current services and the President's initiatives, while explaining how it does not address real deficit reduction.

Fortunately, the Senate has voted this amendment down three times already. I thank my colleagues for rejecting this amendment in the past, and I certainly hope we will do so again.

There are a number of reasons why this amendment is a bad idea. Let me remind my colleagues, again, of several of those reasons:

The Senator from Alabama uses last year's budget resolution as his starting point. He believes that since Congress passed a budget resolution last year with a nonbinding target for this year, that we should now make that target binding.

But, since this amendment was originally proposed, the Budget Committee has reviewed the President's budget request for fiscal year 2011 and has marked up a new budget resolution. In doing so, the committee has changed their recommendation.

Since the committee with jurisdiction has determined the levels that it believes the Congress should keep to, I am not sure what advantage the Senate would have in agreeing to the notional targets in last year's resolution.

I have stated this before, but it is important to note again for my colleagues. The President's budget proposal for fiscal year 2011 allows growth in Homeland Security; this amendment does not assume growth. This could result in fewer border patrol agents and firefighting grants and would weaken TSA's ability to respond to threats to aviation security.

The President has requested more than $732 billion in his budget for national defense for fiscal year 2011, including the cost of war. This amendment only allocates $614 billion.

As I stated several weeks ago, over the 3 years covered in this amendment, the caps that would be put into place are $141 billion below President Obama's 3-year plan, including $50 billion below defense and $91 billion below nondefense spending.

The Sessions amendment is $82 billion below the budget resolution which the committee adopted, and includes a cut of $50 billion from Defense, over 3 years. In the near term, for fiscal year 2011, the Sessions amendment will require the Appropriations Committee to cut defense spending by $9.5 billion and nondefense spending by about $11 billion.

Such across-the-board cuts make for a great photo opportunity for appearing to reduce the deficit, but the consequences could be severe. The lack of direction is reckless. Important needs would go unmet. This amendment could result in cutting research funds for traumatic brain injury, worsening the shortage of air traffic controllers, cutting afterschool centers and veterans employment programs, to name just a few.

This week, the President has asked Federal agencies to identify 5 percent in spending cuts for fiscal year 2012 to areas that are not critical to their overall mission. A more thorough, deliberative approach such as this is clearly more sensible than slashing budgets across-the-board with little or no consideration of the consequences.

As I have said now several times before, a critical flaw in this amendment is it does nothing to seriously reduce the deficit. It fails to address the two principal reasons for the government's current financial distress.

The two drivers behind the growth in the debt are unchecked mandatory spending and the huge tax cuts for the wealthy passed, with no offsets, by the previous administration. This amendment fails to address either of those two problems. It simply does not get the job done. Further, it hinders the efforts of those who do seek to address the deficit in a comprehensive manner.

The fact of the matter is that many of our Republican colleagues are more than willing to put a cap on discretionary spending. At the same time, they refuse to support policies that would ensure the Nation has sufficient incoming revenue to make a real impact on the deficit, even though mandatory spending has increased significantly for the last few years.

We all know that it is impossible to achieve a balanced budget simply by freezing discretionary spending. In fact, we could eliminate all discretionary spending increases for defense and nondefense spending and still not even come close to balancing the budget.

And again, I remind my Democratic colleagues that if we cut discretionary spending without also reaching an agreement on mandatory spending and taxes, we will find it impossible to get those who do not want to address revenues to come to a meaningful compromise.

I would also remind my colleagues that the deficit reduction commission is working, as we speak, to come up with a comprehensive solution to the current systemic imbalances we face.

And in the fall, they will make their recommendations to the Congress, and we have a firm commitment to bring those recommendations up for a vote.

The Senate has already rejected this flawed plan three times this year. The flaws remain, and the Senate should reject it a fourth time.

This amendment fails to address the real causes of our deficits and the national debt in a fair and comprehensive manner. It would provide far less funding than either the President or the Senate Budget Committee recommend.

For all of these reasons, I urge my colleagues once again to vote no.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is the Sessions-McCaskill amendment. We have voted at least four times on this amendment. The Senator from Alabama has offered pretty much the same amendment.

For now, four times the Senator from Alabama has sought to fix caps on the work of the appropriations process. Three times the Senate has rejected this amendment. I think we should do so today. The amendment by the Senators from Alabama and Missouri robs the Appropriations Committee and the Congress of flexibility to respond to changed circumstances in years to come. It would set budget caps, binding years into the future, no matter what happens between now and then.

So for all of the reasons the Senate rejected this amendment three times before, I believe we should reject it again today. The Sessions amendment seeks to change the budget process; therefore, it violates the Congressional Budget Act. I thus raise a point of order that the Sessions amendment

violates section 306 of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I move to waive the applicable section of the budget resolution with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to the motion.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—57

Alexander	Cornyn	Lugar
Barrasso	Crapo	McCain
Bayh	DeMint	McCaskill
Begich	Ensign	McConnell
Bennet	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Nelson (FL)
Brown (MA)	Gregg	Risch
Brownback	Hagan	Sessions
Bunning	Hatch	Shaheen
Burr	Hutchison	Shelby
Cantwell	Inhofe	Snowe
Carper	Isakson	Thune
Casey	Johanns	Udall (CO)
Chambliss	Klobuchar	Vitter
Coburn	Kyl	Voinovich
Cochran	LeMieux	Warner
Collins	Lieberman	Webb
Corker	Lincoln	Wicker

NAYS—41

Akaka	Gillibrand	Murray
Baucus	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown (OH)	Kaufman	Rockefeller
Burris	Kerry	Sanders
Cardin	Kohl	Schumer
Conrad	Landrieu	Specter
Dodd	Lautenberg	Stabenow
Dorgan	Leahy	Tester
Durbin	Levin	Udall (NM)
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—2

Byrd	Roberts

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that there now be 20 minutes of debate, with the time equally divided, with respect to the Cornyn amendment No. 4302, and that the amendment be modified with the changes at the desk; that Senator BAUCUS then be recognized to offer an amendment on the same subject as the Cornyn amendment; that the two amendments be debated concurrently for the total time as specified above, with no intervening amendment in order to either amendment; that upon the use or yielding back of time, the Senate proceed to vote with respect to the Baucus amendment, to be followed by a vote in relation to the Cornyn amendment, as modified; that prior to any succeeding votes in this sequence, there be 2 minutes of debate, equally divided and controlled in the usual form, and that any succeeding votes be limited to 10 minutes; that the next amendment to be offered be from the majority and then an amendment from the Republican side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the Cornyn amendment No. 4302 is modified with the changes at the desk.

The amendment, as modified, is as follows:

At the appropriate place, add the following:

TITLE ----TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. _01. SHORT TITLE.

This title may be cited as the ''Foreign-Held Debt Transparency and Threat Assessment Act''.

SEC. _02. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on the Budget of the House of Representatives.

(2) DEBT INSTRUMENTS OF THE UNITED STATES.—The term ''debt instruments of the United States'' means all bills, notes, and bonds issued or guaranteed by the United States or by an entity of the United States Government, including any Government-sponsored enterprise.

SEC. _03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) the increasing dependence of the United States on foreign creditors has the potential to make the United States vulnerable to undue influence by certain foreign creditors in national security and economic policymaking;

(3) the People's Republic of China is the largest foreign creditor of the United States, in terms of its overall holdings of debt instruments of the United States;

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved, particularly regarding the holdings of the People's Republic of China;

(5) through the People's Republic of China's large holdings of debt instruments of the United States, China has become a super creditor of the United States;

(6) under certain circumstances, the holdings of the People's Republic of China could give China a tool with which China can try to manipulate the domestic and foreign policymaking of the United States, including the United States relationship with Taiwan;

(7) under certain circumstances, if the People's Republic of China were to be displeased with a given United States policy or action, China could attempt to destabilize the United States economy by rapidly divesting large portions of China's holdings of debt instruments of the United States; and

(8) the People's Republic of China's expansive holdings of such debt instruments of the United States could potentially pose a direct threat to the United States economy and to United States national security. This potential threat is a significant issue that warrants further analysis and evaluation.

SEC. _04. QUARTERLY REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) QUARTERLY REPORT.—Not later than March 31, June 30, September 30, and December 31 of each year, the President shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 7 months preceding the date of the report.

(2) The country of domicile of all foreign creditors who hold debt instruments of the United States.

(3) The total amount of debt instruments of the United States that are held by the foreign creditors, broken out by the creditors' country of domicile and by public, quasi-public, and private creditors.

(4) For each foreign country listed in paragraph (3)—

(A) an analysis of the country's purpose in holding debt instruments of the United States and long-term intentions with regard to such debt instruments;

(B) an analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by each country's holdings of debt instruments of the United States; and

(C) a specific determination of whether the level of risk identified under subparagraph (B) is acceptable or unacceptable.

(c) PUBLIC AVAILABILITY.—The President shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. _05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) A specific determination of whether the levels of risk identified under paragraph (1) are sustainable.

(3) If the determination under paragraph (2) is that the levels of risk are unsustainable, specific recommendations for reducing the levels of risk to sustainable levels, in a manner that results in a reduction in Federal spending.

SEC. __06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE AND UNSUSTAINABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

In any case in which the President determines under section _____04(b)(4)(C) that a foreign country's holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce the risk level to an acceptable and sustainable level, in a manner that results in a reduction in Federal spending;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 4302, AS MODIFIED

Mr. CORNYN. Mr. President, according to the nonpartisan Congressional Budget Office, the pending legislation before the Senate will add $80 billion to the Federal deficit. The Treasury Department, in a report to Congress last week, projects that by 2015 the national debt will reach $19.6 trillion.

My amendment represents a modest attempt to ensure that Congress is kept informed on the economic and national security implications of two important matters: first, the ballooning national debt; and, secondly, the foreign financing of our deficit spending.

I believe it is only prudent for Congress to get regular analyses on these issues, ones as critical as these.

My amendment has two components. First, it requires the General Accounting Office to provide Congress with an annual risk assessment on the national security and economic hazards posed by the national debt. Secondly, it would require the President to provide Congress with quarterly risk assessments on the national security and economic hazards posed by current levels of foreign holdings of our debt. In the event the risk level is found to be too high, the President would have to put together and then execute a plan to mitigate that risk in a way that reduces Federal spending.

It is the worst kept secret in the world that our deficit spending is being financed by foreign investors who may not always have our Nation's best interests at heart. We need to be thinking openly and clearly about the potential consequences of this, as well as the consequences of allowing our national debt to reach such massive proportions.

The chairman of the Finance Committee apparently opposes my amendment and will offer an alternate based closely on mine. I regret to say, though, his amendment makes changes to the legislative language that could potentially result in tax increases on American taxpayers, which could not come at a worse time.

Under my amendment, the Government Accountability Office would be required to recommend to Congress ways to bring down the security and economic risks posed by the huge national debt. These recommendations would be required to focus on spending reductions, not tax increases. By contrast, under the Baucus amendment, this limitation is deleted, effectively paving the way for the GAO to recommend that Congress raise taxes rather than cut spending.

Similarly, in cases where foreign holdings of our debt pose unacceptable risks to our security and economy, my amendment would require the President of the United States to formulate and execute a plan to mitigate those risks. His plan would have to reduce Federal spending. The Baucus amendment deletes that limitation, opening the door for the President's plan to include tax hikes on the American taxpayer.

The Baucus amendment also substantially weakens the requirements for the two types of debt risk assessments. First, it cuts the frequency of the President's reporting requirements on the risks posed by foreign debt holdings, making them annual rather than quarterly, and it also shifts the requirement over to the Secretary of the Treasury. It makes the reports more vague and, as a result, less useful to Members of Congress who need this information.

Perhaps most puzzling, the Baucus amendment eliminates the requirement for the GAO to determine whether our country can sustain the security and economic risks posed by growing national debt. I recognize it may be unpleasant—or even inconvenient—to think about this, but it is a risk to our country, and it is an important question that needs transparency and our best thinking.

We have an obligation to think openly and honestly about what effect Congress's runaway spending may have on our Nation's future which, of course, is the purpose of my amendment.

Mr. President, I ask my colleagues to oppose the Baucus amendment and to support mine.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 4326 TO AMENDMENT NO. 4301

Mr. BAUCUS. Mr. President, pursuant to the previous order, I call up my amendment No. 4326 and ask unanimous consent that reading of the amendment be dispensed with once it is reported.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The assistant editor of the Daily Digest read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. KERRY, and Mr. DODD, proposes an amendment numbered 4326 to amendment No. 4301.

The amendment is as follows:

(Purpose: To increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings, and for other purposes)

At the appropriate place, insert the following:

TITLE ____—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Foreign-Held Debt Transparency and Threat Assessment Act''.

SEC. __02. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on Financial Services, and the Committee on the Budget of the House of Representatives.

(2) DEBT INSTRUMENTS OF THE UNITED STATES.—The term ''debt instruments of the United States'' means all bills, notes, and bonds held by the public and issued or guaranteed by the United States or by an entity of the United States Government.

SEC. __03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) large foreign holdings of debt instruments of the United States have the potential to make the United States vulnerable to undue influence by foreign creditors in national security and economic policymaking;

(3) the People's Republic of China, Japan, and the United Kingdom are the 3 largest foreign holders of debt instruments of the United States; and

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved.

SEC. __04. ANNUAL REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) ANNUAL REPORT.—Not later than March 31 of each year, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 9 months preceding the date of the report.

(2) The total amount of debt instruments of the United States that are held by foreign residents, broken out by the residents' country of domicile and by public and private residents.

(3) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by foreign holdings of debt instruments of the United States.

(c) PUBLIC AVAILABILITY.—The Secretary of the Treasury shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on

the Internet in a conspicuous manner and location.

SEC. __05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) Specific recommendations for reducing the levels of risk resulting from the Federal debt.

SEC. __06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

If the President determines that foreign holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce such risk;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

Mr. BAUCUS. Mr. President, I support transparency. I think most of us do, certainly in concept. I support the transparency and deficit reduction goals of the Cornyn-Kyl amendment. But that amendment is unworkable. Why? Because it requires Treasury to speculate about the intent behind foreign purchases of U.S. Treasuries. How in the world is Treasury going to be able to know the intent behind foreign purchases of U.S. treasuries?

The Cornyn-Kyl amendment also sends the wrong message that the United States is deeply suspicious of foreign holders of U.S. debt, and it potentially could chill foreign purchases of U.S. Treasury bonds. I do not think we want to do that now.

Purchases of U.S. Treasury bonds have held interest rates very low. We are very lucky. We are very lucky. I do not think many appreciate this: With the budget deficits we have, and even with unemployment way too high, things could be much worse; that is, if interest rates were much higher. But investors like the safe haven of U.S. Treasuries—and that is domestic and foreign purchases of U.S. Treasuries—and that is helping to keep interest rates down at very low rates, and that is keeping inflation down at very low rates. We are lucky that is a condition we are experiencing in the United States today.

With America just beginning to recover from the financial crisis, we cannot risk our ability to finance the debt. We cannot risk it. For those reasons, I must oppose the Cornyn amendment.

However, I urge Senators to support my side-by-side amendment, which meets the transparency objectives of the Cornyn-Kyl amendment, but could actually be implemented and will avoid roiling financial markets in this time of uncertainty.

Think a bit about what is happening in Europe. This is an uncertain time. This is not a time to be taking big risks. Rather, it is a time to be steady as she goes and be smart and be steady.

My amendment would require the President to submit an assessment to Congress on the risks posed by foreign holdings of U.S. debt, but without unnecessarily singling out individual countries. I do not think we want to single out individual countries because that has too great a risk of unintended consequences.

My amendment would require the GAO to assess the risk associated with Federal debt, but it would not impose an unconstitutional requirement on the President.

I am joined in this amendment by the chairman of the Foreign Relations Committee, Senator KERRY, and the chairman of the Banking Committee, Senator DODD. I urge Senators to support the Baucus-Kerry side-by-side amendment and oppose the Cornyn-Kyl amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes twenty seconds.

Mr. CORNYN. Mr. President, I will respond briefly.

The reason why we require, in my amendment, the President of the United States to make the report on the risks to our national security and our financial system is because only the President can command all of the resources of the U.S. Government, including that of our intelligence services, which may have something to say about the national security risks associated with countries such as China owning so much of our debt. We know that, for example, leaders in the Chinese military have threatened retaliation in exchange for the United States selling defensive weapons to the country of Taiwan. I would think the Treasury Department, which in the Baucus amendment would be required to make that report, would not have access to the intelligence and the other information necessary—or from the Department of Defense—in dealing with China.

The Senator from Montana also says we should not rock the boat. We ought to go steady as she goes. The problem is our boat is going to sink and go to the bottom of an ocean of debt if we do not change our ways. This is a first step to try to provide additional transparency to let the American people assess for themselves whether they think this is a good idea or whether their elected representatives in Congress should do something about rising debt and runaway spending. I understand the Senator from Montana saying we don't want to single out special countries. It is true that some of our closest allies such as Japan and the United Kingdom also purchased large amounts of our debt, but, frankly, I am not as worried about those allies of the United States as I am the intention of China, which is not an ally, which is a rival, to say the least, and one whose actions we need to be appropriately skeptical about and discerning.

So unfortunately, I think the alternative amendment offered by the Senator from Montana waters down this important amendment, and I think it would obscure the facts from the American people and policymakers here in Congress. So I ask my colleagues to vote against the Baucus alternative and vote for the Cornyn amendment.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am prepared to yield back the rest of my time, and I wonder if the Senator from Texas is prepared to yield back his.

Mr. CORNYN. I yield back the remaining time.

Mr. BAUCUS. I yield back our time as well, and I move to table the Cornyn amendment. Wait. Which amendment is up first?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, as I understand it, although the Senator from Texas personally is, the other side is not prepared to yield back the rest of their time. Therefore, I ask unanimous consent to reclaim my time and Senator CORNYN's time as well.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, parliamentary inquiry: My understanding is that the Senator from Montana was yielding back. I was willing to yield back my time and ask for a vote as soon as it can be conveniently arranged.

Mr. BAUCUS. That is correct. I understand you are OK, but your side is—now they are OK. So now that we have that settled, all time is yielded back.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 4326 of the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—58

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NAYS—41

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	

NOT VOTING—1

Byrd

The amendment (No. 4326) was agreed to.

Mr. FEINGOLD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4302, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, to be equally divided, on the amendment offered by the Senator from Texas, as modified.

Who yields time?

Mr. CORNYN. Mr. President, I urge my colleagues to support the Cornyn amendment. This is a transparency amendment. It just gives the American people and Congress the information we need in order to make a determination of whether Third World countries owning our debt poses a national security or a financial risk to the United States. I ask for your support.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Cornyn amendment is a dangerous one. It would send the wrong message to people who are buying America's debt. It would send a message that we are suspicious of people who buy our debt and would require the Treasury to opine the intent of purchasers of U.S. debt. It would thus discourage people from buying American debt. This would cause us to have to pay higher interest rates on our debt, and that would mean higher rates of inflation. It would roil the bond markets at a sensitive time. Look at what has happened in Europe and the softness there.

For lots of reasons I think it is unwise to undertake this risky adventure.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, will the Senator withhold for a brief minute.

Mr. BAUCUS. Yes.

Mr. REID. As soon as this vote is complete, that will be the last vote for this evening. We are going to come in tomorrow morning at 9:45 and immediately go to the Murkowski resolution. There are 6 hours set aside for that, and then a motion to proceed, and then an hour if the motion to proceed succeeds. So everyone should be prepared tomorrow for a long day. We will be in session on Friday more than likely. There will be no votes on Friday or Monday. I remind everyone these are the only days during the entire work period that there will be no votes.

Mr. BAUCUS. Mr. President, I move to table the Cornyn amendment and 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 motion to table. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 61, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—38

Akaka	Hagan	Mikulski
Baucus	Harkin	Pryor
Bayh	Inouye	Reed
Bingaman	Johnson	Rockefeller
Burris	Kaufman	Sanders
Cardin	Kerry	Schumer
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Dodd	Lautenberg	Udall (CO)
Durbin	Leahy	Udall (NM)
Feinstein	Levin	Warner
Franken	McCaskill	Whitehouse
Gillibrand	Menendez	

NAYS—61

Alexander	Conrad	Klobuchar
Barrasso	Corker	Kyl
Begich	Cornyn	LeMieux
Bennet	Crapo	Lieberman
Bennett	DeMint	Lincoln
Bond	Dorgan	Lugar
Boxer	Ensign	McCain
Brown (MA)	Enzi	McConnell
Brown (OH)	Feingold	Merkley
Brownback	Graham	Murkowski
Bunning	Grassley	Murray
Burr	Gregg	Nelson (NE)
Cantwell	Hatch	Nelson (FL)
Chambliss	Hutchison	Reid
Coburn	Inhofe	Risch
Cochran	Isakson	Roberts
Collins	Johanns	Sessions
Shaheen	Thune	Wicker
Shelby	Vitter	Wyden
Snowe	Voinovich	
Specter	Webb	

NOT VOTING—1

Byrd

The motion to table was rejected.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 4302), as modified, is agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4318 TO AMENDMENT NO. 4301

Mr. SANDERS. Mr. President, I move to set aside the pending amendment to call up amendment No. 4318 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The assistant bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 4318 to amendment No. 4301.

Mr. SANDERS. 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 amend the Internal Revenue Code of 1986 to eliminate big oil and gas company tax loopholes, and to use the resulting increase in revenues to reduce the deficit and to invest in energy efficiency and conservation)

At the end of subtitle D of title IV, insert the following:

SEC. —. REPEAL OF EXPENSING AND 60-MONTH AMORTIZATION OF INTANGIBLE DRILLING COSTS.

Subsection (c) of section 263 is amended by striking the period at the end of the third sentence and inserting '', or to any costs paid or incurred after December 31, 2010.''.

SEC. —. REPEAL OF PERCENTAGE DEPLETION FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613 is amended by adding at the end the following new subsection:

''(f) TERMINATION OF PERCENTAGE DEPLETION FOR OIL AND GAS PROPERTIES.—In the case of oil and gas properties, this section shall not apply to any taxable year beginning after December 31, 2010.''.

(b) LIMITATIONS ON PERCENTAGE DEPLETION IN CASE OF OIL AND GAS WELLS.—Section 613A is amended by adding at the end the following new subsection:

''(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2010.''.

SEC. —. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product thereof.''.

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as

when used in section 927(a)(2)(C), as in effect before its repeal.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 199(c)(4) is amended—

(A) in subparagraph (A)(i)(III) by striking ''electricity, natural gas,'' and inserting ''electricity'', and

(B) in subparagraph (B)(ii) by striking ''electricity, natural gas,'' and inserting ''electricity''.

(2) Section 199(d) is amended by striking paragraph (9) and by redesignating paragraph (10) as paragraph (9).

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

SEC. —. APPROPRIATION OF FUNDS.

Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Energy Efficiency and Conservation Block Grant Program, under subtitle E of the Energy Independence and Security Act of 2007, $2,000,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015.

AMENDMENT NO. 4312 TO AMENDMENT NO. 4301

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I ask unanimous consent to set aside the pending amendment to call up amendment No. 4312 to amendment No. 4301.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The assistant bill clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. GREGG, and Mr. CORNYN, proposes an amendment numbered 4312 to amendment No. 4301.

Mr. VITTER. 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 ensure that any new revenues to the Oil Spill Liability Trust Fund will be used for the purposes of the fund and not used as a budget gimmick to offset deficit spending)

At the end of the subtitle D of title IV, add the following:

SEC. _____. NEW REVENUES TO THE OIL SPILL LIABILITY TRUST FUND.

The revenue resulting from any increase in the Oil Spill Liability Trust Fund financing rate under section 4611 of the Internal Revenue Code of 1986 shall—

(1) not be counted for purposes of offsetting revenues, receipts, or discretionary spending under the Congressional Budget Act of 1974 or the Statutory Pay-As-You-Go Act of 2010; and

(2) shall only be used for the purposes of the Oil Spill Liability Trust Fund.

Mr. VITTER. With that, I relinquish the floor and thank my colleague for the courtesy of letting me call it up.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4318

Mr. SANDERS. Mr. President, at a time when the profits of big oil companies are soaring, at a time when we are in the midst of a horrendous and huge oilspill on the gulf coast, at a time when we desperately need to end our dependence on oil and gas and significantly increase our investment in energy efficiency and renewable energy, the amendment I am offering is simple and it is straightforward. This amendment simply repeals over $35 billion in tax breaks to the oil and gas industry, all of which were recommended for elimination in President Obama's fiscal year 2011 budget.

Specifically, according to the Joint Committee on Taxation, the repeal of expensing of intangible drilling costs, repeal of percentage depletion for oil and gas wells, and repeal of the domestic manufacturing deduction for oil and gas production would save $35.3 billion over a 10-year period. According to OMB, the repeal of these tax breaks would be equivalent to about 1 percent of domestic oil and gas industry revenues over the next decade—1 percent. In other words, the costs to the oil and gas industry of repealing these tax breaks is negligible.

More than $25 billion of the money saved under this amendment would be used to reduce the deficit, and $10 billion would be used to invest in the highly successful Energy Efficiency and Conservation Block Grant Program over a 5-year period.

So we are accomplishing two very important goals. Every day, Members of the Senate come down here and they say we have to deal with the deficit. Under this amendment, we would save $25 billion for deficit reduction. That is pretty significant. Second, Members come down here every day and talk about the need to transform our energy system, to move to energy efficiency and sustainable energy—wind, solar, biomass, geothermal, other technologies. This amendment puts $10 billion in moving us away from fossil fuel. So it accomplishes two very important purposes.

This amendment is cosponsored by Senator WHITEHOUSE and Senator WYDEN. We have support for funding for the Energy Efficiency and Conservation Block Grant Program from the U.S. Conference of Mayors, from the National Association of State Energy Officials, and the National League of Cities. Taxpayers for Common Sense strongly supports our efforts to repeal the oil and gas tax breaks and pay down the deficit. Also supporting our amendment are the Sierra Club, Greenpeace, the American Council for an Energy Efficient Economy, Conservation Law Foundation, Physicians for Social Responsibility, Friends of the Earth, Public Citizen, moveon.org, Center for Biological Diversity, One Sky, Environment America, and Oceana.

If there is anything we should be learning from the gulf disaster, it is that it is time to move aggressively away from polluting and unsafe fossil fuels which are getting more difficult to produce and more expensive to produce and that we must move toward safe, clean energy.

With a $13 trillion national debt, the last thing we need to be doing is giving tax breaks to big oil and gas companies that have been making recordbreaking profits, year after year.

I know there are some people who come down here and say that one way to deal with the deficit problem is to privatize Social Security, to privatize Medicare, to place at risk the retirement benefits of millions of senior citizens. I think that is a very bad idea. There are other people who come down to the floor and talk about cuts in education, cuts to health care that the middle-class and working families of this country desperately need. I think cutting those programs is a bad idea. But I think going after some of the largest and most profitable corporations in this country, which have not paid their fair share of taxes, is a positive and intelligent way to deal with deficit reduction.

Let me quote from the President of the United States, Barack Obama, in his statements on this subject. Again, what we are proposing is what President Obama has recommended in his 2011 budget. This is what President Obama said:

> Our continued dependence on fossil fuels will jeopardize our national security. It will smother our planet. And it will continue to put our economy and our environment at risk. . . . If we refuse to take into account the full cost of our fossil fuel addiction—if we don't factor in the environmental costs and national security costs and true economic costs—we will have missed our best chance to seize a clean energy future. . . . The time has come, once and for all, for this nation to fully embrace a clean energy future. Now that means . . . rolling back billions of dollars of tax breaks to oil companies so we can prioritize investments in clean energy research and development.

That is exactly what this amendment is all about. Let me give just one example. I hope people are listening to this one. Let me give one example of the absurdity of continuing to provide tax breaks to the oil and gas industry.

Last year, ExxonMobil, the most profitable corporation in the history of the world, reported to the SEC that not only did it avoid paying any Federal income taxes, it actually received a $156 million refund from the IRS. So middle-class Americans, people in Vermont and all over this country who are working 50 and 60 hours in order to provide the necessary income they need to pay the bills for their families, those folks go out and they pay their income tax. They may not be too happy about it, but they understand that in a civilized society you have to pay taxes to pay the bills of government. Not ExxonMobil. The most profitable corporation in the history of the world last year not only avoided paying any Federal income taxes, it actually received a $156 million refund from the IRS. If that makes sense to anybody—maybe it does—it surely does not make sense to me.

I ask unanimous consent to have printed in the RECORD the page of ExxonMobil's 10–K report to the SEC that discloses this information.

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

UNITED STATES SECURITIES AND EXCHANGE COMMISSION
FORM 10–K—ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

NOTES TO CONSOLIDATED FINANCIAL STATEMENTS—18. INCOME, SALES-BASED AND OTHER TAXES

[Millions of dollars]

	2009			2008			2007		
	U.S.	Non-U.S.	Total	U.S.	Non-U.S.	Total	U.S.	Non-U.S.	Total
Income taxes:									
Federal and non-U.S.:									
Current	$ (838)	$15,830	$14,992	$3,005	$31,377	$34,382	$4,666	$24,329	$28,955
Deferred—net	650	(665)	(15)	168	1,289	1,457	(439)	415	(24)
U.S. tax on non-U.S. operations	32	.....	32	230	.....	230	263	.....	263
Total federal and non-U.S.	(156)	15,165	15,009	3,403	32,666	36,069	4,490	24,744	29,234
State	110	.....	110	461	.....	461	630	.....	630
Total income taxes	(46)	15,165	15,119	3,864	32,666	36,530	5,120	24,744	29,864
Sales-based taxes	6,271	19,665	25,936	6,646	27,862	34,508	7,154	24,574	31,728
All other taxes and duties:									
Other taxes and duties	581	34,238	34,819	1,663	40,056	41,719	1,008	39,945	40,953
Included in production and manufacturing expenses	699	1,318	2,017	915	1,720	2,635	825	1,445	2,270
Included in SG&A expenses	197	538	735	209	660	869	215	653	868
Total other taxes and duties	1,477	36,094	37,571	2,787	42,436	45,223	2,048	42,043	44,091
Total	$7,702	$70,924	$78,626	$13,297	$102,964	$116,261	$14,322	$91,361	$105,683

All other taxes and duties include taxes reported in production and manufactunng and selling, general and administrative (SG&A) expenses. The above provisions for deferred income taxes include net credits for the effect of changes in tax laws and rates of $9 million in 2009, $300 million in 2008 and $258 million in 2007.

Mr. SANDERS. ExxonMobil is the same huge oil company that has had enough money to provide a $398 million retirement package to its outgoing CEO, Lee Raymond, just a few years ago. They made more money than any corporation in the history of the world last year. They did not pay any Federal taxes. In fact, they got a huge refund from the Federal Government. And some years ago this particular corporation paid out $398 million in retirement package for its CEO. I do not think that makes a whole lot of sense. I think we ought to end that nonsense and end it now. This country is at record-breaking deficits. We cannot allow large corporations such as ExxonMobil not to pay taxes.

ExxonMobil is the same oil company that is making its profits by gouging consumers at the pump by charging higher and higher prices for gasoline even when demand is low and supply is high. In Vermont, it is $2.85 a gallon. Working people are having a hard time paying high prices for gas. It does not matter whether demand is high or low, it appears that gas prices go up. This amendment would begin to make sure that ExxonMobil, BP, and the other big oil companies pay at least a minimal amount of their huge profits in taxes to the Federal Government. That, it seems to me, is the very least we can do.

Let's be clear. As millions of Americans have lost their jobs, their homes, their life savings, and their ability to send their kids to college as a result of this Wall Street-induced recession, we cannot continue to allow big oil companies to make out like bandits. Enough is enough. In the first quarter of 2009, when our gross domestic product shrank by 6.4 percent, and overall corporate profits decreased by 5.25 percent, the five largest oil companies were still able to earn over $13 billion in profits. That is in the middle of a severe recession.

As this chart shows, the combined annual profits of the five largest oil companies during the last 10 years—these five companies, ExxonMobil, Shell, BP, ChevronTexaco, and ConocoPhillips—earned over $750 billion in profits. Not bad. Not bad.

During the first quarter of this year, big oils' profits increased by 85 percent. Instead of using these profits to invest in renewable energy and to prevent oilspills, big oil and gas companies are primarily using this money to buy back their own stock and enrich their CEOs.

According to the American Petroleum Institute, between 2000 and 2007, the entire oil and gas industry invested only $1.5 billion in North American nonhydrocarbon investments aimed at reducing the Nation's dependance on oil. That is less than one-quarter of 1 percent of their total profits during this time period. So here you have these companies making huge profits. They are not reinvesting that money in making our country cleaner and in moving us away from fossil fuels.

Meanwhile, the CEOs of the big oil companies have received hundreds of millions of dollars in retirement packages and total compensation. Over the past 5 years Ray Irani, the CEO of Occidental Petroleum, received over $725 million in total compensation—$725 million, in a 5-year period, is not too sloppy.

John Hess, the CEO of the Hess Oil Company, has received over $240 million in total compensation; David Lesar, the CEO of Halliburton, has received over $114 million; James Mulva, the CEO of ConocoPhillips, has received over $95 million; and Rex Tillerson, the CEO of ExxonMobil, made over $30 million in total compensation over the past 5 years.

Further, since 2002, the five largest oil companies have repurchased almost $270 billion of their own stock. When we talk about asking the oil companies to start paying their fair share of taxes, we should also remember that the Federal Government has provided very generous subsidies above and beyond tax breaks for the oil companies. As this chart shows, according to the Environmental Law Institute, from 2002 to 2008, the United States provided more than $70 billion for fossil fuel subsidies, compared to just $12 billion for wind, solar, geothermal, biomass, and other renewable energy. This makes no sense at all. We have got to put an end to the outrageous tax breaks and subsidies we have been giving to oil and gas companies.

But that is not all this amendment would do. This amendment would also invest $10 billion into the Energy Efficiency and Conservation Block Grant Program. The American Recovery and Reinvestment Act provided $3.2 billion for this highly successful program. It is already having a very positive impact in creating jobs, in saving energy in all 50 States of our country.

I am now quoting from a letter sent, in support of the $10 billion block grant funding that this amendment provides, from Tom Cochran, the executive director of the U.S. Conference of Mayors. This is what Mr. Cochran says:

> Throughout the United States more than 1,200 cities are now receiving direct funding under the EECBG program. We strongly support your efforts to secure predictable and ongoing funding for the EECBG program allowing the nation to continue to invest in these successful local energy and climate initiatives which have been shown to reduce energy use, harmful greenhouse gas emissions and environmental degradation.

Let me give you some examples of how this program, of which this amendment would provide $10 billion over a 5-year period, is working. This program is helping to build wind turbines in Carmel, IN, to power a city sewer treatment plant. It is being used in Salt Like City, UT, to provide loans to businesses to make energy efficiency upgrades. It is being used in Columbus, OH, to make 29 public buildings more energy efficient. It is being used in Portland, ME, to retrofit 55 public buildings. It is being used in Miami to convert landfill gas into the production of electricity. It is being used in New York City to help homeowners and businesses with energy efficiency and renewable energy loans, among many other areas.

I know in my State of Vermont, dozens and dozens of communities and

schools are using this money to make their buildings more energy efficient and, in some cases, move to sustainable energy. We need to keep these investments in energy efficiency and conservation going. That is exactly what this amendment would do to the tune of $10 billion.

Finally, this amendment would dedicate $25 billion for deficit reduction, $10 billion for the block grant program to make our country more energy efficient. And the $25 billion for deficit reduction at a time of record-breaking deficits and debt, we simply cannot continue to give oil and gas companies huge tax breaks.

I know it is easy for some of my colleagues to come to the floor and talk about the deficit, talk about the debt we are leaving our kids and grandkids. It makes for great rhetoric. But, occasionally, you are going to have to stand up if you are serious about the debt and deficit and take on some of those very powerful special interests who are getting huge tax breaks, do not need those tax breaks and do not deserve those tax breaks. It is more important to protect our kids and grandchildren here and the deficit than it is to give tax breaks to ExxonMobil. When it comes down to it, this amendment asks a very simple question: Which side are you on? Are you on the side of big oil and gas companies, companies that year after year after year are making huge profits or are you on the side of reducing the deficit, reducing our dependence on oil, saving consumers and businesses money on their energy bills, and saving the planet we live on? That is what this amendment is about.

I understand that there will be opposition to this amendment. I have seen it surface already. After all, since 1990, the oil and gas industry has made over $238 million in campaign contributions. And over the past 2 years alone, this industry has spent $210 million on lobbying, probably half a billion dollars since 1990 on campaign contributions and lobbying. They have gotten a lot for that, I must confess. For that investment, they have gotten a lot in tax breaks and subsidies. But I think now is the time, given the oilspill in the gulf, because of the threat of global warming, in order to clean up our country, in order to create jobs and energy efficiency and sustainable energy, we have got to say to big oil: Sorry. No more. No more. You are going to have to start paying your fair share of taxes so we can transform our energy system and so we can begin to deal with this very serious deficit problem.

This amendment is the right thing to do for deficit reduction. It is the right thing to do to transform our energy system. It is the right thing to do for consumers. I ask my colleagues to vote for the amendment.

I yield the floor and 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.

Mr. SANDERS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NORTH FORK WATERSHED PROTECTION

Mr. BAUCUS. Mr. President, I rise today to speak about one of the things that I love most about Montana—the North Fork of the Flathead River. Everyone who experiences the Flathead Valley in northwestern Montana is awed by its pristine waters, larger than life landscapes, and breathtaking views. With its headwaters in British Columbia, the North Fork of the Flathead River forms the western boundary of Glacier National Park—it is one of the last untouched places on our continent.

For decades, the North Fork has been threatened by oil and gas and mining proposals in British Columbia. For the last 35 years, I have battled these proposals, one by one. After 35 years of work, we are beginning a new chapter of international cooperation in our efforts to protect the North Fork. I am very pleased that Conoco Phillips is a part of this.

In February of this year, British Columbia and Montana announced their intent to prevent mining, oil and gas, and coalbed methane development in the North Fork on the lands they control. Senator TESTER and I pledged to do our part to establish extra protections south of the border, where 90 percent of the North Fork watershed is already federally owned.

So, on March 4, we introduced the North Fork Watershed Protection Act, S. 3075, which bans future mining, oil and gas, and coalbed methane development on Federal lands in the watershed. The bill enjoys support from business and conservation interests alike from all over the State, including the Kalispell Chamber, Whitefish Mountain Resort, the Billings Rod and Gun Club, and a long list of others. This breadth of support shows the importance of the North Fork for Montana's economy as well as our State's outdoor heritage.

There are some current leases in the area that have been dormant since the late 1980s, when a court decision found that they were improperly issued. Senator TESTER and I have been engaged in active discussions with the current owners to retire these old leases. On April 28, I was proud to announce that ConocoPhillips, the primary leaseholder in the North Fork watershed, elected to voluntarily relinquish its interest in 108 Federal oil and gas leases covering approximately 169,000 acres, representing 71 percent of the leased area in the North Fork watershed.

ConocoPhillips should be commended for this decision and their stewardship of this very unique, special place. Their action is further evidence of the consensus that exists between the United States and Canada and among businesses and conservationists, that the withdrawal of these Federal lands from leasing is the only path forward.

In 1975, during my first term in the House of Representatives, I introduced a bill to designate the Flathead River as a Wild and Scenic River. It was designated in 1976. For me, that began a lifelong effort to protect the North Fork. At that time I said:

> A hundred years from now, and perhaps much sooner, those who follow us will survey what we have left behind.

This action brings us one step closer to ensuring that that every Montanan, every American, and every Canadian who follows us will have the opportunity to share our feeling of awe-struck wonder that such a place still exists, almost untouched by the modern world.

TRIBUTE TO DONALD C. STONE

Mrs. FEINSTEIN. Mr. President, today I wish to recognize Donald C. Stone, who is one of the most experienced members on the staff of the Senate Select Committee on Intelligence who has brought unique skills to the committee during his tenure. Friday, June 11 will mark Don's last day in government.

After 27 years, Don will be leaving the public sector and taking on new challenges. He has had an extraordinary career, mostly in the secret world of secured offices while he served his country well overseeing our Nation's intelligence agencies.

Don comes from this area. He grew up in Maryland and received a bachelor of arts in business administration and a master's in business administration from Loyola College in Baltimore. He now lives in Falls Church, VA, with his wife Dana and their two sons Robert and Andrew.

Don did not waste any time getting into the national security world. Right out of graduate school he went to work at the Central Intelligence Agency with the inspector general's audit staff. He worked there for 11 years on very sensitive classified projects both here and abroad, sometimes under very trying circumstances. While working with the CIA inspector general, Don had a rotational assignment with the National Reconnaissance Office's inspector general audit staff from 1993 to 1995, where he worked to make sure our Nation's spy satellite programs were run well and that the tax dollars spent in the secret world of spy agencies would pass muster if exposed to the light of review.

Don first came to the Senate Select Committee on Intelligence in June 1995 to serve as an auditor on the committee's audit team. The committee had created the audit staff in 1988 to provide '' a credible independent arm for Committee review of covert action programs and other specific Intelligence Community functions and issues.'' Don's aptitude for this work quickly led to his being named the committee's chief of the audit staff in September 1998. Mr. Stone then crossed the Capitol to work on the House Permanent Select Committee on Intelligence in March 2005 as the deputy staff director of the Subcommittee on Oversight. We were fortunate enough to bring Don back to the SSCI in January 2007 as our director of Audit and Evaluations.

During his time on the committee, Don has completed many reviews and audits to assure us that our intelligence agencies spent our tax money appropriately and legally, and that they managed their programs effectively within the law.

Over the years, Don has conducted audits of major acquisition systems, major espionage cases and their related damage assessments, the Foreign Intelligence Surveillance Act, budget and personnel growth, and information sharing. He has led the committee's review of financial statements of nominees for key intelligence positions, for keeping up with what the inspectors general of the intelligence community agencies were investigating, and for reviewing dozens of whistleblower and other complaint cases. Don has been properly persistent in reminding intelligence agencies of their need to do better.

He is also largely responsible for the effort, underway for the past several years, to push intelligence agencies to improve their financial auditability. A notable example of this was last year when the committee expressed concern and displeasure over the lack of progress that one intelligence agency was making toward being able to produce an auditable financial statement. I received a call from the agency's director, who was not very pleased about the committee's critical view. The committee staff and the agency staff met, and due in large part to Don's thorough research, the agency came away with a clearer picture of what steps it needed to take and, I hope, appreciative of the constructive role the committee was playing.

As this body of work reflects, Don has the talents required to conduct congressional oversight. He is able to see both the forest and the trees, and when necessary he can examine the individual leaves and roots. He has an extraordinary ability to focus on the details without losing knowledge of how they fit within a larger context. We have benefitted as a nation when he has cast his gaze on the workings of our national security apparatus.

At home he practices his attention to detail on his model car collection and taking up the hammer and paint brush to do the home improvement work he truly enjoys.

I would be remiss without noting Don's passion for the local sports teams. Don lives and breathes the burgundy and gold of his hometown Washington Redskins and his residence is covered in red, white and blue not just because he's a true patriot, but also because he's an avid fan of the Washington Capitals hockey team.

Don's love of hockey has rubbed off on his two sons who now play on the ice and led him to take active roles in organizing and managing a local hockey league. This year, he is serving as the president of that league and we can be certain the games are starting on time, the kids are playing hard and having fun, and the league's finances are in order.

Even with his retirement from government service, Don will be putting his skills and expertise to use in the private sector, but still working in the intelligence arena.

Donald Stone has worked in the shadows both in the clandestine world of our Nation's spy agencies and out of the public limelight. It is my pleasure that now, as he leaves public service, we can openly acknowledge and praise the admirable work he has done to keep our Nation safe.

Mr. Stone, on behalf of myself and all the members of the Senate Select Committee on Intelligence during your years of service, I am pleased to say on the Senate floor how greatly we appreciate your fine work and your exemplary career. We will miss your insights and your professionalism. And I wish you all the best as you move on to the next stage of your life.

ADDITIONAL STATEMENTS

TRIBUTE TO GRACE AND CHARLES MAHONY

● Mr. ISAKSON. Mr. President, today I wish to honor two of my constituents on a very special and rare milestone. Later this month, Grace and Charles Mahony of Atlanta will celebrate their 50th wedding anniversary.

Avid skiers, Grace and Charles met at a ski club, and Charles proposed in Aspen, CO. They were married on June 18, 1960, at Saint Clement Roman Catholic Church in Dearborn, MI. As a result of their union, Grace and Charles have been blessed with three children, Patricia, Maureen, and Kevin as well as one grandchild, Olivia Grace Mahony.

It is a privilege to honor this tremendous milestone that embodies the profound love and commitment Grace and Charles have for one another. Their marriage is an inspiration to us all.●

125TH ANNIVERSARY OF OLIVE GROVE BAPTIST CHURCH

● Ms. LANDRIEU. Mr. President, today I ask my colleagues to join me in recognizing the 125th anniversary of Olive Grove Baptist Church in Choudrant, LA.

In 1885, a small group of determined men and women founded what would become Olive Grove Baptist Church under the guidance of Rev. Andrew Moaten. Worshipping alongside Reverend Moaten were Deacon Henry Waters, Taylor and Martha Waters, Sister Mattie Hamilton, Deacon Mike Taylor, and Deacon State Wright.

These early members held services in a brush arbor for about 1 year before the first small structure, originally lit by kerosene lamps, was built. As the needs of its parishioners grew, so did Olive Grove Baptist Church. A new church was completed in 1926 under the guidance of Rev. H.J. Jordan, and in 1944 members began to raise money for yet another church. A storm destroyed the church in 1986, and current members now worship in the fifth Olive Grove Church to stand in Choudrant.

The church is currently led by the Rev. Derric Chatman, a dynamic young pastor. Current members, children of deceased members, individuals with community ties, and the general public continue to support the church with generous financial backing, allowing the church to remain active in its various ministries and demonstrating the important role that Olive Grove Baptist plays in the local community.

I ask that my colleagues join me in congratulating Olive Grove Baptist Church on their 125th anniversary and in wishing them the best for years to come.●

TRIBUTE TO CHARLES A. HURLEY

● Mr. LAUTENBERG. Mr. President, today I pay tribute to Charles A. ''Chuck'' Hurley upon his retirement as chief executive officer of Mothers Against Drunk Driving. Chuck is a true safety advocate, and his longstanding commitment to that cause is more than worthy of recognition.

Throughout my time in the Senate, Chuck and I have worked together on numerous highway safety initiatives, including the national age 21 drinking law, the national .08 BAC standard, primary seat belt laws, and teen driver graduated licensing programs. Chuck was instrumental in creating the ''Click it or Ticket'' Campaign in North Carolina, establishing the Nation's first pilot program to ensure drivers and passengers were buckling up. He also helped to launch the National SAFE KIDS Campaign, the national nonprofit organization dedicated solely to the prevention of unintentional childhood injury.

A longtime supporter of MADD, Chuck has been involved in the organization since the very beginning. He attended MADD's first national press conference in Washington, DC, in 1980, and strongly supported the passage of my National 21 Minimum Drinking Age Act in 1984. From 1993 to 1998, Chuck served on the MADD National Board of

Directors and was later named to the MADD National Board of Advisors.

In 2005, Chuck became MADD CEO. Since then, he has developed MADD's Campaign to Eliminate Drunk Driving, which successfully encourages States to require drunk drivers to use an ignition interlock device. He has also been an outspoken advocate for the development of advanced alcohol detection technology, which could someday completely eliminate drunk driving.

Chuck graduated with a bachelor of arts in political science from Dickinson College in Pennsylvania. From 1968 to 1970, he served in the U.S. Navy as an intelligence officer in Taipei, Taiwan. Chuck then worked for Congressman Bill Steiger, where he helped create the Occupational Safety and Health Administration.

In the early 1980s, Chuck helped found the Lifesavers Conference, which is dedicated to reducing the tragic toll of deaths and injuries on our Nation's roadways. Chuck also served as the vice president of the Transportation Safety Group for the National Safety Council and as the executive director of the Council's Air Bag and Seat Belt Safety Campaign. In addition, Chuck served as a senior official at the Insurance Institute for Highway Safety.

Chuck has dedicated his career to making our highways safer for drivers and passengers. On behalf of everyone who uses our Nation's roadways, I am honored to express my gratitude and congratulations to Charles A. ''Chuck'' Hurley and extend my best wishes for a long and happy retirement.●

RECOGNIZING SMITH & WESSON

● Ms. SNOWE. Mr. President, today I pay tribute to Smith & Wesson in Houlton, ME—an Aroostook County economic anchor and an undeniable beacon for businesses in our great State and the Nation, especially in these precarious economic times. Indeed, the name Smith & Wesson has been synonymous with excellence since 1852, and I am proud to say it has been part of Maine's history since 1966 when the Houlton facility first opened its doors.

Over the Easter recess, I was privileged to visit the Smith & Wesson plant where its employees, in demonstrating their meticulous craftsmanship in manufacturing handcuffs and handguns, truly exemplify Maine's legendary work ethic and can-do spirit. As I toured the facility and spoke with these committed team members, I had the opportunity to learn about the vital role they play in assembling their products—and I couldn't help but beam with pride in their dedication to their craft. Their inexhaustible energy was palpable throughout their newly expanded plant, which now allows for shifts 24 hours a day, 7 days a week.

I was also impressed to meet and speak with Smith & Wesson's plant manager, Terry Wade, who has been with the branch since 1972. Terry clearly is deeply devoted to his work as he labors side by side with his employees. A humble individual who credits even his own successes to others, Terry is a force for innovation—and as I discovered, he invented a handcuff model, currently being produced by the company, for which he holds a patent. Terry is a shining testament to the loyalty and drive of Houlton's Smith & Wesson workers, many of whom have been there for more than 20 years.

And let me just say, what began over 40 years ago as a small manufacturing arm of the larger parent company—making parts for revolver assembly and shipping just one 40-pound box of parts a week from a 2,000 square foot building—has evolved steadily from a staff of 18 to today's 160 dedicated men and women who are second to none. In fact, the Houlton plant just completed a hiring phase which, frankly, is outstanding when we consider the tenuous state of our economy and the herculean challenge of creating jobs. Individuals and families are still experiencing the troubling effects of the worst recession since World War II, with unemployment hovering near 10 percent nationwide, so I and, indeed, all of us in this Chamber cannot commend the Houlton facility enough for bucking this trend and hiring more staff.

In addition to developing Smith & Wesson's exemplary line of restraints, the Houlton plant also makes all of the company's semi-automatic rimfire pistols, the Walther PPK and PPK/S, and the SW1911 Series pistols. Due in large part to the exceptional team in Houlton, Smith & Wesson ranks first in the supply of restraints to law enforcement and their weapons are highly sought after by police agencies, security divisions, and military organizations—who surely all recognize the invaluable expertise and reliable quality that goes into each item.

The accomplishments of this phenomenal enterprise in Maine are remarkable. In March 2009, the plant reached an extraordinary milestone when after 30 years of producing high quality handcuffs, it made its six millionth pair. What a landmark occasion for a signature product used worldwide. And with the recent increase in the workforce—not to mention an impressive half-million dollar expansion to their firing range—Smith & Wesson in Houlton was recently named Houlton Business of the Year for 2009—a well-deserved accolade.

President Theodore Roosevelt once said that, ''far and away the best prize that life has to offer is the chance to work hard at work worth doing.'' Those words could not ring more true as we recognize this American success story. Smith & Wesson could not be more emblematic of the world-class industry and workforces that are associated with our great State of Maine. No wonder our State motto is ''Dirigo'' or ''I lead,'' as that is just what this Smith & Wesson plant in Houlton has been doing for more than 44 years.●

RECOGNIZING MONROE, LOUISIANA ROTARY CLUB

● Mr. VITTER. Mr. President, tday I am proud to recognize the members of the Monroe, LA, Rotary Club who have served our country honorably during war.

I would like to thank Charles C. Archibald, Raymond Armstrong, John Baker, Robert Barham, Ronald Blate, Reneau Breard, Lamar Buffington, Roy Cole, Jr., Barry Delcambre, Sam Donald, R.D. Farr, Leon Garfield, Hershal Gentry, James Greenlaw, William Guy, Harvey Hales, Robert Hammock, Howard John, Charles Johns, Barney Jones, Billy Lea, Earl Lingle, Miles Luke, Jim Myers, Ray Patron, Gregg Riley, Jack Tarver, Elbert L. Via and George Weaks for their courageous military service during wartime and for continued civic service in the greater Monroe area.

With the motto ''Service Above Self,'' it is no surprise that these men would be inclined to be members of Rotary. Their lifetime of service is exhibited not only in service to their fellow citizens during a time of war but also in continued commitment to their community.

Rotary's four-way test asks four questions of all things members think, say, and do. These questions are: Is it the truth? Is it fair to all concerned? Will it build goodwill and better friendships? Will it be beneficial to all concerned? These four simple questions have proven to be excellent guidelines for a life of service. We thank these men for serving the Monroe community with these principles. The Monroe Rotary Club has sponsored many local projects including Boy Scouts, Girl Scouts, youth baseball, the Food Bank of Northeast Louisiana, and the Salvation Army, to name just a few.

Thus, today, I honor these veterans for their distinguished service in the U.S. armed services during wartime, and for their continued service to the State of Louisiana in the Monroe Rotary Club.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE SUSPENSIONS UNDER SECTION 902(A)(3) OF THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991 WITH RESPECT TO ISSUANCE OF PERMANENT MUNITIONS EXPORT LICENSES FOR EXPORTS TO THE PEOPLE'S REPUBLIC OF CHINA INSOFAR AS SUCH RESTRICTIONS PERTAIN TO THE LIGHT SCANNER 32 SYSTEM USED FOR GENE MUTATION GENOTYPING FOR INDIVIDUALIZED CANCER TREATMENT—PM 61

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the authority vested in me by section 902(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246)(the ''Act''), and as President of the United States, I hereby report to the Congress that it is in the national interest of the United States to terminate the suspensions under section 902(a)(3) of the Act with respect to the issuance of permanent munitions export licenses for exports to the People's Republic of China insofar as such restrictions pertain to the LightScanner® 32 System used for gene mutation genotyping for individualized cancer treatment. License requirements remain in place for these exports and require review on a case-by-case basis by the United States Government.

BARACK OBAMA.
THE WHITE HOUSE, *June 9, 2010*.

MESSAGES FROM THE HOUSE

At 10:20 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1061. An act to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

H.R. 4349. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes.

At 12:43 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5136. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At 5:21 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2008. An act to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project.

H.R. 5116. An act to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2008. An act to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project; to the Committee on Energy and Natural Resources.

H.R. 4349. An act to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1061. An act to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

H.R. 5136. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 1507. A bill to amend chapter 89 of title 5, United States Code, to reform Postal Service retiree health benefits funding, and for other purposes (Rept. No. 111–203).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Carl Wieman, of Colorado, to be an Associate Director of the Office of Science and Technology Policy.

*Coast Guard nominations beginning with Rear Adm. (lh) Joseph R. Castillo and ending with Rear Adm. (lh) Keith A. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on December 2, 2009.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDs on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nominations beginning with Emily S. McIntyre and ending with Scott J. McCann, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2010.

*National Oceanic and Atmospheric Administration nominations beginning with Rebecca J. Almeida and ending with Oliver E. Brown, which nominations were received by the Senate and appeared in the Congressional Record on April 14, 2010.

*National Oceanic and Atmospheric Administration nominations beginning with Timothy C. Sinquefield and ending with Larry V. Thomas, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2010.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. LUGAR (for himself, Mr. GRAHAM, and Ms. MURKOWSKI):

S. 3464. A bill to establish an energy and climate policy framework to reach measurable gains in reducing dependence on foreign oil, saving Americans money, improving energy security, and cutting greenhouse gas emissions, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. 3465. A bill to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the ''Michael C. Rothberg Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY:

S. 3466. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Ms. COLLINS, and Mrs. GILLIBRAND):

S. 3467. A bill to require a Northern Border Counternarcotics Strategy; to the Committee on the Judiciary.

By Mr. CORNYN (for himself and Ms. KLOBUCHAR):

S. 3468. A bill to amend chapter 87 of title 18, United States Code, to end the terrorizing effects of the sale of murderabilia on crime victims and their families; to the Committee on the Judiciary.

By Mr. BENNET (for himself and Mr. BROWN of Ohio):

S. 3469. A bill to build capacity and provide support at the leadership level for successful school turnaround efforts; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 3470. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DORGAN (for himself, Mr. JOHNSON, and Mr. BEGICH):

S. 3471. A bill to improve access to capital, bonding authority, and job training for Native Americans and promote native community development financial institutions and Native American small business opportunities, and for other purposes; to the Committee on Indian Affairs.

By Mr. MENENDEZ (for himself, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. SANDERS, Mr. BROWN of Ohio, Mrs. GILLIBRAND, Mr. KAUFMAN, Mrs. MURRAY, Mr. REED, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. DURBIN, Mr. MERKLEY, Mr. CASEY, Mr. LEAHY, Ms. MIKULSKI, Mr. FRANKEN, Mr. HARKIN, Ms. KLOBUCHAR, Mrs. SHAHEEN, and Ms. STABENOW):

S. 3472. A bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full costs of oil spills, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID:

S. 3473. A bill to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill; considered and passed.

By Mr. FEINGOLD (for himself, Mr. CARPER, Mr. MCCAIN, Mr. GREGG, Mrs. MCCASKILL, Mr. COBURN, Mr. WHITEHOUSE, Mr. BENNET, and Mr. UDALL of Colorado):

S. 3474. A bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes; to the Committee on the Budget.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. MENENDEZ):

S. Res. 547. A resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. Res. 548. A resolution to express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the ship Mavi Marmara; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 941

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 981

At the request of Mr. REID, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 1319

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 1319, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2800

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 2800, a bill to amend subtitle B of title VII of the McKinney-Vento Homeless Assistance Act to provide education for homeless children and youths, and for other purposes.

S. 3000

At the request of Mr. ROCKEFELLER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3000, a bill to extend the increase in the FMAP provided in the American Recovery and Reinvestment Act of 2009 for an additional 6 months.

S. 3058

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3072

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 3072, a bill to suspend, during the 2-year period beginning on the date of enactment of this Act, any Environmental Protection Agency action under the Clean Air Act with respect to carbon dioxide or methane pursuant to certain proceedings, other than with respect to motor vehicle emissions, and for other purposes.

S. 3171

At the request of Mrs. LINCOLN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3171, a bill to amend title 38, United States Code, to provide for the approval of certain programs of education for purposes of the Post-9/11 Educational Assistance Program.

S. 3231

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3231, a bill to amend the Internal Revenue Code of 1986 to extend certain tax incentives for alcohol used as fuel and to amend the Harmonized Tariff Schedule of the United States to extend additional duties on ethanol.

S. 3278

At the request of Mr. BENNET, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3278, a bill to establish the Meth Project Prevention Campaign Grant Program.

S. 3311

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3311, a bill to improve and enhance the capabilities of the Department of Defense to prevent and respond to sexual assault in the Armed Forces, and for other purposes.

S. 3345

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3345, a bill to amend title 46, United States Code, to remove the cap on punitive damages established by the Supreme Court in Exxon Shipping Company v. Baker.

S. 3346

At the request of Mr. WHITEHOUSE, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 3346, a bill to increase the limits on liability under the Outer Continental Shelf Lands Act.

S. 3412

At the request of Mr. DODD, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 3412, a bill to provide emergency operating funds for public transportation.

S. 3430

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3430, a bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector.

S. 3462

At the request of Mrs. SHAHEEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3462, a bill to provide subpoena power to the National Commission on the British Petroleum Oil Spill in the Gulf of Mexico, and for other purposes.

S.J. RES. 29

At the request of Mr. MCCONNELL, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S.J. Res. 29, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S.J. RES. 30

At the request of Mr. ISAKSON, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S.J. Res. 30, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Mediation Board relating to representation election procedures.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr.

DURBIN) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

AMENDMENT NO. 4302

At the request of Mr. CORNYN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of amendment No. 4302 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4304

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of amendment No. 4304 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4311

At the request of Mr. FRANKEN, the names of the Senator from Connecticut (Mr. DODD), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 4311 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 4312

At the request of Mr. VITTER, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SESSIONS), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. RISCH), the Senator from Mississippi (Mr. WICKER) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of amendment No. 4312 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. 3465. A bill to designate the facility of the United States Postal Service located at 15 South Main Street in Sharon, Massachusetts, as the ''Michael C. Rothberg Post Office''; to the Committee on Homeland Security and Government Affairs.

Mr. KERRY. Mr. President, I am proud to introduce legislation to designate the United States Postal Service in Sharon, Massachusetts, as the Michael C. Rothberg Post Office.

Michael Craig Rothberg was born and raised in Sharon. Upon graduation from Sharon High School, Michael earned both undergraduate and master's degree in math and computer science from McGill University in Montreal. Unfortunately, Michael Rothberg's life was tragically cut short on the morning of September 11, 2001, at age 39, while working in his Cantor Fitzgerald office on the 104th floor of the World Trade Center.

During his lifetime, Michael Rothberg created much more than a successful professional life. He used his resources generously contributing not only financial support, but also his time and energy for causes he believed in. He worked hard for causes such as the Dana Farber Cancer Institute's Jimmy Fund, the Multiple Sclerosis Foundation, and Mutual Funds against Cancer. His spirit is remembered through many contributions to the Town of Sharon through the Michael C. Rothberg Memorial Scholarship and other notable charitable contributions to students, athletes and the community of Sharon, Massachusetts.

The people of Sharon, Massachusetts are very proud of Michael and the example he set. It is fitting then that when people go to or pass by the post office in Sharon, they will be reminded of a local man who understood how important it is to give back to causes that touch your heart.

By Mr. LEAHY:

S. 3466. A bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I introduce the Environmental Crimes Enforcement Act, ECEA, common sense legislation that will ensure that those who destroy the lives and livelihoods of Americans through environmental crime are held accountable.

It has been 50 days since the collapse of British Petroleum's Deepwater Horizon Oil Rig, which killed 11 men. Oil continues to gush into the Gulf of Mexico, and deadly contaminants are washing up on the shores and wetlands of Gulf Coast States. This catastrophe threatens the livelihood of many thousands of people throughout the region, as well as precious natural resources and habitats. The people responsible for this catastrophe must be held accountable; they, not the American taxpayers, should pay for the damage and the recovery. The bill I introduce today aims to deter environmental crime, protect and compensate its victims, and encourage accountability among corporate actors.

First, ECEA will deter schemes by Big Oil and other corporations and industries that damage our environment and hurt hardworking Americans by increasing sentences for environmental crimes. All too often, corporations treat fines and monetary penalties as merely a cost of doing business to be factored against profits. To deter criminal behavior by corporations, it is important to have laws resulting in prison time. In that light, this bill directs the United States Sentencing Commission to amend the sentencing guidelines for environmental crimes to reflect the seriousness of these crimes.

Criminal penalties for Clean Water Act violations are not as severe as for other white-collar crimes, despite the widespread harm such crimes can cause. As the current crisis makes clear, Clean Water Act offenses can have serious consequences on people's lives and livelihoods, which should be reflected in the sentences given to the criminals who commit them. This bill takes a reasonable approach, asking the Sentencing Commission to study the issue and raise sentencing guidelines appropriately, and it will have a real deterrent effect.

This bill also aims to help victims of environmental crime—the people who lose their livelihoods, their communities, and even their loved ones—reclaim their natural and economic resources. To do that, ECEA makes restitution mandatory for criminal Clean Water Act violations.

Currently, restitution in environmental crimes—even crimes that result in death—is discretionary, and only available under limited circumstances. Under this bill, those who commit Clean Water Act offenses would have to compensate the victims of these offense for their losses. That restitution will help the people of the Gulf Coast rebuild their coastline and wetlands, their fisheries, and their livelihoods should criminal liability be found.

Importantly, this bill will allow the families of those killed to be compensated for criminal wrongdoing. As we have seen in the BP case, arbitrary laws prevent those killed in tragedies like this one from bringing civil lawsuits for compensation. This bill would ensure that, when a crime is committed, the criminal justice system can provide for restitution to victims, providing some small measure of security for the families of those killed.

This bill takes two common sense steps—well-reasoned increases in sentences and mandatory restitution for environmental crime. These measures are tough, but fair. They are important steps toward deterring criminal conduct that can cause environmental and economic disaster and toward helping those who have suffered so much from the wrongdoing of Big Oil and other large corporations. I hope all Senators will join me in supporting this important reform.

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. 3466

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 ''Environmental Crimes Enforcement Act of 2010''.

SEC. 2. ENVIRONMENTAL CRIMES.

(a) SENTENCING GUIDELINES.—

(1) DIRECTIVE.—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission shall review and amend the Federal Sentencing Guidelines and policy statements applicable to persons convicted of offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), in order to reflect the intent of Congress that penalties for the offenses be increased in comparison to those provided on the date of enactment of this Act under the guidelines and policy statements, and appropriately account for the actual harm to the public and the environment from the offenses.

(2) REQUIREMENTS.—In amending the Federal Sentencing Guidelines and policy statements under paragraph (1), the United States Sentencing Commission shall—

(A) ensure that the guidelines and policy statements, including section 2Q1.2 of the Federal Sentencing Guidelines (and any successor thereto), reflect—

(i) the serious nature of the offenses described in paragraph (1);

(ii) the need for an effective deterrent and appropriate punishment to prevent the offenses; and

(iii) the effectiveness of incarceration in furthering the objectives described in clauses (i) and (ii);

(B) consider the extent to which the guidelines appropriately account for the actual harm to public and the environment resulting from the offenses;

(C) ensure reasonable consistency with other relevant directives and guidelines and Federal statutes;

(D) make any necessary conforming changes to guidelines; and

(E) ensure that the guidelines relating to offenses under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) adequately meet the purposes of sentencing, as set forth in section 3553(a)(2) of title 18, United States Code.

(b) RESTITUTION.—Section 3663A(c)(1) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) in clause (iii), by striking ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(iv) an offense under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and''.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 3470. A bill to designate as wilderness certain public land in the Cherokee National Forest in the State of Tennessee, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ALEXANDER. Mr. President, on behalf of Senator CORKER and myself, I rise to introduce the Tennessee Wilderness Act of 2010. The legislation will implement an important next step in conservation for some of the wildest, most beautiful and pristine areas in east Tennessee near where I live. To say that these are among the wildest, most pristine and beautiful areas sets a very high bar since the region is home to the Appalachian Mountains, and our Nation's most visited national park, a World Heritage site—in fact, one of the most visited sites in the world—the Great Smoky Mountains National Park, much of which is managed as if it were a wilderness area.

From growing up in these mountains and my many years of hiking the quiet trails of the Cherokee National Forest, I can attest that the wilderness areas we protected there are something very special. Congress began protecting wilderness areas in the Cherokee National Forest in 1975, with additional wilderness areas being established by the Tennessee Wilderness Act of 1984 and the Tennessee Wilderness Act of 1986. I was Governor of Tennessee during that time. I remember testifying on behalf of and strongly supporting our congressional delegation as we did that. I know sometimes our western friends are surprised to see Tennessee Republicans advocating wilderness, bragging about the fact that the Great Smoky Mountains National Park is managed in large extent as if it were a wilderness area and adding certain sections of the Cherokee National Forest to wilderness.

The Federal Government doesn't own very much of our land, but we have lots of visitors. Two or three times as many people visited the Great Smokies as visit Yellowstone. We have lots of visitors but very little Federal land. We like to protect it. We like to have clean air. We like to enjoy it ourselves.

We like the Cherokee National Forest because it gives us an opportunity to do some things we can't do in the national park. We can hunt, fish, ride horses, camp, do things in a great many ways. I believe this legislation, the Tennessee Wilderness Act of 2010, will create for Tennessee families and especially Tennessee youngsters, who need to be outdoors and away from the computer screens and television screens, an even more attractive opportunity to enjoy this beautiful part of our natural heritage.

I emphasize that the lands that will be designated as wilderness by this legislation are already Federal lands. They are part of the Cherokee National Forest. The areas covered were recommended for wilderness by the U.S. Forest Service in the development of its comprehensive 2004 forest plan which included extensive opportunities for public comment. Those areas have been managed as if they were wilderness areas since that time.

This new bill will officially designate as wilderness nearly 20,000 acres as recommended by the Forest Service. The bill establishes one new wilderness area, the 9,038 acre Upper Bald River Wilderness in Monroe County. This new area complements the existing Bald River Gorge Wilderness. It lies just south of that existing area, separated only by the Bald River Road, which will, of course, remain an open public road.

By protecting the Upper Bald River Wilderness as well as the existing wilderness area, we will be protecting most of the Bald River watershed. Excellent trails traverse the Upper Bald River area, including the Benton MacKaye Trail, offering excellent hiking, backpacking, and horseback riding, as well as access for hunters and fishermen.

The rest of the lands designated as wilderness in this legislation are relatively small but important additions to some of the areas Congress established in 1975, 1984 and 1986. They have the effect of better protecting not only ecosystems and watersheds but also the diverse recreational value of these areas.

At the southern end of the Cherokee National Forest is one of the largest national forest wilderness complexes in the Southeastern United States. It comprises the Cohutta Wilderness, most of which lies in Georgia, and the Big Frog Wilderness in Polk County, TN. The new legislation makes a small but important addition of 348 acres to the Big Frog Wilderness. The Big Frog-Cohutta combination, with adjacent primitive areas, creates the largest track of wilderness on national forest lands in the Eastern United States.

In the same way, the new legislation makes two small but important additions to the Little Frog Mountain Wilderness, also in Polk County. These additions, totaling 966 acres, were recommended by the Forest Service to give more logical boundaries to the Little Frog Mountain Wilderness and protect the corridor for the Benton MacKaye Trail.

In upper east Tennessee, in Unicoi and Washington Counties, this new legislation would add 2,922 acres to the Sampson Mountain Wilderness. This is at the heart of a marvelous scenic region of our State. Along these scenic trails, visitors can see flame azalea, mountain laurel, rhododendron, trailing arbutus, crested dwarf iris, mayapple, bloodroot, toothwort, magnolia, dogwood, redbud, and many other flowering plants, shrubs, and trees. The last 2 or 3 months have been the time of year to visit that area with its many species of shrubs and trees.

The 1986 Tennessee Wilderness Act established the Big Laurel Branch Wilderness in Carter and Johnson Counties at the furthest upper east Tennessee end of our State. The new legislation proposes to add 4,446 acres, including some 4.5 miles of the Appalachian National Scenic Trail. The addition lies along the slopes of Iron Mountain just north of Watauga Lake, one of the cleanest lakes in America.

The final element of the new legislation is an important addition to the Joyce Kilmer-Slickrock Wilderness. Here visitors will find perhaps the most impressive stands of virgin eastern forest in the United States. The 1,836-acre addition includes remnant old-growth forest. The Benton MacKaye Trail passes through this area, making it a

popular destination for horseback riders and hikers.

This is a simple bill, but it will make a significant contribution for these wild and pristine areas of the Cherokee National Forest.

I thank and salute the Cherokee National Forest staff and the many citizens of Tennessee who worked to define these proposals and to build grassroots support. These proposals have broad support from outdoors clubs, trail maintenance groups, local businesses, and conservation organizations.

I specifically want to thank Will Skelton, a Knoxville lawyer who has been instrumental in conservation for decades in Tennessee. No one has done more to help more families appreciate, enjoy, and hike in the Cherokee National Forest than has Will Skelton. I thank the Tennessee Wild group for their role in this proposal.

Getting out in the woods and mountains of east Tennessee is an ever more popular activity. People go to the wilderness to experience nature most wild, walking a trail to some resting place where the noises are trees creaking, the smells are of wet moss and leaves, the colors are pure, and the world is at peace. That is why these protected wilderness areas have such immense value for our people, and it is why the value will multiply many times as our world grows more crowded.

The foundational statute under which we protect the wilderness areas is the 1964 Wilderness Act. The Congress of that time showed extraordinary prescience about the threats that destroy wilderness:

In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas of the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.

We need more opportunities for young Americans to get away from the computer screens and into the American outdoors. Eastern Tennessee provides a beautiful place to do that, and this act will provide more opportunities for that as well.

Mr. President, I ask unanimous consent that the text of the bill and support material be printed in the RECORD.

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

S. 3470

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 ''Tennessee Wilderness Act of 2010''.

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term ''Map'' means the map entitled ''Proposed Wilderness Areas and Additions-Cherokee National Forest'' and dated January 20, 2010.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) STATE.—The term ''State'' means the State of Tennessee.

SEC. 3. ADDITIONS TO CHEROKEE NATIONAL FOREST.

(a) DESIGNATION OF WILDERNESS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal lands in the Cherokee National Forest in the State of Tennessee are designated as wilderness and as additions to the National Wilderness Preservation System:

(1) Certain land comprising approximately 9,038 acres, as generally depicted as the ''Upper Bald River Wilderness'' on the Map and which shall be known as the ''Upper Bald River Wilderness''.

(2) Certain land comprising approximately 348 acres, as generally depicted as the ''Big Frog Addition'' on the Map and which shall be incorporated in, and shall be considered to be a part of, the Big Frog Wilderness.

(3) Certain land comprising approximately 630 acres, as generally depicted as the ''Little Frog Mountain Addition NW'' on the Map and which shall be incorporated in, and shall be considered to be a part of, the Little Frog Mountain Wilderness.

(4) Certain land comprising approximately 336 acres, as generally depicted as the ''Little Frog Mountain Addition NE'' on the Map and which shall be incorporated in, and shall be considered to be a part of, the Little Frog Mountain Wilderness.

(5) Certain land comprising approximately 2,922 acres, as generally depicted as the ''Sampson Mountain Addition'' on the Map and which shall be incorporated in, and shall be considered to be a part of, the Sampson Mountain Wilderness.

(6) Certain land comprising approximately 4,446 acres, as generally depicted as the ''Big Laurel Branch Addition'' on the Map and which shall be incorporated in, and shall be considered to be a part of, the Big Laurel Branch Wilderness.

(7) Certain land comprising approximately 1,836 acres, as generally depicted as the ''Joyce Kilmer-Slickrock Addition'' on the Map and which shall be incorporated in, and shall be considered to be a part of, the Joyce Kilmer-Slickrock Wilderness.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file maps and legal descriptions of the wilderness areas designated by subsection (a) with the appropriate committees of Congress.

(2) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the office of the Chief of the Forest Service and the office of the Supervisor of the Cherokee National Forest.

(3) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct typographical errors in the maps and descriptions.

(c) ADMINISTRATION.—Subject to valid existing rights, the Federal lands designated as wilderness by subsection (a) shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

TO PROTECT AND TO PRESERVE

[From the Chattanooga Times Free Press, Sept. 8, 2009]

(Editorial Board)

There seemingly are few exceptions to the paroxysms of partisanship that have paralyzed the nation's capital lately, but there is at last one issue of vital importance where widespread agreement provides immeasurable benefit to the nation. Even in the current political climate, usually antagonistic members of Congress continue to provide broad support for the federal wilderness program. Good for them.

Such bipartisan agreement has been the case since the inception of the Wilderness Act, which was signed into law by President Lyndon B. Johnson 45 years ago this month. At its inception, the program protected 9 million acres in 54 wilderness areas. Today, there are more than 109 million protected acres in 44 states. Expansion efforts, thank goodness, continue unabated.

It is a matter of record that the valuable program has grown continuously under both Democratic and Republican administrations. President Ronald Reagan, a Republican, signed more laws to increase wilderness property than any other president, but Democrat occupants of the White House have done their duty as well.

President Barack Obama is the latest to do so. In March, he signed a bill that established 52 new wilderness areas and that increased acreage at more than two dozen existing wilderness areas. His signature added more than 2 million acres to the protection program.

Every president since Mr. Johnson has now signed legislation to expand wilderness areas. An examination of the record, in fact, shows a steady increase over the years in the number of protected acres regardless of who occupies the White House or which party controls Congress. It's proof that unanimity of purpose in politics is possible if not always procurable.

There are now more than 800 wilderness areas in the United States. They range in size from tiny—the five-acre Rocks and Islands Wilderness in California—to the stagger-the-imagination nine million acres in the Wrangeli-Saint Elias Wilderness in Alaska. The latter state has the most protected acreage with more than 57 million acres. Ohio, with 77 acres, has the least.

Georgia and Tennessee are in the middle of the pack. The former has nearly 500,000 protected wilderness acres and the latter just over 66,000 acres. Those numbers are likely to grow. Efforts to add acreage to protected wilderness areas and to related areas such as the nearby Cherokee National Forest, already the largest tract of public land in Tennessee, are ongoing. All deserve widespread support.

By law, wilderness areas are protected and managed to preserve their natural condition. Use of the land is severely restricted, and properly so, to non-invasive activities such as hiking, backpacking and horseback riding. That's appropriate. Wilderness preservation and protection programs help ensure that future generations can enjoy the nation's patrimony. They also are powerful reminders that we all share an obligation to preserve and to protect such singularly American open spaces.

OP–ED—SKELTON: NEW AREAS NEED PROTECTION

[From the Knoxville News Sentinel, Oct. 24, 2009]

(By Will Skelton)

On Oct. 30, 1984, President Ronald Reagan signed into law a landmark bill that protected many of the outstandingly scenic portions of the southern Cherokee National Forest in Tennessee from timber harvesting, mining and road building.

Thousands of Tennesseans and Americans have used and enjoyed those areas protected as wilderness in 1984; without that bill, many

such areas would have been clear cut and roads built through them. The areas range from the lofty peaks of the Citico Creek and Big Frog Wildernesses to the waterfalls of the Bald River Wilderness and to the quieter streams of Little Frog Mountain Wilderness.

The bill was called the Tennessee Wilderness Act of 1984 and was supported by then-governor Lamar Alexander, then-U.S. representative John J. Duncan, and both of our senators, Howard Baker and James Sasser. The bill protected 32,606 acres (out of a total of 640,000 acres in the Cherokee) in areas known as Big Frog Mountain, Bald River Gorge, Citico Creek, and Little Frog Mountain.

Such areas were designated as ''wilderness,'' the highest form of protection for our federally owned public lands. It protects forests ''in perpetuity'' from logging, mining and road building while allowing for traditional activities like hiking, hunting, horseback riding, fishing and camping. Wilderness also protects wildlife habitat, ensures clean water supplies, and sequesters carbon.

I was coordinator of the Cherokee National Forest Wilderness Coalition that led the effort to have these areas protected. I edited a guidebook to the Cherokee's trails that was published by University of Tennessee Press (''Hiking Guide to the Cherokee National Forest''), and to which Alexander did the forward for both the first (1992) and second (2005) editions.

It has been 25 years since any additional wilderness has been protected in the Cherokee National Forest, in spite of several qualified candidates. These areas include the wonderful Upper Bald River and several additions to existing wilderness areas. The U.S. Forest Service recommended wilderness protection for most of these areas. However, its recommendations can only become ''wilderness'' if Congress approves under the Wilderness Act of 1964.

A newly formed coalition, Tennessee Wild (*http://tnwild.org/*), is urging the protection of the additional areas recommended by the forest service.

Several points are important to consider regarding this current wilderness proposal:

1. The Cherokee National Forest consists of 640,000 acres, roughly the same as the Great Smoky Mountains National Park, with 340,969 in the northern Cherokee and 298,998 in the southern Cherokee. Only 66,389 acres or 10.37 percent of the forest is designated as wilderness; the areas listed above would add only 17,785 acres, so we are talking about a very modest increase.

2. No land is to be acquired by the forest service, as the land proposed for wilderness is already owned by the government.

3. Pursuant to the forest service's current management plan, the service's recommended areas are currently managed as wilderness. So no additional management or change would be required and, because of the nature of wilderness, its management is extremely low cost.

4. No roads would be closed; nor would any facilities be affected as a result of the forest service's recommendation.

5. Finally, and maybe most important, the areas recommended for wilderness are the best unprotected scenic and natural areas in the southern Cherokee National Forest.

We are hopeful that our current political leaders, especially Rep. John J. Duncan Jr. and Sens. Alexander and Bob Corker, will act to protect these additional areas. Let the words of John Muir, featured recently in the Ken Burns' PBS special on our national parks, inspire us to action: ''Everybody needs beauty as well as bread, places to play in and pray in, where nature may heal and give strength to body and soul.''

By Mr. REID:

S. 3473. A bill to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill; considered and passed.

Mr. REID. 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. 3473

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

SECTION 1. ADVANCES FROM OIL SPILL LIABILITY TRUST FUND FOR DEEPWATER HORIZON OIL SPILL.

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

(1) by inserting ''(1)'' after ''Coast Guard''; and

(2) by inserting before the period at the end the following: ''and (2) in the case of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain 1 or more advances from the Fund as needed, up to a maximum of $100,000,000 for each advance, with the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986, and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance''.

SEC. 2. BUDGETARY EFFECTS.

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

By Mr. FEINGOLD (for himself, Mr. CARPER, Mr. MCCAIN, Mr. GREGG, Mrs. MCCASKILL, Mr. COBURN, Mr. WHITEHOUSE, Mr. BENNET, and Mr. UDALL of Colorado):

S. 3474. A bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes; to the Committee on the Budget.

Mr. FEINGOLD. Mr. President, I am pleased to join with the Senator from Delaware, Mr. CARPER, and the Senator from Arizona, Mr. MCCAIN, and others in introducing the Reduce Unnecessary Spending Act of 2010, a bill which effectively gives the President a line item veto to cancel wasteful spending.

Based on President Obama's proposal, our measure would permit the President to get expedited consideration in both the House and Senate of a package of proposed spending cuts within larger spending bills Congress sends to the President. The President would have 45 days from when the initial spending measure was enacted to submit his proposed cuts, and once that package of cuts is sent to the Hill, Congress would have less than a month to act on them. Any savings produced if Congress enacts these spending cut packages would go directly to reduce the deficit.

Just a few weeks ago, I chaired a hearing of the Senate Judiciary Committee's Constitution Subcommittee at which this proposal and similar proposals were reviewed, and I am pleased to say that the consensus of that hearing is that the bill we are introducing today is clearly constitutional.

When he took office, President Obama was handed perhaps the worst economic and fiscal mess facing any administration since Franklin Roosevelt took office in 1933. The legacy President Obama inherited poses a gigantic challenge.

There is no magic bullet that will solve all our budget problems. Congress has to make some tough decisions, and there will be no avoiding them if we are to get our fiscal house in order. But we can take some steps that will help Congress make the right decisions, and that can sustain the progress we make.

A line-item veto, properly structured and respectful of the constitutionally central role Congress plays, as this legislation is, can help us get back on track.

As I noted before, Mr. President, I am joined in this effort by a number of colleagues, but most notably by Senator CARPER and Senator MCCAIN. I have been privileged to work on a number of critical budget reforms with Senator CARPER. He has long been an advocate of this kind of expedited rescission or line item veto authority, and was the lead author of a similarly structured measure when he served in the other body.

I have also been pleased to work with Senator MCCAIN on budget matters. He and I have worked together for the past two decades to oppose wasteful earmark spending, and more recently I have been pleased to work with him on line item veto proposals, including this one.

I also thank my colleague from Wisconsin, Congressman PAUL RYAN, for working with me on this issue for several years now. He and I belong to different political parties, and differ on many issues. But we do share at least two things in common—our hometown of Janesville, Wisconsin, and an abiding respect for Wisconsin's tradition of fiscal responsibility. Earlier this year, Congressman RYAN raised this issue with President Obama at a meeting in Baltimore, and I thank him for his efforts to advance this issue.

The bill we introduce today is a significant step forward in our joint efforts to provide the President with the kind of authority needed to cut wasteful spending. As I noted earlier, this legislation is essentially the bill President Obama proposed just a few weeks ago. It provides the President the ability to get quick and definitive congressional action on cuts to individual programs in large spending bills.

Currently, the President must choose between vetoing a bill in its entirety,

or signing it and possibly enacting billions of dollars of wasteful spending. With this bill, the President will have a third option—signing a spending bill, but then submitting a package of proposed cuts from that spending bill to Congress for quick review. The package of cuts proposed by the President will get an up or down vote in the House and, if it passes there, an up or down vote in the Senate.

Our line item veto bill covers earmark discretionary spending as well as broader non-entitlement spending accounts. The measure excludes entitlement spending and tax expenditures from the expedited rescission approach. Spending done through entitlements and tax expenditures make up an enormous amount of the total spending done by the Federal Government. However, unlike the programmatic spending done in discretionary programs, where cuts can be made by zeroing out or reducing a number for a specific account, reducing spending in entitlements or tax expenditures often requires a change in the underlying policy. Indeed, Congress already has a fast-track procedure designed specifically for considering legislation that reduces spending done through entitlements and tax expenditures. It is called reconciliation, and it was used effectively in the 1990s to reduce the deficit.

As I mentioned, a key target of this new line item veto bill is the unauthorized earmark spending that too often finds its way into large appropriations bills. Earmark spending was what Congressman RYAN and I targeted in our line item veto proposal, and it is the example every line-item veto proponent cites when promoting their legislation.

When President Bush asked for this kind of authority, the examples he gave when citing wasteful spending he wanted to target were congressional earmarks. When Members of the House or Senate tout a new line-item veto authority to go after government waste, the examples they give are congressional earmarks. When editorial pages argue for a new line-item veto, they, too, cite congressional earmarks as the reason for granting the President this new authority.

Unauthorized congressional earmarks are a serious problem. We won't solve our budget problems just by addressing earmarks, but if we are to get our fiscal house in order, eliminating earmarks has to be part of the solution. For all the lip service Congress pays to this issue, there are still thousands of earmarked spending provisions enacted every year. Just last year, the Omnibus Appropriations bill for fiscal year 2009 passed in March of 2009 contained more than 8,000 earmarks costing $7 billion, and the Consolidated Appropriations bill for fiscal year 2010 passed in December of 2009 included nearly 5,000 earmarks, costing $3.7 billion.

There is no excuse for a system that allows that kind of wasteful spending year after year. And given the unwillingness of Congress to discipline itself in this regard, it is appropriate to provide the President some additional authority to seek an up or down vote in Congress on proposed cuts in this area of spending.

This is not a cure-all. We will not balance the budget just by passing a line item veto-like authority for the President. Nor will we balance the budget just by eliminating wasteful earmark spending. But we can make real progress in getting our fiscal house in order, and in changing the culture of Washington which over the last 2 decades has seen an explosion of spending done through unauthorized earmarks that circumvent regular congressional review and the scrutiny of the competitive grant process.

Like the measure Congressman RYAN and I introduced, under this proposal, wasteful spending doesn't have anywhere to hide. It's out in the open, so that both Congress and the President have a chance to get rid of wasteful projects before they begin. The taxpayers—who pay the price for these projects—deserve a process that shows some real fiscal discipline, and that is what this legislation promotes.

President Obama recognizes the pernicious effect earmarks have on the entire process. When he asked Congress to take the extraordinary step of sending him a massive economic recovery package, he knew such a large package of spending and tax cuts would naturally attract earmarks. He also recognized that were earmarks to be added to the bill, it would undermine his ability to get it enacted, so he rightly insisted it be free of earmarks.

I am delighted he has stepped forward to propose a new line item veto-like authority, and I am especially pleased to be introducing that proposal with my colleagues today.

Mr. President, I ask unanimous consent that the text of the bill printed in the RECORD.

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

S. 3474

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

SECTION 1. SHORT TITLE AND PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Reduce Unnecessary Spending Act of 2010''.

(b) PURPOSE.—The purpose of this Act is to create an optional fast-track procedure the President may use when submitting rescission requests, which would lead to an up-or-down vote by Congress on the President's package of rescissions, without amendment.

SEC. 2. RESCISSIONS OF FUNDING.

The Impoundment Control Act of 1974 is amended by striking part C and inserting the following:

''PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS

''SEC. 1021. APPLICABILITY AND DISCLAIMER.

''The rules, procedures, requirements, and definitions in this part apply only to executive and legislative actions explicitly taken under this part. They do not apply to actions taken under part B or to other executive and legislative actions not taken under this part.

''SEC. 1022. DEFINITIONS.

''In this part:

''(1) The terms 'appropriations Act', 'budget authority', and 'new budget authority' have the same meanings as in section 3 of the Congressional Budget Act of 1974.

''(2) The terms 'account', '' 'current year' '', 'CBO', and 'OMB' have the same meanings as in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 as in effect on September 30, 2002.

''(3) The term 'days of session' shall be calculated by excluding weekends and national holidays. Any day during which a chamber of Congress is not in session shall not be counted as a day of session of that chamber. Any day during which neither chamber is in session shall not be counted as a day of session of Congress.

''(4) The term 'entitlement law' means the statutory mandate or requirement of the United States to incur a financial obligation unless that obligation is explicitly conditioned on the appropriation in subsequent legislation of sufficient funds for that purpose, and the Supplemental Nutrition Assistance Program.

''(5) The term 'funding' refers to new budget authority and obligation limits except to the extent that the funding is provided for entitlement law.

''(6) The term 'rescind' means to eliminate or reduce the amount of enacted funding.

''(7) The terms 'withhold' and 'withholding' apply to any executive action or inaction that precludes the obligation of funding at a time when it would otherwise have been available to an agency for obligation. The terms do not include administrative or preparatory actions undertaken prior to obligation in the normal course of implementing budget laws.

''SEC. 1023. TIMING AND PACKAGING OF RESCISSION REQUESTS.

''(a) TIMING.—If the President proposes that Congress rescind funding under the procedures in this part, OMB shall transmit a message to Congress containing the information specified in section 1024, and the message transmitting the proposal shall be sent to Congress not later than 45 calendar days after the date of enactment of the funding.

''(b) PACKAGING AND TRANSMITTAL OF REQUESTED RESCISSIONS.—Except as provided in subsection (c), for each piece of legislation that provides funding, the President shall request at most 1 package of rescissions and the rescissions in that package shall apply only to funding contained in that legislation. OMB shall deliver each message requesting a package of rescissions to the Secretary of the Senate if the Senate is not in session and to the Clerk of the House of Representatives if the House is not in session. OMB shall make a copy of the transmittal message publicly available, and shall publish in the Federal Register a notice of the message and information on how it can be obtained.

''(c) SPECIAL PACKAGING RULES.—After enactment of—

''(1) a joint resolution making continuing appropriations;

''(2) a supplemental appropriations bill; or

''(3) an omnibus appropriations bill;

covering some or all of the activities customarily funded in more than 1 regular appropriations bill, the President may propose as many as 2 packages rescinding funding contained in that legislation, each within the 45-day period specified in subsection (a). OMB shall not include the same rescission in both packages, and, if the President requests the rescission of more than one discrete amount of funding under the jurisdiction of

a single subcommittee, OMB shall include each of those discrete amounts in the same package.

"SEC. 1024. REQUESTS TO RESCIND FUNDING.

''For each request to rescind funding under this part, the transmittal message shall—

''(1) specify—

''(A) the dollar amount to be rescinded;

''(B) the agency, bureau, and account from which the rescission shall occur;

''(C) the program, project, or activity within the account (if applicable) from which the rescission shall occur;

''(D) the amount of funding, if any, that would remain for the account, program, project, or activity if the rescission request is enacted; and

''(E) the reasons the President requests the rescission;

''(2) designate each separate rescission request by number; and

''(3) include proposed legislative language to accomplish the requested rescissions which may not include—

''(A) any changes in existing law, other than the rescission of funding; or

''(B) any supplemental appropriations, transfers, or reprogrammings.

"SEC. 1025. GRANTS OF AND LIMITATIONS ON PRESIDENTIAL AUTHORITY.

''(a) PRESIDENTIAL AUTHORITY TO WITHHOLD FUNDING.—Notwithstanding any other provision of law and if the President proposes a rescission of funding under this part, OMB may, subject to the time limits provided in subsection (c), temporarily withhold that funding from obligation.

''(b) EXPEDITED PROCEDURES AVAILABLE ONLY ONCE PER BILL.—The President may not invoke the procedures of this part, or the authority to withhold funding granted by subsection (a), on more than 1 occasion for any Act providing funding.

''(c) TIME LIMITS.—OMB shall make available for obligation any funding withheld under subsection (a) on the earliest of—

''(1) the day on which the President determines that the continued withholding or reduction no longer advances the purpose of legislative consideration of the rescission request;

''(2) starting from the day on which OMB transmitted a message to Congress requesting the rescission of funding, 25 calendar days in which the House of Representatives has been in session or 25 calendar days in which the Senate has been in session, whichever occurs second; or

''(3) the last day after which the obligation of the funding in question can no longer be fully accomplished in a prudent manner before its expiration.

''(d) DEFICIT REDUCTION.—

''(1) IN GENERAL.—Funds that are rescinded under this part shall be dedicated only to reducing the deficit or increasing the surplus.

''(2) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

"SEC. 1026. CONGRESSIONAL CONSIDERATION OF RESCISSION REQUESTS.

''(a) PREPARATION OF LEGISLATION TO CONSIDER A PACKAGE OF EXPEDITED RESCISSION REQUESTS.—

''(1) IN GENERAL.—If the House of Representatives receives a package of expedited rescission requests, the Clerk shall prepare a House bill that only rescinds the amounts requested which shall read as follows:

''There are enacted the rescissions numbered [insert number or numbers] as set forth in the Presidential message of [insert date] transmitted under part C of the Impoundment Control Act of 1974 as amended.

''(2) EXCLUSION PROCEDURE.—The Clerk shall include in the bill each numbered rescission request listed in the Presidential package in question, except that the Clerk shall omit a numbered rescission request if the Chairman of the Committee on the Budget of the House, after consulting with the Chairman of the Committee on the Budget of the Senate, CBO, GAO, and the House and Senate committees that have jurisdiction over the funding, determines that the numbered rescission does not refer to funding or includes matter not permitted under a request to rescind funding.

''(b) INTRODUCTION AND REFERRAL OF LEGISLATION TO ENACT A PACKAGE OF EXPEDITED RESCISSIONS.—The majority leader or the minority leader of the House or Representatives, or a designee, shall (by request) introduce each bill prepared under subsection (a) not later than 4 days of session of the House after its transmittal, or, if no such bill is introduced within that period, any member of the House may introduce the required bill in the required form on the fifth or sixth day of session of the House after its transmittal. If such an expedited rescission bill is introduced in accordance with the preceding sentence, it shall be referred to the House committee of jurisdiction. A copy of the introduced House bill shall be transmitted to the Secretary of the Senate, who shall provide it to the Senate committee of jurisdiction.

''(c) HOUSE REPORT AND CONSIDERATION OF LEGISLATION TO ENACT A PACKAGE OF EXPEDITED RESCISSIONS.—The House committee of jurisdiction shall report without amendment the bill referred to it under subsection (b) not more than 5 days of session of the House after the referral. The committee may order the bill reported favorably, unfavorably, or without recommendation. If the committee has not reported the bill by the end of the 5-day period, the committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

''(d) HOUSE MOTION TO PROCEED.—

''(1) IN GENERAL.—After a bill to enact an expedited rescission package has been reported or the committee of jurisdiction has been discharged under subsection (c), it shall be in order to move to proceed to consider the bill in the House. A Member who wishes to move to proceed to consideration of the bill shall announce that fact, and the motion to proceed shall be in order only during a time designated by the Speaker within the legislative schedule for the next calendar day of legislative session or the one immediately following it.

''(2) FAILURE TO SET TIME.—If the Speaker does not designate a time under paragraph (1), 3 or more calendar days of legislative session after the bill has been reported or discharged, it shall be in order for any Member to move to proceed to consider the bill.

''(3) PROCEDURE.—A motion to proceed under this subsection shall not be in order after the House has disposed of a prior motion to proceed with respect to that package of expedited rescissions. The previous question shall be considered as ordered on the motion to proceed, without intervening motion. A motion to reconsider the vote by which the motion to proceed has been disposed of shall not be in order.

''(4) REMOVAL FROM CALENDAR.—If 5 calendar days of legislative session have passed since the bill was reported or discharged under this subsection and no Member has made a motion to proceed, the bill shall be removed from the calendar.

''(e) HOUSE CONSIDERATION.—

''(1) CONSIDERED AS READ.—A bill consisting of a package of rescissions under this part shall be considered as read.

''(2) POINTS OF ORDER.—All points of order against the bill are waived, except that a point of order may be made that 1 or more numbered rescissions included in the bill would enact language containing matter not requested by the President or not permitted under this part as part of that package. If the Presiding Officer sustains such a point of order, the numbered rescission or rescissions that would enact such language are deemed to be automatically stripped from the bill and consideration proceeds on the bill as modified.

''(3) PREVIOUS QUESTION.—The previous question shall be considered as ordered on the bill to its passage without intervening motion, except that 4 hours of debate equally divided and controlled by a proponent and an opponent are allowed, as well as 1 motion to further limit debate on the bill.

''(4) MOTION TO RECONSIDER.—A motion to reconsider the vote on passage of the bill shall not be in order.

''(f) SENATE CONSIDERATION.—

''(1) REFERRAL.—If the House of Representatives approves a House bill enacting a package of rescissions, that bill as passed by the House shall be sent to the Senate and referred to the Senate committee of jurisdiction.

''(2) COMMITTEE ACTION.—The committee of jurisdiction shall report without amendment the bill referred to it under this subsection not later than 3 days of session of the Senate after the referral. The committee may order the bill reported favorably, unfavorably, or without recommendation.

''(3) DISCHARGE.—If the committee has not reported the bill by the end of the 3-day period, the committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

''(4) MOTION TO PROCEED.—On the following day and for 3 subsequent calendar days in which the Senate is in session, it shall be in order for any Senator to move to proceed to consider the bill in the Senate. Upon such a motion being made, it shall be deemed to have been agreed to and the motion to reconsider shall be deemed to have been laid on the table.

''(5) DEBATE.—Debate on the bill in the Senate under this subsection, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours, equally divided and controlled in the usual form. Debate in the Senate on any debatable motion or appeal in connection with such a bill shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form. A motion to further limit debate on such a bill is not debatable.

''(6) MOTIONS NOT IN ORDER.—A motion to amend such a bill or strike a provision from it is not in order. A motion to recommit such a bill is not in order.

''(g) SENATE POINT OF ORDER.—It shall not be in order under this part for the Senate to consider a bill approved by the House enacting a package of rescissions under this part if any numbered rescission in the bill would enact matter not requested by the President or not permitted under this Act as part of that package. If a point of order under this subsection is sustained, the bill may not be considered under this part.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking

the matter for part C of title X and inserting the following:

''PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS

''Sec. 1021. Applicability and disclaimer.
''Sec. 1022. Definitions.
''Sec. 1023. Timing and packaging of rescission requests.
''Sec. 1024. Requests to rescind funding.
''Sec. 1025. Grants of and limitations on presidential authority.
''Sec. 1026. Congressional consideration of rescission requests.''.

(b) TEMPORARY WITHHOLDING.—Section 1013(c) of the Impoundment Control Act of 1974 is amended by striking ''section 1012'' and inserting ''section 1012 or section 1025''

(c) RULEMAKING.—

(1) 904(A).—Section 904(a) of the Congressional Budget Act of 1974 is amended by striking ''and 1017'' and inserting ''1017, and 1026''.

(2) 904(D)(1).—Section 904 (d)(1) of the Congressional Budget Act of 1974 is amended by striking ''1017'' and inserting ''1017 or 1026''.

SEC. 4. AMENDMENTS TO PART A OF THE IMPOUNDMENT CONTROL ACT.

(a) IN GENERAL.—Part A of the Impoundment Control Act of 1974 is amended by inserting at the end the following:

''SEC. 1002. SEVERABILITY.

''If the judicial branch of the United States finally determines that 1 or more of the provisions of parts B or C violate the Constitution of the United States, the remaining provisions of those parts shall continue in effect.''.

(b) TABLE OF CONTENTS.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting at the end of the matter for part A of title X the following:

''Sec. 1002. Severability.''.

SEC. 5. EXPIRATION.

Part C of the Impoundment Control Act of 1974 (as amended by this Act) shall expire on December 31, 2014.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 547—SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. CRAPO (for himself and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 547

Whereas, despite advances in medical technology and research, men continue to live an average of more than 5 years less than women, and African-American men have the lowest life expectancy;

Whereas 9 of the 10 leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men at a higher percentage than women;

Whereas according to the Centers for Disease Control and Prevention, between ages 45 and 54, men are over 1½ times more likely than women to die of heart attacks;

Whereas according to the Centers for Disease Control and Prevention, men die of heart disease at 1½ times the rate of women;

Whereas men die of cancer at almost 1½ times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15 to 34, and, when detected early, has a 96 percent survival rate;

Whereas according to the American Cancer Society, the number of cases of colon cancer among men will reach almost 49,470 in 2010, and nearly 50 percent of men diagnosed with colon cancer will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas according to the American Cancer Society, the number of men developing prostate cancer in 2010 will reach more than 217,730 and an estimated 32,050 of those men will die from the disease

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of health problems that affect men, such as prostate cancer, testicular cancer, colon cancer, and infertility, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas according to the Bureau of the Census, more than ½ of the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100, women outnumber men 4 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as prostate specific antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increase the survival rates to nearly 100 percent;

Whereas women are 2 times more likely than men to visit their doctor for annual examinations and preventive services;

Whereas men are less likely than women to visit their health center or physician for regular screening examinations of male-related problems for a variety of reasons, including fear, lack of health insurance, lack of information, and cost factors;

Whereas Congress established National Men's Health Week in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations annually declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of States, cities, localities, public health departments, health care entities, churches, and community organizations throughout the Nation that promote health awareness events focused on men and family;

Whereas the National Men's Health Week Internet website has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the importance of a healthy lifestyle, regular exercise, and medical checkups; and

Whereas June 13 through 20, 2010, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved, That the Senate—

(1) supports the annual National Men's Health Week; and

(2) calls upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

SENATE RESOLUTION 548—TO EXPRESS THE SENSE OF THE SENATE THAT ISRAEL HAS AN UNDENIABLE RIGHT TO SELF-DEFENSE, AND TO CONDEMN THE RECENT DESTABILIZING ACTIONS BY EXTREMISTS ABOARD THE SHIP MAVI MARMARA

Mr. CORNYN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 548

Whereas the State of Israel, since its founding in 1948, has been a strong and steadfast ally of the United States, standing alone in its commitment to democracy, individual liberty, and free-market principles in the Middle East, a region characterized by instability and violence;

Whereas the special bond between the United States and Israel, forged through common values and mutual interests, must never be broken;

Whereas Israel has an undeniable right to defend itself against any threat to its security, as does every nation;

Whereas Hamas is a terrorist group, formally designated as a Foreign Terrorist Organization by the Secretary of State, and similarly designated by the European Union;

Whereas Hamas is committed to the annihilation of Israel and opposes the peaceful resolution of the Israeli–Palestinian conflict;

Whereas Hamas took control of the Gaza Strip in 2007 through violent means and has maintained control ever since;

Whereas Hamas routinely violates the human rights of the residents of Gaza, including attempting to control and intimidate political rivals through extra-judicial killing, torture, severe beatings, maiming, and arbitrary detentions;

Whereas Hamas continues to hold prisoner Israeli Staff Sergeant Gilad Shalit, who was seized on Israeli soil and has been denied basic rights, including contact with the International Red Cross;

Whereas the military build-up of Hamas has been enabled by the smuggling of arms and other materiel into Gaza;

Whereas the Government of Iran has materially aided and supported Hamas by providing extensive funding, weapons, and training;

Whereas, since 2001, Hamas and other Palestinian terrorist organizations have fired more than 10,000 rockets and mortars from Gaza into Israel, killing at least 18 Israelis and wounding dozens more;

Whereas approximately 860,000 Israeli civilians, more than 12 percent of Israel's population, reside within range of rockets fired from Gaza and live in fear of attacks;

Whereas, in 2007, the Government of Israel, out of concern for the safety of its citizens, put in place a legitimate and justified blockade of Gaza, which has been effective in reducing the flow of weapons into Gaza and the firing of rockets from Gaza into southern Israel;

Whereas, at the same time, the Government of Egypt imposed a blockade of Gaza from its land border;

Whereas, according to Michael Oren, the Israeli Ambassador to the United States, ''If the sea lanes are open to Hamas in Gaza . . . they will acquire thousands of rockets that will threaten every single citizen in the state of Israel and also kill the peace process. . . . Hamas armed with thousands of rockets not

only threatens 7,500,000 Israelis but it's the end of the peace process.'';

Whereas the Israeli blockade has not hindered the transfer of approximately 1,000,000 tons of humanitarian supplies into Gaza over the last 18 months to aid its 1,500,000 residents;

Whereas, on May 28, 2010, the ''Free Gaza'' flotilla, which included the Mavi Marmara and 5 other ships, departed from a port in Turkey and sailed towards Israel's defensive naval blockade of Gaza;

Whereas the sponsor of the flotilla was a Turkish organization, the Humanitarian Relief Foundation;

Whereas the Humanitarian Relief Foundation has aided al Qaeda in the past, ''basically helping al Qaeda when [Osama] bin Laden started to want to target U.S. soil,'' according to statements by a former French counterterrorism official, in a June 2, 2010, Associated Press interview;

Whereas the Humanitarian Relief Foundation has a clear link to Hamas, according to a 2008 order of the Government of Israel, and the Humanitarian Relief Foundation is a member of the Union for Good, a United States-designated terrorist organization created by Hamas leaders in 2000 to help fund Hamas;

Whereas there were at least 5 active terrorist operatives among the passengers on the Mavi Marmara, with affiliations with terrorist groups such as al Qaeda and Hamas, according to the Israel Defense Forces;

Whereas the flotilla's primary aim was to break the Israeli blockade of Gaza, under the guise of delivering humanitarian aid to the residents of Gaza;

Whereas, on May 27, 2010, while the flotilla was moving towards Gaza, one of its organizers admitted, ''This mission is not about delivering humanitarian supplies, it's about breaking Israel's siege on 1,500,000 Palestinians,'' according to news reports;

Whereas, based on interviews with Mavi Marmara passengers after the incident, the actual intention of passengers on the Mavi Marmara had been to achieve ''martyrdom'' at the hands of the Israel Defense Forces;

Whereas Saleh Al-Azraq, a journalist who was aboard the ship, recounted that, ''The moment the ship set sail, the cries of 'Allahu Akbar' began. . . It made you feel as if you were going on an Islamic conquest or raid,'' according to an interview recorded on Al-Hiwar TV on June 4, 2010;

Whereas Hussein Orush, a Humanitarian Relief Foundation official, read from the diary of a dead Mavi Marmara passenger: ''The last lines he wrote before the attack were: 'Only a short time left before martyrdom. This is the most important stage of my life. Nothing is more beautiful than martyrdom, except for one's love for one's mother. But I don't know what is sweeter—my mother or martyrdom.'''', and also stated, ''All the passengers on board the ship were ready for this outcome. Everybody wanted and was ready to become a martyr. . . . Our goal was to reach Gaza or to die trying. All the ship's passengers were ready for this. IHH was ready for this too.'', according to an interview recorded on Al-Jazeera TV on June 5, 2010;

Whereas Ali Haider Banjinin, another dead Mavi Marmara passenger, told his family before departing on the flotilla, ''I am going to be a martyr, I dreamed about it,'' according to news reports in Turkey;

Whereas Ali Ekber Yaratilmis, another dead Mavi Marmara passenger, ''always wanted to become a Martyr,'' one of his friends told Al-Hayat Al-Jadida newspaper in an interview on June 3, 2010;

Whereas one female passenger on the deck of the Mavi Marmara stated, ''Right now we face one of two happy endings: either martyrdom or reaching Gaza,'' according to Al Jazeera footage taken prior to the incident;

Whereas the Government of Israel had extended a reasonable offer to transfer the flotilla's humanitarian cargo to Gaza;

Whereas the Mavi Marmara and the other ships of the flotilla ignored repeated Israeli calls to turn around or be peacefully escorted to an Israeli port outside of Gaza;

Whereas, on May 31, 2010, the Israeli Navy intercepted the Mavi Marmara 75 miles west of Haifa, Israel, in an effort to maintain the integrity of the blockade and prevent potential smuggling of arms and other materiel into the hands of Hamas;

Whereas, upon the boarding of the Mavi Marmara by the Israeli Navy, the Mavi Marmara's passengers brutally and violently attacked the members of the Israeli Navy with knives, clubs, pipes, and other weapons, injuring several of them;

Whereas the members of the Israeli Navy, under attack and in grave danger, reacted in self-defense and used lethal force against their attackers on the Mavi Marmara, shooting and killing 9 of them;

Whereas the incident has fomented unwarranted international criticism of Israel and its blockade of Gaza;

Whereas, in the time since the attack, the United Nations has unjustly criticized the actions of the Government of Israel and called for an investigation of such actions; and

Whereas the actions of the United Nations are undermining Israel's inherent right to self-defense, compromising its sovereignty, and helping to legitimize Hamas: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that Israel has an inherent and undeniable right to defend itself against any threat to the safety of its citizens;

(2) to reaffirm that the United States stands with Israel in pursuit of shared security goals, including the security of Israel;

(3) to condemn the violent attack and provocation by extremists aboard the Mavi Marmara, who created a highly destabilizing incident in a region that cannot afford further instability;

(4) to condemn any future such attempts to break the Israeli blockade of Gaza for the purpose of creating or provoking violent confrontation or otherwise undermining the security of Israel;

(5) to condemn Hamas for its failure to recognize the right of Israel to exist, its human rights abuses against the residents of Gaza, and its continued rejection of a constructive path to peace for the Israeli and Palestinian people;

(6) to condemn the Government of Iran for its role, past and present, in directly supporting Hamas and undermining the security of Israel;

(7) to encourage the Government of Turkey to recognize the importance of continued strong relations with Israel and the necessity of closely scrutinizing organizations with potential ties to terrorist groups; and

(8) to express profound disappointment with the counterproductive actions of the United Nations regarding this incident.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4318. Mr. SANDERS (for himself, Mr. WHITEHOUSE, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SA 4319. Mr. SANDERS (for himself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4320. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4321. Mr. CASEY (for himself, Mr. BROWN, of Ohio, Mr. BEGICH, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mr. KERRY, Mr. WYDEN, Mr. HARKIN, Mr. LEVIN, Mr. BURRIS, Mr. FRANKEN, Ms. STABENOW, Mr. REED, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4322. Ms. LANDRIEU (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4323. Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. SNOWE, Mr. BARRASSO, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4324. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mrs. FEINSTEIN, Mr. KAUFMAN, Mr. PRYOR, Mr. SPECTER, Mr. GRAHAM, Ms. LANDRIEU, Mr. MENENDEZ, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4325. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4326. Mr. BAUCUS (for himself, Mr. KERRY, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra.

SA 4327. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4328. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4329. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4330. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4331. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4332. Mr. KOHL (for himself, Mr. GRASSLEY, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4333. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4318. Mr. SANDERS (for himself, Mr. WHITEHOUSE, and Mr. WYDEN) submitted an amendment intended to be

proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IV, insert the following:

SEC. —. REPEAL OF EXPENSING AND 60-MONTH AMORTIZATION OF INTANGIBLE DRILLING COSTS.

Subsection (c) of section 263 is amended by striking the period at the end of the third sentence and inserting '', or to any costs paid or incurred after December 31, 2010.''.

SEC. —. REPEAL OF PERCENTAGE DEPLETION FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613 is amended by adding at the end the following new subsection:

''(f) TERMINATION OF PERCENTAGE DEPLETION FOR OIL AND GAS PROPERTIES.—In the case of oil and gas properties, this section shall not apply to any taxable year beginning after December 31, 2010.''.

(b) LIMITATIONS ON PERCENTAGE DEPLETION IN CASE OF OIL AND GAS WELLS.—Section 613A is amended by adding at the end the following new subsection:

''(f) TERMINATION.—This section shall not apply to any taxable year beginning after December 31, 2010.''.

SEC. —. DENIAL OF DEDUCTION FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', or'', and by inserting after clause (iii) the following new clause:

''(iv) the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product thereof.''.

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

''For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 199(c)(4) is amended—

(A) in subparagraph (A)(i)(III) by striking ''electricity, natural gas,'' and inserting ''electricity'', and

(B) in subparagraph (B)(ii) by striking ''electricity, natural gas,'' and inserting ''electricity''.

(2) Section 199(d) is amended by striking paragraph (9) and by redesignating paragraph (10) as paragraph (9).

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

SEC. —. APPROPRIATION OF FUNDS.

Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Energy Efficiency and Conservation Block Grant Program, under subtitle E of the Energy Independence and Security Act of 2007, $2,000,000,000 for each of fiscal years 2011, 2012, 2013, 2014, and 2015.

SA 4319. Mr. SANDERS (for himself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CERTIFICATION REQUIREMENT.

(a) SHORT TITLE.—This section may be cited as the ''Employ America Act''.

(b) IN GENERAL.—The Secretary of Homeland Security may not approve a petition by an employer for any visa authorizing employment in the United States unless the employer has provided written certification, under penalty of perjury, to the Secretary of Labor that—

(1) the employer has not provided a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) during the 12-month period immediately preceding the date on which the alien is scheduled to be hired; and

(2) the employer does not intend to provide a notice of a mass layoff pursuant to such Act.

(c) EFFECT OF MASS LAYOFF.—If an employer provides a notice of a mass layoff pursuant to the Worker Adjustment and Retraining Notification Act after the approval of a visa described in subsection (b), any visas approved during the most recent 12-month period for such employer shall expire on the date that is 60 days after the date on which such notice is provided. The expiration of a visa under this subsection shall not be subject to judicial review.

(d) NOTICE REQUIREMENT.—Upon receiving notification of a mass layoff from an employer, the Secretary of Homeland Security shall inform each employee whose visa is scheduled to expire under subsection (c)—

(1) the date on which such individual will no longer be authorized to work in the United States; and

(2) the date on which such individual will be required to leave the United States unless the individual is otherwise authorized to remain in the United States.

(e) EXEMPTION.—An employer shall be exempt from the requirements under this section if the employer provides written certification, under penalty of perjury, to the Secretary of Labor that the total number of the employer's workers who are United States citizens and are working in the United States have not been, and will not be, reduced as a result of a mass layoff described in subsection (c).

(f) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Labor shall promulgate regulations to carry out this section, including a requirement that employers provide notice to the Secretary of Homeland Security of a mass layoff (as defined in section 2 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101)).

SA 4320. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, insert the following:

SEC. 4___. ALTERNATIVE MINIMUM TAX RATE FOR PUBLIC CORPORATIONS INCORPORATED IN FOREIGN TAX HAVENS.

(a) IN GENERAL.—Section 11 of the is amended by adding at the end the following:

''(e) ALTERNATIVE MINIMUM TAX FOR PUBLIC CORPORATIONS INCORPORATED IN FOREIGN TAX HAVENS.—

''(1) TAX IMPOSED.—A tax is hereby imposed (in addition to any other tax imposed by this subtitle) for each taxable year on the net book income of each disqualified corporation.

''(2) AMOUNT OF TAX.—The amount of the tax imposed by paragraph (1) shall be equal to the excess (if any) of—

''(A) 35 percent of the net book income of the disqualified corporation, over

''(B) the sum of any other taxes imposed on the income of such disqualified corporation under this subtitle.

''(3) NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The tax imposed by paragraph (1) shall not be treated as a tax imposed under this chapter for the purpose of determining—

''(A) the amount of any credit allowable under this chapter, or

''(B) the amount of the minimum tax imposed by section 55.

''(4) DISQUALIFIED CORPORATION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'disqualified corporation' means any public corporation which—

''(i) is chartered or incorporated in an offshore secrecy jurisdiction, or

''(ii) owns, directly or indirectly, 50 percent or more (by vote or value) of the stock of a corporation chartered or incorporated in an offshore secrecy jurisdiction.

''(B) PUBLIC CORPORATION.—The term 'public corporation' means any issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)), the securities of which are registered under section 12 of that Act (15 U.S.C. 78l), or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d)), or that files or has filed a registration statement that has not yet become effective under the Securities Act of 1933 (15 U.S.C. 77a et seq.), and that it has not withdrawn.

''(C) OFFSHORE SECRECY JURISDICTION.—

''(i) IN GENERAL.—The term 'offshore secrecy jurisdiction' means any foreign jurisdiction which is listed by the Secretary as an offshore secrecy jurisdiction for purposes of this subsection.

''(ii) DETERMINATION OF JURISDICTIONS ON LIST.—A jurisdiction shall be listed under clause (i) if the Secretary determines that such jurisdiction has corporate, business, bank, or tax secrecy rules and practices which, in the judgment of the Secretary, unreasonably restrict the ability of the United States to obtain information relevant to the enforcement of this title, unless the Secretary also determines that such country has effective information exchange practices.

''(iii) SECRECY OR CONFIDENTIALITY RULES AND PRACTICES.—For purposes of clause (ii), corporate, business, bank, or tax secrecy or confidentiality rules and practices include both formal laws and regulations and informal government or business practices having the effect of inhibiting access of law enforcement and tax administration authorities to beneficial ownership and other financial information.

''(iv) INEFFECTIVE INFORMATION EXCHANGE PRACTICES.—For purposes of clause (ii), a jurisdiction shall be deemed to have ineffective information exchange practices unless the Secretary determines, on an annual basis, that—

''(I) such jurisdiction has in effect a treaty or other information exchange agreement with the United States that provides for the prompt, obligatory, and automatic exchange of such information as is forseeably relevant for carrying out the provisions of the treaty or agreement or the administration or enforcement of this title,

''(II) during the 12-month period preceding the annual determination, the exchange of information between the United States and such jurisdiction was in practice adequate to prevent evasion or avoidance of United States income tax by United States persons and to enable the United States effectively to enforce this title, and

''(III) during the 12-month period preceding the annual determination, such jurisdiction was not identified by an intergovernmental group or organization of which the United States is a member as uncooperative with international tax enforcement or information exchange and the United States concurs in such identification.

''(v) INITIAL LIST OF OFFSHORE SECRECY JURISDICTIONS.—For purposes of this subparagraph, each of the following foreign jurisdictions, which have been previously and publicly identified by the Internal Revenue Service as secrecy jurisdictions in Federal court proceedings, shall be deemed listed by the Secretary as an offshore secrecy jurisdiction unless delisted by the Secretary under clause (vi)(II):

''(I) Anguilla.
''(II) Antigua and Barbuda.
''(III) Aruba.
''(IV) Bahamas.
''(V) Barbados.
''(VI) Belize.
''(VII) Bermuda.
''(VIII) British Virgin Islands.
''(IX) Cayman Islands.
''(X) Cook Islands.
''(XI) Costa Rica.
''(XII) Cyprus.
''(XIII) Dominica.
''(XIV) Gibraltar.
''(XV) Grenada.
''(XVI) Guernsey/Sark/Alderney.
''(XVII) Hong Kong.
''(XVIII) Isle of Man.
''(XIX) Jersey.
''(XX) Latvia.
''(XXI) Liechtenstein.
''(XXII) Luxembourg.
''(XXIII) Malta.
''(XXIV) Nauru.
''(XXV) Netherlands Antilles.
''(XXVI) Panama.
''(XXVII) Samoa.
''(XXVIII) St. Kitts and Nevis.
''(XXIX) St. Lucia.
''(XXX) St. Vincent and the Grenadines.
''(XXXI) Singapore.
''(XXXII) Switzerland.
''(XXXIII) Turks and Caicos.
''(XXXIV) Vanuatu.

''(vi) MODIFICATIONS TO LIST.—The Secretary—

''(I) shall add to the list under clause (i) jurisdictions which meet the requirements of clause (ii), and

''(II) may remove from such list only those jurisdictions which do not meet the requirements of clause (ii).

''(5) NET BOOK INCOME.—For purposes of this subsection, the term 'net book income' means, with respect to a taxable year, the net income (if any) reported by the disqualified corporation in its financial statement to its shareholders, subject to such regulations as the Secretary may prescribe.

''(6) CONTROLLED GROUP.—For purposes of applying this subsection, all component members of a controlled group of corporations (as defined in section 1563) shall be treated as one corporation.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SA 4321. Mr. CASEY (for himself, Mr. BROWN of Ohio, Mr. BEGICH, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mr. KERRY, Mr. WYDEN, Mr. HARKIN, Mr. LEVIN, Mr. BURRIS, Mr. FRANKEN, Ms. STABENOW, Mr. REED, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle B of title V of the amendment, insert the following:

SEC. ___. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), as amended by section 3(a) of the Continuing Extension Act of 2010 (Public Law 111–157), is amended by striking ''May 31, 2010'' and inserting ''November 30, 2010''.

(b) RULES RELATING TO 2010 EXTENSION.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by section 3(b) of the Continuing Extension Act of 2010 (Public Law 111–157), is amended by adding at the end the following:

''(19) ADDITIONAL RULES RELATED TO 2010 EXTENSION.—In the case of an individual who, with regard to coverage described in paragraph (10)(B), experiences a qualifying event related to a termination of employment on or after June 1, 2010, and prior to the date of the enactment of this paragraph, rules similar to those in paragraphs (4)(A) and (7)(C) shall apply with respect to all continuation coverage, including State continuation coverage programs.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009.

SA 4322. Ms. LANDRIEU (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, between lines 3 and 4, insert the following:

SEC. 621. DISASTER LOANS PROGRAM ACCOUNT.

(a) IN GENERAL.—From unobligated balances in the appropriations account appropriated under the heading ''DISASTER LOANS PROGRAM ACCOUNT'' under the heading ''SMALL BUSINESS ADMINISTRATION'', up to $100,000,000 shall be available to the Administrator of the Small Business Administration (in this section referred to as the ''Administrator'') to waive the payment, for a period of not more than 3 years, of not more than $15,000 in interest on loans made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) to businesses located in an area affected by a hurricane occurring during 2005 or 2008 for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(b) PRIORITY.—The Administrator shall, to the extent practicable, give priority to an application for a waiver of interest under the program established under this section by a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) with not more than 50 employees or that the Administrator determines suffered a substantial economic injury as a result of the Deepwater Horizon oil spill of 2010.

(c) TERMINATION.—The Administrator may not approve an application under the program established under this section after December 31, 2010.

(d) OTHER DISASTERS.—If a disaster is declared under section 7(b) of the Small Business Act (15 U.S.C.636(b)) during the period beginning on the date of enactment of this Act and ending on December 31, 2010, and to the extent there are inadequate funds in the appropriations account described in subsection (a) to provide assistance relating to the disaster under section 7(b) of the Small Business Act and waive the payment of interest under the program established under this section, the Administrator shall give priority in using the funds to applications under section 7(b) of the Small Business Act relating to the disaster.

(e) BUDGETARY PROVISION.—This section is designated as an emergency for purposes of pay-as-you-go principles. The amount made available under this section is designated as an emergency requirement pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. The amount made available under this section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)).

SA 4323. Mrs. FEINSTEIN (for herself, Mr. GREGG, Ms. SNOWE, Mr. BARRASSO, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT CHECKS IN PRISON EMPLOYMENT PROGRAMS.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

''(x) No Federal, State, or local agency may display the Social Security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to checks issued after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (a)) is amended by adding at the end the following:

''(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the Social Security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SA 4324. Mr. WHITEHOUSE (for himself, Mr. BENNET, Mrs. FEINSTEIN, Mr.

KAUFMAN, Mr. PRYOR, and Mr. SPECTER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 364, after line 4, add the following:

TITLE VIII—REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS

SEC. 801. FINDINGS.

Congress makes the following findings:

(1) Each year, many people in the United States are injured by defective products manufactured or produced by foreign entities and imported into the United States.

(2) Both consumers and businesses in the United States have been harmed by injuries to people in the United States caused by defective products manufactured or produced by foreign entities.

(3) People in the United States injured by defective products manufactured or produced by foreign entities often have difficulty recovering damages from the foreign manufacturers and producers responsible for such injuries.

(4) The difficulty described in paragraph (3) is caused by the obstacles in bringing a foreign manufacturer or producer into a United States court and subsequently enforcing a judgment against that manufacturer or producer.

(5) Obstacles to holding a responsible foreign manufacturer or producer liable for an injury to a person in the United States undermine the purpose of the tort laws of the United States.

(6) The difficulty of applying the tort laws of the United States to foreign manufacturers and producers puts United States manufacturers and producers at a competitive disadvantage because United States manufacturers and producers must—

(A) abide by common law and statutory safety standards; and

(B) invest substantial resources to ensure that they do so.

(7) Foreign manufacturers and producers can avoid the expenses necessary to make their products safe if they know that they will not be held liable for violations of United States product safety laws.

(8) Businesses in the United States undertake numerous commercial relationships with foreign manufacturers, exposing the businesses to additional tort liability when foreign manufacturers or producers evade United States courts.

(9) Businesses in the United States engaged in commercial relationships with foreign manufacturers or producers often cannot vindicate their contractual rights if such manufacturers or producers seek to avoid responsibility in United States courts.

(10) One of the major obstacles facing businesses and individuals in the United States who are injured and who seek compensation for economic or personal injuries caused by foreign manufacturers and producers is the challenge of serving process on such manufacturers and producers.

(11) An individual or business injured in the United States by a foreign company must rely on a foreign government to serve process when that company is located in a country that is a signatory to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters done at The Hague November 15, 1965 (20 UST 361; TIAS 6638).

(12) An injured person in the United States must rely on the cumbersome system of letters rogatory to effect service in a country that did not sign the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters. These countries do not have an enforceable obligation to serve process as requested.

(13) The procedures described in paragraphs (11) and (12) add time and expense to litigation in the United States, thereby discouraging or frustrating meritorious lawsuits brought by persons injured in the United States against foreign manufacturers and producers.

(14) Foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them.

(15) The due process clauses of the fifth amendment to and section 1 of the 14th amendment to the Constitution govern United States court assertions of personal jurisdiction over defendants.

(16) The due process clauses described in paragraph (15) are satisfied when a defendant consents to the jurisdiction of a court.

(17) United States markets present many opportunities for foreign manufacturers.

(18) Creating a competitive advantage for either foreign or domestic manufacturers violates the principles of United States trade agreements with other countries.

(19) In choosing to import products into the United States, a foreign manufacturer or producer subjects itself to the laws of the United States. Such a foreign manufacturer or producer thereby acknowledges that it is subject to the personal jurisdiction of the State and Federal courts in at least one State.

SEC. 802. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) foreign manufacturers and producers whose products are sold in the United States should not be able to avoid liability simply because of difficulties relating to serving process upon them;

(2) to avoid such lack of accountability, foreign manufacturers and producers of foreign products distributed in the United States should be required, by regulation, to register an agent in the United States who is authorized to accept service of process for such manufacturer or producer;

(3) it is unfair to United States consumers and businesses that foreign manufacturers and producers often seek to avoid judicial consideration of their actions by asserting that United States courts lack personal jurisdiction over them;

(4) those who benefit from importing products into United States markets should expect to be subject to the jurisdiction of at least one court within the United States;

(5) importing products into the United States should be understood as consent to the accountability that the legal system of the United States ensures for all manufacturers and producers, foreign, and domestic;

(6) importers recognize the scope of opportunities presented to them by United States markets but also should recognize that products imported into the United States must satisfy Federal and State safety standards established by statute, regulation, and common law;

(7) foreign manufacturers should recognize that they are responsible for the contracts they enter into with United States companies;

(8) foreign manufacturers should act responsibly and recognize that they operate within the constraints of the United States legal system when they import products into the United States;

(9) foreign manufacturers who are unwilling to act and recognize as described in paragraphs (6), (7), and (8) should not have access to United States markets;

(10) United States laws and the laws of United States trading partners should not put burdens on foreign manufacturers and importers that do not apply to domestic companies;

(11) it is fair to ensure that foreign manufacturers, whose products are distributed in commerce in the United States, are subject to the jurisdiction of State and Federal courts in at least one State because all United States manufacturers are subject to the jurisdiction of the State and Federal courts in at least one State; and

(12) it should be understood that, by registering an agent for service of process in the United States, the foreign manufacturer or producer acknowledges consent to the jurisdiction of the State in which the registered agent is located.

SEC. 803. DEFINITIONS.

In this title:

(1) APPLICABLE AGENCY.—The term ''applicable agency'' means, with respect to covered products—

(A) described in subparagraphs (A) and (B) of paragraph (3), the Food and Drug Administration;

(B) described in paragraph (3)(C), the Consumer Product Safety Commission;

(C) described in subparagraphs (D) and (E) of paragraph (3), the Environmental Protection Agency.

(2) COMMERCE.—The term ''commerce'' means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside thereof; or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(3) COVERED PRODUCT.—The term ''covered product'' means any of the following:

(A) Drugs, devices, and cosmetics, as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(B) A biological product, as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i)).

(C) A consumer product, as such term is used in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052).

(D) A chemical substance or new chemical substance, as such terms are defined in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602).

(E) A pesticide, as such term is defined in section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136).

(4) DISTRIBUTE IN COMMERCE.—The term ''distribute in commerce'' means to sell in commerce, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

SEC. 804. REGISTRATION OF AGENTS OF FOREIGN MANUFACTURERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

(a) REGISTRATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and except as provided in paragraph (3), the head of each applicable agency shall require foreign manufacturers and producers of covered products distributed in commerce (or component parts that will be used in the United States to manufacture such products) to establish a registered agent in the United States who is authorized to accept service of process on behalf of such manufacturer or producer for the purpose of all civil and regulatory actions in State and Federal courts, if such service is made in accord with the State or Federal rules for service of process in the

State in which the case or regulatory action is brought.

(2) LOCATION.—The head of each applicable agency shall require that an agent of a foreign manufacturer or producer registered under paragraph (1) be located in a State with a substantial connection to the importation, distribution, or sale of the products of such foreign manufacturer or producer.

(3) MINIMUM SIZE.—Paragraph (1) shall only apply to foreign manufacturers and producers that manufacture or produce covered products (or component parts that will be used in the United States to manufacture such products) in excess of a minimum value or quantity established by the head of the applicable agency under this section.

(b) REGISTRY OF AGENTS OF FOREIGN MANUFACTURERS.—

(1) IN GENERAL.—The Secretary of Commerce shall, in cooperation with each head of an applicable agency, establish and keep up to date a registry of agents registered under subsection (a).

(2) AVAILABILITY.—The Secretary of Commerce shall make the registry established under paragraph (1) available to the public through the Internet website of the Department of Commerce.

(c) CONSENT TO JURISDICTION.—A foreign manufacturer or producer of covered products that registers an agent under this section thereby consents to the personal jurisdiction of the State or Federal courts of the State in which the registered agent is located for the purpose of any civil or regulatory proceeding.

(d) REGULATIONS.—Not later than the date described in subsection (a)(1), the Secretary of Commerce and each head of an applicable agency shall prescribe regulations to carry out this section.

SEC. 805. PROHIBITION OF IMPORTATION OF PRODUCTS OF MANUFACTURERS WITHOUT REGISTERED AGENTS IN UNITED STATES.

(a) IN GENERAL.—Beginning on the date that is 180 days after the date the regulations required under section 804(d) are prescribed, a person may not import into the United States a covered product (or component part that will be used in the United States to manufacture a covered product) if such product (or component part) or any part of such product (or component part) was manufactured or produced outside the United States by a manufacturer or producer who does not have a registered agent described in section 804(a) whose authority is in effect on the date of the importation.

(b) ENFORCEMENT.—The Secretary of Homeland Security shall prescribe regulations to enforce the prohibition in subsection (a).

SEC. 806. STUDY ON REGISTRATION OF AGENTS OF FOREIGN FOOD PRODUCERS AUTHORIZED TO ACCEPT SERVICE OF PROCESS IN THE UNITED STATES.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture and the Commissioner of Food and Drugs shall jointly—

(1) complete a study on the feasibility and advisability of requiring foreign producers of food distributed in commerce to establish a registered agent in the United States who is authorized to accept service of process on behalf of such producers for the purpose of all civil and regulatory actions in State and Federal courts; and

(2) submit to Congress a report on the findings of the Secretary with respect to such study.

SEC. 807. RELATIONSHIP WITH OTHER LAWS.

Nothing in this title shall affect the authority of any State to establish or continue in effect a provision of State law relating to service of process or personal jurisdiction, except to the extent that such provision of law is inconsistent with the provisions of this title, and then only to the extent of such inconsistency.

SA 4325. Mr. ROBERTS submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. _____. EXEMPTION FOR PEDIATRIC MEDICAL DEVICES.

(a) IN GENERAL.—Paragraph (2) of section 4191(b) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (C) the following new subparagraph:

''(D) medical devices primarily designed to be used by or for pediatric patients, and''.

(b) EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.—Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''8 percent'' and inserting ''5 percent''.

SA 4326. Mr. BAUCUS (for himself, Mr. KERRY, and Mr. DODD) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—TRANSPARENCY REQUIREMENTS FOR FOREIGN-HELD DEBT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Foreign-Held Debt Transparency and Threat Assessment Act''.

SEC. __02. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the following:

(A) The Committee on Armed Services, the Committee on Foreign Relations, the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Budget of the Senate.

(B) The Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Ways and Means, the Committee on Financial Services, and the Committee on the Budget of the House of Representatives.

(2) DEBT INSTRUMENTS OF THE UNITED STATES.—The term ''debt instruments of the United States'' means all bills, notes, and bonds held by the public and issued or guaranteed by the United States or by an entity of the United States Government.

SEC. __03. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the growing Federal debt of the United States has the potential to jeopardize the national security and economic stability of the United States;

(2) large foreign holdings of debt instruments of the United States have the potential to make the United States vulnerable to undue influence by foreign creditors in national security and economic policymaking;

(3) the People's Republic of China, Japan, and the United Kingdom are the 3 largest foreign holders of debt instruments of the United States; and

(4) the current level of transparency in the scope and extent of foreign holdings of debt instruments of the United States is inadequate and needs to be improved.

SEC. __04. ANNUAL REPORT ON RISKS POSED BY FOREIGN HOLDINGS OF DEBT INSTRUMENTS OF THE UNITED STATES.

(a) ANNUAL REPORT.—Not later than March 31 of each year, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on the risks posed by foreign holdings of debt instruments of the United States, in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—Each report submitted under this section shall include the following:

(1) The most recent data available on foreign holdings of debt instruments of the United States, which data shall not be older than the date that is 9 months preceding the date of the report.

(2) The total amount of debt instruments of the United States that are held by foreign residents, broken out by the residents' country of domicile and by public and private residents.

(3) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by foreign holdings of debt instruments of the United States.

(c) PUBLIC AVAILABILITY.—The Secretary of the Treasury shall make each report required by subsection (a) available, in its unclassified form, to the public by posting it on the Internet in a conspicuous manner and location.

SEC. __05. ANNUAL REPORT ON RISKS POSED BY THE FEDERAL DEBT OF THE UNITED STATES.

(a) IN GENERAL.—Not later than March 31 of each year, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the risks to the United States posed by the Federal debt of the United States.

(b) CONTENT OF REPORT.—Each report submitted under this section shall include the following:

(1) An analysis of the current and foreseeable risks to the long-term national security and economic stability of the United States posed by the Federal debt of the United States.

(2) Specific recommendations for reducing the levels of risk resulting from the Federal debt.

SEC. __06. CORRECTIVE ACTION TO ADDRESS UNACCEPTABLE RISKS TO UNITED STATES NATIONAL SECURITY AND ECONOMIC STABILITY.

If the President determines that foreign holdings of debt instruments of the United States pose an unacceptable risk to the long-term national security or economic stability of the United States, the President shall, within 30 days of the determination—

(1) formulate a plan of action to reduce such risk;

(2) submit to the appropriate congressional committees a report on the plan of action that includes a timeline for the implementation of the plan and recommendations for any legislative action that would be required to fully implement the plan; and

(3) move expeditiously to implement the plan in order to protect the long-term national security and economic stability of the United States.

SA 4327. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle B of title II, add the following:

SEC. _____. PERMANENT EXTENSION OF ELECTIVE TAX TREATMENT FOR ALASKA NATIVE SETTLEMENT TRUSTS.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset provisions) shall not apply to the provisions of, and amendments made by, section 671 of such Act (relating to tax treatment and information requirements of Alaska Native Settlement Trusts).

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective upon the date of enactment of this Act.

SA 4328. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

After section 251, insert the following:

SEC. 251A. CHARITABLE CONTRIBUTIONS OF APPARENTLY WHOLESOME FOOD TO INDIAN TRIBES.

(a) IN GENERAL.—Section 170(e)(3) (relating to special rule for contributions of inventory and other property) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) SPECIAL RULE FOR INDIAN TRIBES.—

''(i) IN GENERAL.—For purposes of this paragraph, an Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A) with respect to apparently wholesome food (as defined in section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)) (as in effect on the date of the enactment of this subparagraph)) only.

''(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the apparently wholesome food donated is related to the exercise of an essential governmental function of the Indian tribal government (within the meaning of section 7871), such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption.''.

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

SA 4329. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—PENSION BENEFIT GUARANTY CORPORATION GOVERNANCE IMPROVEMENT

SEC. 801. SHORT TITLE.

This title may be cited as the ''Pension Benefit Guaranty Corporation Governance Improvement Act of 2010''.

SEC. 802. BOARD OF DIRECTORS OF THE PENSION BENEFIT GUARANTY CORPORATION.

(a) IN GENERAL.—Section 4002(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(d)) is amended to read as follows:

''(d)(1) The board of directors of the corporation consists of—

''(A) the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Commerce;

''(B) a member that is a representative of employers offering defined benefit plans;

''(C) a member that is a representative of organized labor and employees; and

''(D) 2 other members.

''(2)(A) The members of the board of directors described under subparagraphs (B) through (D) of paragraph (1)—

''(i) shall be appointed by the President by and with the advice and consent of the Senate—

''(I) at the beginning of the second year of the President's term of office, with respect to such members described under subparagraphs (B) and (C) of paragraph (1); and

''(II) at the beginning of the fourth year of the President's term of office, with respect to such members described under subparagraph (D) of paragraph (1); and

''(ii) shall serve for a term of 4 years.

''(B) Not more than 2 members of the board of directors described under subparagraphs (B) through (D) of paragraph (1) shall be affiliated with the same political party.

''(C) Each member of the board of directors described under subparagraphs (B) through (D) of paragraph (1) shall not have a direct financial interest in the decisions of the corporation.

''(3) Each member of the board of directors described under subparagraph (A) of paragraph (1) shall designate in writing an official, not below the level of Assistant Secretary, to serve as the voting representative of such member on the board. Such designation shall be effective until revoked or until a date or event specified therein. Any such representative may refer for board action any matter under consideration by the designating board member.

''(4) The members of the board of directors described under—

''(A) subparagraph (A) of paragraph (1), shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the board; and

''(B) subparagraphs (B) through (D) of paragraph (1) shall, for each day (including traveltime) during which they are attending meetings or conferences of the board or otherwise engaged in the business of the board, be compensated at a rate fixed by the corporation which is not in excess of the daily equivalent of the annual rate of basic pay in effect for grade GS–18 of the General Schedule, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

''(5)(A) The Secretary of Labor is the chairman of the board of directors.

''(B) The President shall designate 1 of the members appointed under paragraph (2) as the vice-chairman of the board of directors.

''(6) The Inspector General of the corporation shall report to the board of directors, and not less than twice a year, shall attend a meeting of the board of directors to provide a report on the activities and findings of the Inspector General, including with respect to monitoring and review of the operations of the corporation.

''(7) The General Counsel of the corporation shall—

''(A) serve as the secretary to the board of directors, and shall advise such board as needed; and

''(B) have overall responsibility for all legal matters affecting the corporation and provide the corporation with legal advice and opinions on all matters of law affecting the corporation, except that the authority of the General Counsel shall not extend to the Office of Inspector General and the independent legal counsel of such Office.

''(8) Notwithstanding any other provision of this Act, the Office of Inspector General and the legal counsel of such Office is independent of the management of the corporation and the General Counsel of the corporation.''.

(b) NUMBER OF MEETINGS; PUBLIC AVAILABILITY.—Section 4002(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(e)) is amended—

(1) by striking ''The board'' and inserting ''(1) The board'';

(2) by striking ''the corporation.'' and inserting ''the corporation, but in no case less than 4 times a year with a quorum of not less than 5 members. Not less than 1 meeting of the board of directors during each year shall be a joint meeting with the advisory committee under subsection (h).''; and

(3) by adding at the end the following:

''(2) The chairman of the board of directors shall make available to the public the minutes from each meeting of the board, unless the chairman designates a meeting or portion of a meeting as closed to the public, based on the confidentiality of the matters to be discussed during such meeting.''.

(c) ADVISORY COMMITTEE.—

(1) ISSUES CONSIDERED BY THE COMMITTEE.—Section 4002(h)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(h)(1)) is amended—

(A) by striking '', and (D)'' and inserting '', (D)''; and

(B) by striking ''time to time.'' and inserting ''time to time, and (E) other issues as determined appropriate by the advisory committee.''.

(2) JOINT MEETING.—Section 4002(h)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(h)(3)) is amended by adding at the end the following: ''Not less than 1 meeting of the advisory committee during each year shall be a joint meeting with the board of directors under subsection (e).''.

SEC. 803. AVOIDING CONFLICTS OF INTEREST.

Section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is amended by adding at the end the following:

''(j) The Director of the corporation, and each member of the board of directors described under subparagraphs (B) through (D) of subsection (d)(1), shall agree in writing to recuse him or herself from participation in activities which present a potential conflict of interest or appearance of such conflict, including by not serving on a technical evaluation panel.''.

SEC. 804. SENSE OF CONGRESS.

(a) FORMATION OF COMMITTEES.—It is the sense of Congress that the board of directors of the Pension Benefit Guaranty Corporation established under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by this title, should form committees, including an audit committee and an investment committee, to enhance the overall effectiveness of the board of directors.

(b) RISK MANAGEMENT POSITION.—It is the sense of Congress that the Pension Benefit Guaranty Corporation established under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by this title, should establish a risk management position that evaluates and mitigates the risk that the corporation might experience. The individual in such position should coordinate the risk management efforts of the corporation, explain risks and controls to senior management and the board of directors of the corporation, and make recommendations.

SA 4330. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ___. PARTICIPATION OF PRESIDENT, VICE PRESIDENT, MEMBERS OF CONGRESS, POLITICAL APPOINTEES, AND CONGRESSIONAL STAFF IN THE HEALTH INSURANCE EXCHANGES.

(a) IN GENERAL.—Section 1312(d)(3)(D) of the Patient Protection and Affordable Care Act is amended to read as follows:

''(D) PRESIDENT, VICE PRESIDENT, MEMBERS OF CONGRESS, POLITICAL APPOINTEES, AND CONGRESSIONAL STAFF IN THE EXCHANGE.—

''(i) IN GENERAL.—Notwithstanding chapter 89 of title 5, United States Code, or any provision of this title—

''(I) the President, Vice President, each Member of Congress, each political appointee, and each Congressional employee shall be treated as a qualified individual entitled to the right under this paragraph to enroll in a qualified health plan in the individual market offered through an Exchange in the State in which the individual resides; and

''(II) any employer contribution under such chapter on behalf of the President, Vice President, any Member of Congress, any political appointee, and any Congressional employee may be paid only to the issuer of a qualified health plan in which the individual enrolled in through such Exchange and not to the issuer of a plan offered through the Federal employees health benefit program under such chapter.

This subparagraph shall not apply to any individual until an Exchange is operating in the State in which the individual resides.

''(ii) PAYMENTS BY FEDERAL GOVERNMENT.—The Secretary, in consultation with the Director of the Office of Personnel Management, shall establish procedures under which—

''(I) the employer contributions under such chapter on behalf of the President, Vice President, each Member of Congress, each political appointee, and each Congressional employee are determined and actuarially adjusted for individual or family coverage, rating areas, and age (in accordance with clauses (i) through (iii) of section 2701(a)(1)(A) of the Public Health Service Act); and

''(II) the employer contributions may be made directly to an Exchange for payment to an issuer.

''(iii) POLITICAL APPOINTEE.—In this subparagraph, the term 'political appointee' means any individual who—

''(I) is employed in a position described under sections 5312 through 5316 of title 5, United States Code, (relating to the Executive Schedule);

''(II) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service, as defined under paragraphs (5), (6), and (7), respectively, of section 3132(a) of title 5, United States Code; or

''(III) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

''(iv) CONGRESSIONAL EMPLOYEE.—In this subparagraph, the term 'Congressional employee' means an employee whose pay is disbursed by the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the Patient Protection and Affordable Care Act.

SA 4331. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE ___—OFFSETTING THE COSTS OF THIS ACT

SEC. ___01. DISCLOSING TRUE COST OF CONGRESSIONAL BORROWING AND SPENDING.

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (http://www.senate.gov/) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by Congressional Budget Office.

(3) The number of new Government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

SEC. ___02. REDUCING BUDGETS OF MEMBERS OF CONGRESS.

Of the funds made available under Public Law 111–68 for the legislative branch, $100,000,000 in unobligated balances are permanently rescinded with $50,000,000 from the House of Representatives and $50,000,000 from the Senate: Provided, That the rescissions made by the section shall not apply to funds made available to the Capitol Police.

SEC. ___03. ENACTING THE WHITE HOUSE'S PROPOSED 5 PERCENT CUT ON GOVERNMENT SPENDING.

(a) RESCISSIONS OF EXCESSIVE SPENDING.—There is rescinded an amount equal to 5 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

(b) EXCEPTIONS.—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs and the Department of Defense: Provided, That the Secretary of Defense shall submit a report to Congress no later than one year after the enactment of this Act outlining potential savings within the Department that could be obtained by eliminating outdated, unneeded, inefficient, poorly performing, or duplicative programs and initiatives.

(c) OMB REPORT.—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

SEC. ___04. ELIMINATING NONESSENTIAL GOVERNMENT TRAVEL.

Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of ''nonessential travel'' and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of ''nonessential travel''. No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $5,000,000,000 annually.

SEC. ___05. REDUCING UNNECESSARY PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(1) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs over the 10-year period beginning with fiscal year 2010, except that the Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(2) establish government-wide Federal guidelines on employee printing;

(3) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees; except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $860,000,000 annually; and

(4) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government the following:

(A) The name of the issuing agency, department, commission or office.

(B) The total number of copies of the document printed.

(C) The collective cost of producing and printing all of the copies of the document.

(D) The name of the firm publishing the document.

SEC. ___06. DISPOSING OF UNNEEDED AND UNUSED GOVERNMENT PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''§ 621. Definitions

''In this subchapter:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(2) EXPEDITED DISPOSAL OF A REAL PROPERTY.—The term 'expedited disposal of a real property' means a demolition of real property or a sale of real property for cash that is conducted under the requirements of section 545.

''(3) LANDHOLDING AGENCY.—The term 'landholding agency' means a landholding agency as defined under section 501(i)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(3)).

''(4) REAL PROPERTY.—

''(A) IN GENERAL.—The term 'real property' means—

''(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

''(I) excess;

''(II) surplus;

''(III) underperforming; or

''(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

''(ii) a building or other structure located on real property described under clause (i).

''(B) EXCLUSION.—The term 'real property' excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

''§ 622. Disposal program

''(a) The Director of the Office of Management and Budget shall dispose of by sale or auction not less than $15,000,000,000 worth of real property that is not meeting Federal Government from fiscal year 2010 to fiscal year 2015.

''(b) Agencies shall recommend candidate disposition real properties to the Director for participation in the pilot program established under section 622.

''(c) The Director, with the concurrence of the head of the executive agency concerned and consistent with the criteria established in this subchapter, may then select such candidate real properties for participation in the program and notify the recommending agency accordingly.

''(d) The Director shall ensure that all real properties selected for disposition under this section are listed on a website that shall—

''(1) be updated routinely; and

''(2) include the functionality to allow members of the public, at their option, to receive such updates through electronic mail.

''(e) The Director may transfer real property identified in the enactment of this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development has determined such properties are suitable for use to assist the homeless.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''Sec. 621. Definitions.

''Sec. 622. Disposal program.''.

SEC. ___07. AUCTIONING AND SELLING OF UNUSED AND UNNEEDED EQUIPMENT.

(a) IN GENERAL.—Notwithstanding section 1033 of the National Defense Authorization Act of 1997 or any other provision of law, the Secretary of Defense shall auction or sell unused, unnecessary, or surplus supplies and equipment without providing preference to State or local governments.

(b) EXCEPTIONS.—The Secretary may make exceptions to the sale or auction of such equipment for transfers of excess military property to state and local law enforcement agencies related to counter-drug efforts, counter-terrorism activities, or other efforts determined to be related to national defense or homeland security. The Secretary of Defense may sell such equipment to State and local agencies at fair market value.

SEC. ___08. CAPPING THE TOTAL NUMBER OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the head of each relevant Federal department or agency shall collaborate with the Director of the Office of Management and Budget to determine how many full-time employees the department or agency employs. For each new full-time employee added to any Federal department or agency for any purpose, the head of such department or agency shall ensure that the addition of such new employee is offset by a reduction of one existing full-time employee at such department or agency.

(b) INFORMATION ON TOTAL EMPLOYEES.—The Director of the Office of Management and Budget shall publicly disclose the total number of Federal employees, as well as a breakdown of Federal employees by agency and the annual salary by title of each Federal employee at an agency and update such information not less than once a year.

SEC. ___09. TEMPORARY ONE-YEAR FREEZE ON COST OF FEDERAL EMPLOYEES SALARIES.

Notwithstanding any other provision of law, the total amount of funds expended on salaries for civilian employees of the Federal Government in fiscal year 2011 shall not exceed the total costs for such salaries in Fiscal Year 2009: Provided the amounts spent on salaries of members of the armed forces are exempt from the provisions of this section; Provided further, nothing in this section prohibits an employee from receiving an increase in salary or other compensation so long as such an increase does not increase an agency's net expenditures for employee salaries.

SEC. ___10. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

''§ 7381. Collection of unpaid taxes from employees of the Federal Government

''(a) DEFINITION.—For purposes of this section—

''(1) the term 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

''(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

''(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

''(2) the term 'Federal employee' means—

''(A) an employee, as defined by section 2105; and

''(B) an employee of the United States Congress, including Members of the House of Representatives and Senators.

''(b) COLLECTION OF UNPAID TAXES.—The Internal Revenue Service shall coordinate with the Department of the Treasury and the hiring agency of a Federal employee who has a seriously delinquent tax debt to collect such taxes by withholding a portion of the employee's salary over a period set by the hiring agency to ensure prompt payment.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

''Sec. 7381. Collection of unpaid taxes from employees of the Federal Government.''.

SEC. ___11. REDUCING EXCESSIVE DUPLICATION AND OVERHEAD WITHIN THE FEDERAL GOVERNMENT.

(a) REDUCING DUPLICATION.—The Director of the Office of Management Budget and the Secretary of each department (or head of each independent agency) shall work with the Chairman and ranking member of the relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) CONTROLLING BUREAUCRATIC OVERHEAD COSTS.—Each Federal department and agency shall reduce annual administrative expenses by at least five percent in fiscal year 2011.

SEC. ___12. ELIMINATING BONUSES FOR POOR PERFORMANCE BY GOVERNMENT CONTRACTORS.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO OUTCOMES.—Not later than 180 days after the date of enactment of this Act, each Federal department or agency shall issue guidance, with detailed implementation instructions (including definitions), on the appropriate use of award and incentive fees in department or agency programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be excellent or superior and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be acceptable, average, expected, good, or satisfactory;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure that the Department or agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis; and

(8) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes.

(c) RETURN OF UNEARNED BONUSES.—Any funds intended to be awarded as incentive fees that are not paid due to contractors inability to meet the criteria established by this section shall be returned to the Treasury.

SEC. ___13. $1 BILLION LIMITATION ON VOLUNTARY PAYMENTS TO THE UNITED NATIONS.

Notwithstanding any other provision of law, the Secretary of State shall ensure no more than $1,000,000,000 is provided to the United Nations each year in excess of the United States' annual assessed contributions.

SEC. ___14. RETURNING EXCESSIVE FUNDS FROM AN UNNECESSARY, UNNEEDED, UNREQUESTED, DUPLICATIVE RESERVE FUND THAT MAY NEVER BE SPENT.

Notwithstanding any other provision of law, unobligated funds for the Women, Infants and Children special supplemental nutrition program appropriated and placed in reserve by Public Law 111–5 are rescinded.

SEC. ___15. RESCINDING A STATE DEPARTMENT TRAINING FACILITY UNWANTED BY RESIDENTS OF THE COMMUNITY IN WHICH IT IS IT IS PLANNED TO BE CONSTRUCTED.

Notwithstanding any other provision of law, no Federal funds may be spent to construct a State Department training facility in Ruthsberg, Maryland, and any funding obligated for the facility by Public Law 111–5 are rescinded, except that, this section does not prohibit funds otherwise appropriated to be spent by the State Department for training facilities in other jurisdictions in accordance with law.

SEC. ___16. ELIMINATING A WASTEFUL AND INEFFICIENT GOVERNMENT PROGRAM.

Within 30 days after the date of enactment of this Act, the Energy Star program administered by the United States Environmental Protection Agency shall be terminated and no Federal tax rebates or tax credits related to the Energy Star program shall be any longer available.

SEC. ___17. RESCINDING UNSPENT FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all unobligated Federal funds available, $100,000,000,000 in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

(c) EXCEPTION.—This section shall not apply to the unobligated Federal funds of the Department of Defense or the Department of Veterans Affairs.

SEC. ___18. REDUCING WASTEFUL ENERGY COSTS BY THE DEPARTMENT OF ENERGY.

Notwithstanding any other provision of law, $13,800,000 is rescinded from the Department of Energy intended for administrative funds, except that the Secretary of Energy shall implement policies to reduce unnecessary energy costs by the Department by $13,800,000.

SEC. ___19. STRIKING AN EARMARK THAT INCREASES THE MEDICARE PAYMENTS FOR SOME CALIFORNIA DOCTORS.

Notwithstanding any other provision of this Act, section 522, relating to adjustment to Medicare payment localities, shall have no force or effect of law.

SEC. ___20. NO NEW TAXES.

Notwithstanding any other provision of this Act, title IV, relating to revenue offsets, shall have no force or effect of law.

SA 4332. Mr. KOHL (for himself, Mr. GRASSLEY, and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE _____—PRESERVE ACCESS TO AFFORDABLE GENERICS ACT

SEC. __01. SHORT TITLE.

This title be cited as the ''Preserve Access to Affordable Generics Act''.

SEC. __02. UNLAWFUL COMPENSATION FOR DELAY.

(a) IN GENERAL.—The Federal Trade Commission Act (15 U.S.C. 44 et seq.) is amended by—

(1) redesignating section 28 as section 29; and

(2) inserting before section 29, as redesignated, the following:

''SEC. 28. PRESERVING ACCESS TO AFFORDABLE GENERICS.

''(a) IN GENERAL.—

''(1) ENFORCEMENT PROCEEDING.—The Federal Trade Commission may initiate a proceeding to enforce the provisions of this section against the parties to any agreement resolving or settling, on a final or interim basis, a patent infringement claim, in connection with the sale of a drug product.

''(2) PRESUMPTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), in such a proceeding, an agreement shall be presumed to have anticompetitive effects and be unlawful if—

''(i) an ANDA filer receives anything of value; and

''(ii) the ANDA filer agrees to limit or forego research, development, manufacturing, marketing, or sales of the ANDA product for any period of time.

''(B) EXCEPTION.—The presumption in subparagraph (A) shall not apply if the parties to such agreement demonstrate by clear and convincing evidence that the procompetitive benefits of the agreement outweigh the anticompetitive effects of the agreement.

''(b) COMPETITIVE FACTORS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall consider—

''(1) the length of time remaining until the end of the life of the relevant patent, compared with the agreed upon entry date for the ANDA product;

''(2) the value to consumers of the competition from the ANDA product allowed under the agreement;

''(3) the form and amount of consideration received by the ANDA filer in the agreement resolving or settling the patent infringement claim;

''(4) the revenue the ANDA filer would have received by winning the patent litigation;

''(5) the reduction in the NDA holder's revenues if it had lost the patent litigation;

''(6) the time period between the date of the agreement conveying value to the ANDA filer and the date of the settlement of the patent infringement claim; and

''(7) any other factor that the fact finder, in its discretion, deems relevant to its determination of competitive effects under this subsection.

''(c) LIMITATIONS.—In determining whether the settling parties have met their burden under subsection (a)(2)(B), the fact finder shall not presume—

''(1) that entry would not have occurred until the expiration of the relevant patent or statutory exclusivity; or

''(2) that the agreement's provision for entry of the ANDA product prior to the expiration of the relevant patent or statutory exclusivity means that the agreement is procompetitive, although such evidence may be relevant to the fact finder's determination under this section.

''(d) EXCLUSIONS.—Nothing in this section shall prohibit a resolution or settlement of a patent infringement claim in which the consideration granted by the NDA holder to the ANDA filer as part of the resolution or settlement includes only one or more of the following:

''(1) The right to market the ANDA product in the United States prior to the expiration of—

''(A) any patent that is the basis for the patent infringement claim; or

''(B) any patent right or other statutory exclusivity that would prevent the marketing of such drug.

''(2) A payment for reasonable litigation expenses not to exceed $7,500,000.

''(3) A covenant not to sue on any claim that the ANDA product infringes a United States patent.

''(e) REGULATIONS AND ENFORCEMENT.—

''(1) REGULATIONS.—The Federal Trade Commission may issue, in accordance with section 553 of title 5, United States Code, regulations implementing and interpreting this section. These regulations may exempt certain types of agreements described in subsection (a) if the Commission determines such agreements will further market competition and benefit consumers. Judicial review of any such regulation shall be in the United States District Court for the District of Columbia pursuant to section 706 of title 5, United States Code.

''(2) ENFORCEMENT.—A violation of this section shall be treated as a violation of section 5.

''(3) JUDICIAL REVIEW.—Any person, partnership or corporation that is subject to a final order of the Commission, issued in an administrative adjudicative proceeding under the authority of subsection (a)(1), may, within 30 days of the issuance of such order, petition for review of such order in the United States Court of Appeals for the District of Columbia Circuit or the United States Court of Appeals for the circuit in which the ultimate parent entity, as defined at 16 C.F.R. 801.1(a)(3), of the NDA holder is incorporated as of the date that the NDA is filed with the Secretary of the Food and Drug Administration, or the United States Court of Appeals for the circuit in which the ultimate parent entity of the ANDA filer is incorporated as of the date that the ANDA is filed with the Secretary of the Food and Drug Administration. In such a review proceeding, the findings of the Commission as to

the facts, if supported by evidence, shall be conclusive.

''(f) ANTITRUST LAWS.—Nothing in this section shall be construed to modify, impair or supersede the applicability of the antitrust laws as defined in subsection (a) of the 1st section of the Clayton Act (15 U.S.C. 12(a)) and of section __05 of this title to the extent that section 5 applies to unfair methods of competition. Nothing in this section shall modify, impair, limit or supersede the right of an ANDA filer to assert claims or counterclaims against any person, under the antitrust laws or other laws relating to unfair competition.

''(g) PENALTIES.—

''(1) FORFEITURE.—Each person, partnership or corporation that violates or assists in the violation of this section shall forfeit and pay to the United States a civil penalty sufficient to deter violations of this section, but in no event greater than 3 times the value received by the party that is reasonably attributable to a violation of this section. If no such value has been received by the NDA holder, the penalty to the NDA holder shall be shall be sufficient to deter violations, but in no event greater than 3 times the value given to the ANDA filer reasonably attributable to the violation of this section. Such penalty shall accrue to the United States and may be recovered in a civil action brought by the Federal Trade Commission, in its own name by any of its attorneys designated by it for such purpose, in a district court of the United States against any person, partnership or corporation that violates this section. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate.

''(2) CEASE AND DESIST.—

''(A) IN GENERAL.—If the Commission has issued a cease and desist order with respect to a person, partnership or corporation in an administrative adjudicative proceeding under the authority of subsection (a)(1), an action brought pursuant to paragraph (1) may be commenced against such person, partnership or corporation at any time before the expiration of one year after such order becomes final pursuant to section 5(g).

''(B) EXCEPTION.—In an action under subparagraph (A), the findings of the Commission as to the material facts in the administrative adjudicative proceeding with respect to such person's, partnership's or corporation's violation of this section shall be conclusive unless—

''(i) the terms of such cease and desist order expressly provide that the Commission's findings shall not be conclusive; or

''(ii) the order became final by reason of section 5(g)(1), in which case such finding shall be conclusive if supported by evidence.

''(3) CIVIL PENALTY.—In determining the amount of the civil penalty described in this section, the court shall take into account—

''(A) the nature, circumstances, extent, and gravity of the violation;

''(B) with respect to the violator, the degree of culpability, any history of violations, the ability to pay, any effect on the ability to continue doing business, profits earned by the NDA holder, compensation received by the ANDA filer, and the amount of commerce affected; and

''(C) other matters that justice requires.

''(4) REMEDIES IN ADDITION.—Remedies provided in this subsection are in addition to, and not in lieu of, any other remedy provided by Federal law. Nothing in this paragraph shall be construed to affect any authority of the Commission under any other provision of law.

''(h) DEFINITIONS.—In this section:

''(1) AGREEMENT.—The term 'agreement' means anything that would constitute an agreement under section 1 of the Sherman Act (15 U.S.C. 1) or section 5 of this Act.

''(2) AGREEMENT RESOLVING OR SETTLING A PATENT INFRINGEMENT CLAIM.—The term 'agreement resolving or settling a patent infringement claim' includes any agreement that is entered into within 30 days of the resolution or the settlement of the claim, or any other agreement that is contingent upon, provides a contingent condition for, or is otherwise related to the resolution or settlement of the claim.

''(3) ANDA.—The term 'ANDA' means an abbreviated new drug application, as defined under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).

''(4) ANDA FILER.—The term 'ANDA filer' means a party who has filed an ANDA with the Food and Drug Administration.

''(5) ANDA PRODUCT.—The term 'ANDA product' means the product to be manufactured under the ANDA that is the subject of the patent infringement claim.

''(6) DRUG PRODUCT.—The term 'drug product' means a finished dosage form (e.g., tablet, capsule, or solution) that contains a drug substance, generally, but not necessarily, in association with 1 or more other ingredients, as defined in section 314.3(b) of title 21, Code of Federal Regulations.

''(7) NDA.—The term 'NDA' means a new drug application, as defined under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)).

''(8) NDA HOLDER.—The term 'NDA holder' means—

''(A) the party that received FDA approval to market a drug product pursuant to an NDA;

''(B) a party owning or controlling enforcement of the patent listed in the Approved Drug Products With Therapeutic Equivalence Evaluations (commonly known as the 'FDA Orange Book') in connection with the NDA; or

''(C) the predecessors, subsidiaries, divisions, groups, and affiliates controlled by, controlling, or under common control with any of the entities described in subparagraphs (A) and (B) (such control to be presumed by direct or indirect share ownership of 50 percent or greater), as well as the licensees, licensors, successors, and assigns of each of the entities.

''(9) PATENT INFRINGEMENT.—The term 'patent infringement' means infringement of any patent or of any filed patent application, extension, reissue, renewal, division, continuation, continuation in part, reexamination, patent term restoration, patents of addition and extensions thereof.

''(10) PATENT INFRINGEMENT CLAIM.—The term 'patent infringement claim' means any allegation made to an ANDA filer, whether or not included in a complaint filed with a court of law, that its ANDA or ANDA product may infringe any patent held by, or exclusively licensed to, the NDA holder of the drug product.

''(11) STATUTORY EXCLUSIVITY.—The term 'statutory exclusivity' means those prohibitions on the approval of drug applications under clauses (ii) through (iv) of section 505(c)(3)(E) (5- and 3-year data exclusivity), section 527 (orphan drug exclusivity), or section 505A (pediatric exclusivity) of the Federal Food, Drug, and Cosmetic Act .''.

(b) EFFECTIVE DATE.—Section 28 of the Federal Trade Commission Act, as added by this section, shall apply to all agreements described in section 28(a)(1) of that Act entered into after November 15, 2009. Section 28(g) of the Federal Trade Commission Act, as added by this section, shall not apply to agreements entered into before the date of enactment of this title.

SEC. __03. NOTICE AND CERTIFICATION OF AGREEMENTS.

(a) NOTICE OF ALL AGREEMENTS.—Section 1112(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (21 U.S.C. 355 note) is amended by—

(1) striking ''the Commission the'' and inserting the following: ''the Commission—

''(1) the'';

(2) striking the period and inserting ''; and''; and

(3) inserting at the end the following:

''(2) any other agreement the parties enter into within 30 days of entering into an agreement covered by subsection (a) or (b).''.

(b) CERTIFICATION OF AGREEMENTS.—Section 1112 of such Act is amended by adding at the end the following:

''(d) CERTIFICATION.—The Chief Executive Officer or the company official responsible for negotiating any agreement required to be filed under subsection (a), (b), or (c) shall execute and file with the Assistant Attorney General and the Commission a certification as follows: 'I declare that the following is true, correct, and complete to the best of my knowledge: The materials filed with the Federal Trade Commission and the Department of Justice under section 1112 of subtitle B of title XI of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, with respect to the agreement referenced in this certification: (1) represent the complete, final, and exclusive agreement between the parties; (2) include any ancillary agreements that are contingent upon, provide a contingent condition for, or are otherwise related to, the referenced agreement; and (3) include written descriptions of any oral agreements, representations, commitments, or promises between the parties that are responsive to subsection (a) or (b) of such section 1112 and have not been reduced to writing.'.''.

SEC. __04. FORFEITURE OF 180-DAY EXCLUSIVITY PERIOD.

Section 505(j)(5)(D)(i)(V) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is amended by inserting ''section 28 of the Federal Trade Commission Act or'' after ''that the agreement has violated''.

SEC. __05. COMMISSION LITIGATION AUTHORITY.

Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) in subparagraph (D), by striking ''or'' after the semicolon;

(2) in subparagraph (E), by inserting ''or'' after the semicolon; and

(3) inserting after subparagraph (E) the following:

''(F) under section 28;''.

SEC. __06. STATUTE OF LIMITATIONS.

The Commission shall commence any enforcement proceeding described in section 28 of the Federal Trade Commission Act, as added by section 3, except for an action described in section 28(g)(2) of the Federal Trade Commission Act, not later than 3 years after the date on which the parties to the agreement file the Notice of Agreement as provided by sections 1112(c)(2) and (d) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (21 U.S.C. 355 note).

SEC. __07. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such title or amendments to any person or circumstance shall not be affected thereby.

SA 4333. Mr. THUNE submitted an amendment intended to be proposed to

amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Jobs and Closing Tax Loopholes Act of 2010''.

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

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

TITLE I—INFRASTRUCTURE INCENTIVES

SEC. 101. EXEMPT-FACILITY BONDS FOR SEWAGE AND WATER SUPPLY FACILITIES.

(a) BONDS FOR WATER AND SEWAGE FACILITIES EXEMPT FROM VOLUME CAP ON PRIVATE ACTIVITY BONDS.—

(1) IN GENERAL.—Paragraph (3) of section 146(g) is amended by inserting ''(4), (5),'' after ''(2),''.

(2) CONFORMING AMENDMENT.—Paragraphs (2) and (3)(B) of section 146(k) are both amended by striking ''(4), (5), (6),'' and inserting ''(6)''.

(b) TAX-EXEMPT ISSUANCE BY INDIAN TRIBAL GOVERNMENTS.—

(1) IN GENERAL.—Subsection (c) of section 7871 is amended by adding at the end the following new paragraph:

''(4) EXCEPTION FOR BONDS FOR WATER AND SEWAGE FACILITIES.—Paragraph (2) shall not apply to an exempt facility bond 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of which are to be used to provide facilities described in paragraph (4) or (5) of section 142(a).''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 7871(c) is amended by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 102. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2012''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

SEC. 103. ALLOWANCE OF NEW MARKETS TAX CREDIT AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (B) of section 38(c)(4), as amended by the Patient Protection and Affordable Care Act, is amended by redesignating clauses (v) through (ix) as clauses (vi) through (x), respectively, and by inserting after clause (iv) the following new clause:

''(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made before January 1, 2012,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after March 15, 2010.

SEC. 104. EXTENSION OF TAX-EXEMPT ELIGIBILITY FOR LOANS GUARANTEED BY FEDERAL HOME LOAN BANKS.

Clause (iv) of section 149(b)(3)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 105. EXTENSION OF TEMPORARY SMALL ISSUER RULES FOR ALLOCATION OF TAX-EXEMPT INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Clauses (i), (ii), and (iii) of section 265(b)(3)(G) are each amended by striking ''or 2010'' and inserting '', 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (G) of section 265(b)(3) is amended by striking ''AND 2010'' in the heading and inserting '', 2010, AND 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

TITLE II—EXTENSION OF EXPIRING PROVISIONS

Subtitle A—Energy

SEC. 201. ALTERNATIVE MOTOR VEHICLE CREDIT FOR NEW QUALIFIED HYBRID MOTOR VEHICLES OTHER THAN PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—Paragraph (3) of section 30B(k) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property purchased after December 31, 2009.

SEC. 202. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 203. EXTENSION AND MODIFICATION OF CREDIT FOR STEEL INDUSTRY FUEL.

(a) CREDIT PERIOD.—

(1) IN GENERAL.—Subclause (II) of section 45(e)(8)(D)(ii) is amended to read as follows:

''(II) CREDIT PERIOD.—In lieu of the 10-year period referred to in clauses (i) and (ii)(II) of subparagraph (A), the credit period shall be

the period beginning on the date that the facility first produces steel industry fuel that is sold to an unrelated person after September 30, 2008, and ending 2 years after such date.''.

(2) CONFORMING AMENDMENT.—Section 45(e)(8)(D) is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(b) EXTENSION OF PLACED-IN-SERVICE DATE.—Subparagraph (A) of section 45(d)(8) is amended—

(1) by striking ''(or any modification to a facility)''; and

(2) by striking ''2010'' and inserting ''2011''.

(c) CLARIFICATIONS.—

(1) STEEL INDUSTRY FUEL.—Subclause (I) of section 45(c)(7)(C)(i) is amended by inserting '', a blend of coal and petroleum coke, or other coke feedstock'' after ''on coal''.

(2) OWNERSHIP INTEREST.—Section 45(d)(8) is amended by adding at the end the following new flush sentence:

''With respect to a facility producing steel industry fuel, no person (including a ground lessor, customer, supplier, or technology licensor) shall be treated as having an ownership interest in the facility or as otherwise entitled to the credit allowable under subsection (a) with respect to such facility if such person's rent, license fee, or other entitlement to net payments from the owner of such facility is measured by a fixed dollar amount or a fixed amount per ton, or otherwise determined without regard to the profit or loss of such facility.''.

(3) PRODUCTION AND SALE.—Subparagraph (D) of section 45(e)(8), as amended by subsection (a)(2), is amended by redesignating clause (iii) as clause (iv) and by inserting after clause (ii) the following new clause:

''(iii) PRODUCTION AND SALE.—The owner of a facility producing steel industry fuel shall be treated as producing and selling steel industry fuel where that owner manufactures such steel industry fuel from coal, a blend of coal and petroleum coke, or other coke feedstock to which it has title. The sale of such steel industry fuel by the owner of the facility to a person who is not the owner of the facility shall not fail to qualify as a sale to an unrelated person solely because such purchaser may also be a ground lessor, supplier, or customer.''.

(d) SPECIFIED CREDIT FOR PURPOSES OF ALTERNATIVE MINIMUM TAX EXCLUSION.—Subclause (II) of section 38(c)(4)(B)(iii) is amended by inserting ''(in the case of a refined coal production facility producing steel industry fuel, during the credit period set forth in section 45(e)(8)(D)(ii)(II))'' after ''service''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (d) shall take effect on the date of the enactment of this Act.

(2) CLARIFICATIONS.—The amendments made by subsection (c) shall take effect as if included in the amendments made by the Energy Improvement and Extension Act of 2008.

SEC. 204. CREDIT FOR PRODUCING FUEL FROM COKE OR COKE GAS.

(a) IN GENERAL.—Paragraph (1) of section 45K(g) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 205. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

SEC. 206. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) MODIFICATION OF DEFINITION OF INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Clause (i) of section 451(i)(4)(B) is amended to read as follows:

''(i) who the Federal Energy Regulatory Commission determines in its authorization of the transaction under section 203 of the Federal Power Act (16 U.S.C. 824b) or by declaratory order—

''(I) is not itself a market participant as determined by the Commission, and also is not controlled by any such market participant, or

''(II) to be independent from market participants or to be an independent transmission company within the meaning of such Commission's rules applicable to independent transmission providers, and''.

(2) RELATED PERSONS.—Paragraph (4) of section 451(i) is amended by adding at the end the following flush sentence:

''For purposes of subparagraph (B)(i)(I), a person shall be treated as controlled by another person if such persons would be treated as a single employer under section 52.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to dispositions after December 31, 2009.

(2) MODIFICATIONS.—The amendments made by subsection (b) shall apply to dispositions after the date of the enactment of this Act.

SEC. 207. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

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

SEC. 208. DIRECT PAYMENT OF ENERGY EFFICIENT APPLIANCES TAX CREDIT.

In the case of any taxable year which includes the last day of calendar year 2009 or calendar year 2010, a taxpayer who elects to waive the credit which would otherwise be determined with respect to the taxpayer under section 45M of the Internal Revenue Code of 1986 for such taxable year shall be treated as making a payment against the tax imposed under subtitle A of such Code for such taxable year in an amount equal to 85 percent of the amount of the credit which would otherwise be so determined. Such payment shall be treated as made on the later of the due date of the return of such tax or the date on which such return is filed. Elections under this section may be made separately for 2009 and 2010, but once made shall be irrevocable. No amount shall be includible in gross income or alternative minimum taxable income by reason of this section.

SEC. 209. MODIFICATION OF STANDARDS FOR WINDOWS, DOORS, AND SKYLIGHTS WITH RESPECT TO THE CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) IN GENERAL.—Paragraph (4) of section 25C(c) is amended by striking ''unless'' and all that follows and inserting ''unless—

''(A) in the case of any component placed in service after the date which is 90 days after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010, such component meets the criteria for such components established by the 2010 Energy Star Program Requirements for Residential Windows, Doors, and Skylights, Version 5.0 (or any subsequent version of such requirements which is in effect after January 4, 2010),

''(B) in the case of any component placed in service after the date of the enactment of the American Jobs and Closing Tax Loopholes Act of 2010 and on or before the date which is 90 days after such date, such component meets the criteria described in subparagraph (A) or is equal to or below a U factor of 0.30 and SHGC of 0.30, and

''(C) in the case of any component which is a garage door, such component is equal to or below a U factor of 0.30 and SHGC of 0.30.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 210. CREDIT FOR ELECTRICITY PRODUCED AT CERTAIN OPEN-LOOP BIOMASS FACILITIES.

(a) IN GENERAL.—Clause (ii) of section 45(b)(4)(B) is amended by striking ''5-year period'' and inserting ''6-year period''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to electricity produced and sold after December 31, 2009.

SEC. 211. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

SEC. 212. CREDIT FOR REFINED COAL FACILITIES.

(a) IN GENERAL.—Subparagraphs (A) and (B) of section 45(d)(8) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2009.

SEC. 213. CREDIT FOR PRODUCTION OF LOW SULFUR DIESEL FUEL.

(a) APPLICABLE PERIOD.—Paragraph (4) of section 45H(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 339 of the American Jobs Creation Act of 2004.

Subtitle B—Individual Tax Relief

PART I—MISCELLANEOUS PROVISIONS

SEC. 221. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

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

SEC. 222. ADDITIONAL STANDARD DEDUCTION FOR STATE AND LOCAL REAL PROPERTY TAXES.

(a) IN GENERAL.—Subparagraph (C) of section 63(c)(1) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

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

SEC. 223. DEDUCTION OF STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

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

SEC. 224. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

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

SEC. 225. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

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

SEC. 226. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

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

SEC. 227. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

PART II—LOW-INCOME HOUSING CREDITS

SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) ELECTION FOR REFUNDABLE CREDITS.—

''(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

''(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term '2010 low-income housing refundable credit election amount' means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

''(A) the sum of—

''(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any increase in the State housing credit ceiling for 2010 made by reason of section 1400N(c) (including as such section is applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

''(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any increase in the State housing credit ceiling for 2010 made by reason of the application of such section 702(d)(2) and 704(b), multiplied by

''(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i).

''(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

''(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

''(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting 'January 1, 2012' for 'January 1, 2011'.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''42(n),'' after ''36C,''.

Subtitle C—Business Tax Relief

SEC. 241. RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 242. INDIAN EMPLOYMENT TAX CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

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

SEC. 243. NEW MARKETS TAX CREDIT.

(a) IN GENERAL.—Subparagraph (F) of section 45D(f)(1) is amended by inserting ''and 2010'' after ''2009''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking ''2014'' and inserting ''2015''.

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

SEC. 244. RAILROAD TRACK MAINTENANCE CREDIT.

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

SEC. 245. MINE RESCUE TEAM TRAINING CREDIT.

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) CREDIT ALLOWABLE AGAINST AMT.—Subparagraph (B) of section 38(c)(4), as amended by section 104, is amended—

(1) by redesignating clauses (vii) through (x) as clauses (viii) through (xi), respectively; and

(2) by inserting after clause (vi) the following new clause:

''(vii) the credit determined under section 45N,''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) ALLOWANCE AGAINST AMT.—The amendments made by subsection (b) shall apply to credits determined for taxable years beginning after December 31, 2009, and to carrybacks of such credits.

SEC. 246. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

SEC. 247. 5-YEAR DEPRECIATION FOR FARMING BUSINESS MACHINERY AND EQUIPMENT.

(a) IN GENERAL.—Clause (vii) of section 168(e)(3)(B) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 248. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking ''if such building is placed in service after December 31, 2008, and before January 1, 2010,''.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 249. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 250. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 251. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 252. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

SEC. 253. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

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

SEC. 254. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 255. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

SEC. 256. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

SEC. 257. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 5 taxable years''; and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

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

SEC. 258. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

SEC. 259. EXCLUSION OF GAIN OR LOSS ON SALE OR EXCHANGE OF CERTAIN BROWNFIELD SITES FROM UNRELATED BUSINESS INCOME.

(a) IN GENERAL.—Subparagraph (K) of section 512(b)(19) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property acquired after December 31, 2009.

SEC. 260. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Paragraph (8) of section 856(c) is amended by striking ''means'' and all that follows and inserting ''means December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (I) of section 856(c)(2) is amended by striking ''the first taxable year beginning after the date of the enactment of this subparagraph'' and inserting ''a taxable year beginning on or before the termination date''.

(2) Clause (iii) of section 856(c)(5)(H) is amended by inserting ''in taxable years beginning'' after ''dispositions''.

(3) Clause (v) of section 857(b)(6)(D) is amended by inserting ''in a taxable year beginning'' after ''sale''.

(4) Subparagraph (G) of section 857(b)(6) is amended by inserting ''in a taxable year beginning'' after ''In the case of a sale''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 261. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

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

SEC. 262. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

SEC. 263. EXCEPTIONS FOR ACTIVE FINANCING INCOME.

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 264. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

SEC. 265. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

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

SEC. 266. EMPOWERMENT ZONE TAX INCENTIVES.

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking ''December 31, 2009'' in subsection (d)(1)(A)(i) and inserting ''December 31, 2010''; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking ''December 31, 2014'' and inserting ''December 31, 2015''; and

(2) by striking ''2014'' in the heading and inserting ''2015''.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

SEC. 267. RENEWAL COMMUNITY TAX INCENTIVES.

(a) IN GENERAL.—Subsection (b) of section 1400E is amended—

(1) by striking ''December 31, 2009'' in paragraphs (1)(A) and (3) and inserting ''December 31, 2010''; and

(2) by striking ''January 1, 2010'' in paragraph (3) and inserting ''January 1, 2011''.

(b) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i) of section 1400F(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(2) LIMITATION ON PERIOD OF GAINS.—Paragraph (2) of section 1400F(c) is amended—

(A) by striking ''December 31, 2014'' and inserting ''December 31, 2015''; and

(B) by striking ''2014'' in the heading and inserting ''2015''.

(3) CLERICAL AMENDMENT.—Subsection (d) of section 1400F is amended by striking ''and 'December 31, 2014' for 'December 31, 2014''.

(c) COMMERCIAL REVITALIZATION DEDUCTION.—

(1) IN GENERAL.—Subsection (g) of section 1400I is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(2) CONFORMING AMENDMENT.—Subparagraph (A) of section 1400I(d)(2) is amended by striking ''after 2001 and before 2010'' and inserting ''which begins after 2001 and before the date referred to in subsection (g)''.

(d) INCREASED EXPENSING UNDER SECTION 179.—Subparagraph (A) of section 1400J(b)(1) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(e) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of a renewal community the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A) of section 1400E(b)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation unless, after the date of the enactment of this section, the entity which made such nomination reconfirms such termination date, or amends the nomination to provide for a new termination date, in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) ACQUISITIONS.—The amendments made by subsections (b)(1) and (d) shall apply to acquisitions after December 31, 2009.

(3) COMMERCIAL REVITALIZATION DEDUCTION.—

(A) IN GENERAL.—The amendment made by subsection (c)(1) shall apply to buildings placed in service after December 31, 2009.

(B) CONFORMING AMENDMENT.—The amendment made by subsection (c)(2) shall apply to calendar years beginning after December 31, 2009.

SEC. 268. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

SEC. 269. PAYMENT TO AMERICAN SAMOA IN LIEU OF EXTENSION OF ECONOMIC DEVELOPMENT CREDIT.

The Secretary of the Treasury (or his designee) shall pay $18,000,000 to the Government of American Samoa for purposes of economic development. The payment made under the preceding sentence shall be treated for purposes of section 1324 of title 31, United States Code, as a refund of internal revenue collections to which such section applies.

SEC. 270. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH NEW DOMESTIC INVESTMENTS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply for its first taxable year beginning after December 31, 2009, the limitation imposed by subsection (c) for such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means, the lesser of—

''(A) 50 percent of a corporation's minimum tax credit for its first taxable year beginning after December 31, 2009, determined under subsection (b), or

''(B) 10 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsection (b) of section 6401, the aggregate increase in the credits allowable under this part for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

''(5) ELECTION.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once made, may be revoked only with the consent of the Secretary. Not later than 90 days after the date of the enactment of this subsection, the Secretary shall issue guidance specifying such time and manner.

''(6) TREATMENT OF CERTAIN PARTNERSHIP INVESTMENTS.—For purposes of this subsection, a corporation shall take into account its allocable share of any new domestic investments by a partnership for any taxable year if, and only if, more than 90 percent of the capital and profits interests in such partnership are owned by such corporation (directly or indirectly) at all times during such taxable year.

''(7) NO DOUBLE BENEFIT.—

''(A) IN GENERAL.—A corporation making an election under this subsection may not make an election under subparagraph (H) of section 172(b)(1).

''(B) SPECIAL RULES WITH RESPECT TO TAXPAYERS PREVIOUSLY ELECTING APPLICABLE NET OPERATING LOSSES.—In the case of a corporation which made an election under subparagraph (H) of section 172(b)(1) and elects the application of this subsection—

''(i) ELECTION OF APPLICABLE NET OPERATING LOSS TREATED AS REVOKED.—The election under such subparagraph (H) shall (notwithstanding clause (iii)(II) of such subparagraph) be treated as having been revoked by the taxpayer.

''(ii) COORDINATION WITH PROVISION FOR EXPEDITED REFUND.—The amount otherwise treated as a payment of estimated income tax under the last sentence of paragraph (4) shall be reduced (but not below zero) by the aggregate increase in unpaid tax liability determined under this chapter by reason of the revocation of the election under clause (i).

''(iii) APPLICATION OF STATUTE OF LIMITATIONS.—With respect to the revocation of an election under clause (i)—

''(I) the statutory period for the assessment of any deficiency attributable to such revocation shall not expire before the end of the 3-year period beginning on the date of the election to have this subsection apply, and

''(II) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

''(C) EXCEPTION FOR ELIGIBLE SMALL BUSINESSES.—Subparagraphs (A) and (B) shall not apply to an eligible small business as defined in section 172(b)(1)(H)(v)(II).

''(8) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to prevent fraud and abuse under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by inserting ''53(g),'' after ''53(e),''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''53(g),'' after ''53(e),''.

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

SEC. 271. REDUCTION IN CORPORATE RATE FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Paragraph (1) of section 1201(b) is amended by striking ''ending'' and all that follows through ''such date''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 1201(b) is amended to read as follows:

''(3) APPLICATION OF SUBSECTION.—The qualified timber gain for any taxable year shall not exceed the qualified timber gain which would be determined by not taking into account any portion of such taxable year after December 31, 2010.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after May 22, 2009.

SEC. 272. STUDY OF EXTENDED TAX EXPENDITURES.

(a) FINDINGS.—Congress finds the following:

(1) Currently, the aggregate cost of Federal tax expenditures rivals, or even exceeds, the amount of total Federal discretionary spending.

(2) Given the escalating public debt, a critical examination of this use of taxpayer dollars is essential.

(3) Additionally, tax expenditures can complicate the Internal Revenue Code of 1986 for taxpayers and complicate tax administration for the Internal Revenue Service.

(4) To facilitate a better understanding of tax expenditures in the future, it is constructive for legislation extending these provisions to include a study of such provisions.

(b) REQUIREMENT TO REPORT.—Not later than November 30, 2010, the Chief of Staff of the Joint Committee on Taxation, in consultation with the Comptroller General of the United States, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on each tax expenditure (as defined in section 3(3) of the Congressional Budget Impoundment Control Act of 1974 (2 U.S.C. 622(3)) extended by this title.

(c) ROLLING SUBMISSION OF REPORTS.—The Chief of Staff of the Joint Committee on Taxation shall initially submit the reports for each such tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) in order of the tax expenditure incurring the least aggregate cost to the greatest aggregate cost (determined by reference to the cost estimate of this Act by the Joint Committee on Taxation). Thereafter, such reports may be submitted in such order as the Chief of Staff determines appropriate.

(d) CONTENTS OF REPORT.—Such reports shall contain the following:

(1) An explanation of the tax expenditure and any relevant economic, social, or other context under which it was first enacted.

(2) A description of the intended purpose of the tax expenditure.

(3) An analysis of the overall success of the tax expenditure in achieving such purpose, and evidence supporting such analysis.

(4) An analysis of the extent to which further extending the tax expenditure, or making it permanent, would contribute to achieving such purpose.

(5) A description of the direct and indirect beneficiaries of the tax expenditure, including identifying any unintended beneficiaries.

(6) An analysis of whether the tax expenditure is the most cost-effective method for achieving the purpose for which it was intended, and a description of any more cost-effective methods through which such purpose could be accomplished.

(7) A description of any unintended effects of the tax expenditure that are useful in understanding the tax expenditure's overall value.

(8) An analysis of how the tax expenditure could be modified to better achieve its original purpose.

(9) A brief description of any interactions (actual or potential) with other tax expenditures or direct spending programs in the same or related budget function worthy of further study.

(10) A description of any unavailable information the staff of the Joint Committee on Taxation may need to complete a more thorough examination and analysis of the tax expenditure, and what must be done to make such information available.

(e) MINIMUM ANALYSIS BY DEADLINE.—In the event the Chief of Staff of the Joint Committee on Taxation concludes it will not be feasible to complete all reports by the date specified in subsection (a), at a minimum, the reports for each tax expenditure enacted in this subtitle (relating to business tax relief) and subtitle A (relating to energy) shall be completed by such date.

Subtitle D—Temporary Disaster Relief Provisions

PART I—NATIONAL DISASTER RELIEF

SEC. 281. WAIVER OF CERTAIN MORTGAGE REVENUE BOND REQUIREMENTS.

(a) IN GENERAL.—Paragraph (11) of section 143(k) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) SPECIAL RULE FOR RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—Paragraph (13) of section 143(k), as redesignated by subsection (c), is amended by striking ''January 1, 2010'' in subparagraphs (A)(i) and (B)(i) and inserting ''January 1, 2011''.

(c) TECHNICAL AMENDMENT.—Subsection (k) of section 143 is amended by redesignating the second paragraph (12) (relating to special rules for residences destroyed in federally declared disasters) as paragraph (13).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to bonds issued after December 31, 2009.

(2) RESIDENCES DESTROYED IN FEDERALLY DECLARED DISASTERS.—The amendments made by subsection (b) shall apply with respect to disasters occurring after December 31, 2009.

(3) TECHNICAL AMENDMENT.—The amendment made by subsection (c) shall take effect as if included in section 709 of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008.

SEC. 282. LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 165(h)(3)(B)(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) $500 LIMITATION.—Paragraph (1) of section 165(h) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to federally declared disasters occurring after December 31, 2009.

(2) $500 LIMITATION.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 2009.

SEC. 283. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED DISASTER PROPERTY.

(a) IN GENERAL.—Subclause (I) of section 168(n)(2)(A)(ii) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters occurring after December 31, 2009.

SEC. 284. NET OPERATING LOSSES ATTRIBUTABLE TO FEDERALLY DECLARED DISASTERS.

(a) IN GENERAL.—Subclause (I) of section 172(j)(1)(A)(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to losses attributable to disasters occurring after December 31, 2009.

SEC. 285. EXPENSING OF QUALIFIED DISASTER EXPENSES.

(a) IN GENERAL.—Subparagraph (A) of section 198A(b)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures on account of disasters occurring after December 31, 2009.

SEC. 286. SPECIAL DEPRECIATION ALLOWANCE.

(a) IN GENERAL.—Paragraph (6) of section 1400N(d)(6) is amended by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

PART II—REGIONAL PROVISIONS

Subpart A—New York Liberty Zone

SEC. 291. SPECIAL DEPRECIATION ALLOWANCE FOR NONRESIDENTIAL AND RESIDENTIAL REAL PROPERTY.

(a) IN GENERAL.—Subparagraph (A) of section 1400L(b)(2) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

SEC. 292. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

Subpart B—GO Zone

SEC. 295. INCREASE IN REHABILITATION CREDIT.

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

SEC. 296. WORK OPPORTUNITY TAX CREDIT WITH RESPECT TO CERTAIN INDIVIDUALS AFFECTED BY HURRICANE KATRINA FOR EMPLOYERS INSIDE DISASTER AREAS.

(a) IN GENERAL.—Paragraph (1) of section 201(b) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''4-year'' and inserting ''5-year''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals hired after August 27, 2009.

SEC. 297. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

SEC. 298. TAX-EXEMPT BOND FINANCING.

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110–343; 122 Stat. 3913, 3919) are each amended by striking''January 1, 2011'' each place it appears and inserting ''January 1, 2012''.

Subpart C—Midwester Disaster Areas

SEC. 299. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

(a) IN GENERAL.—Section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110–343; 122 Stat. 3918) is amended—

(1) by striking ''January 1, 2010'' both places it appears and inserting ''January 1, 2011'', and

(2) by striking ''December 31, 2009'' both places it appears and inserting ''December 31, 2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 702(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

SEC. 300. EXCLUSION OF CANCELLATION OF MORTGAGE INDEBTEDNESS.

(a) IN GENERAL.—Section 702(e)(4)(C) of the Heartland Disaster Tax Relief Act of 2008 (Public Law 110–343; 122 Stat. 3918) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness after December 31, 2009.

TITLE III—PENSION PROVISIONS

Subtitle A—Single Employer Plans

SEC. 301. EXTENDED PERIOD FOR SINGLE-EMPLOYER DEFINED BENEFIT PLANS TO AMORTIZE CERTAIN SHORTFALL AMORTIZATION BASES.

(a) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Paragraph (2) of section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury. The Secretary of the Treasury shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall

amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—Section 303(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(c)) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary of the Treasury, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under chapter 1 of the Internal Revenue Code of 1986 for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary of the Treasury), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A of such Code) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A of the Internal Revenue Code of 1986) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1) of such Code) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary of the Treasury may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) of such Code for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) of such Code for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 302(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of this title).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 302(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary of the Treasury shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary of the Treasury shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 303 of such Act (29 U.S.C. 1083) is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(b) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—Paragraph (2) of section 430(c) is amended by adding at the end the following subparagraph:

''(D) SPECIAL ELECTION FOR ELIGIBLE PLAN YEARS.—

''(i) IN GENERAL.—If a plan sponsor elects to apply this subparagraph with respect to the shortfall amortization base of a plan for any eligible plan year (in this subparagraph and paragraph (7) referred to as an 'election year'), then, notwithstanding subparagraphs (A) and (B)—

''(I) the shortfall amortization installments with respect to such base shall be determined under clause (ii) or (iii), whichever is specified in the election, and

''(II) the shortfall amortization installment for any plan year in the 9-plan-year period described in clause (ii) or the 15-plan-year period described in clause (iii), respectively, with respect to such shortfall amortization base is the annual installment determined under the applicable clause for that year for that base.

''(ii) 2 PLUS 7 AMORTIZATION SCHEDULE.—The shortfall amortization installments determined under this clause are—

''(I) in the case of the first 2 plan years in the 9-plan-year period beginning with the election year, interest on the shortfall amortization base of the plan for the election year (determined using the effective interest rate for the plan for the election year), and

''(II) in the case of the last 7 plan years in such 9-plan-year period, the amounts necessary to amortize the remaining balance of the shortfall amortization base of the plan for the election year in level annual installments over such last 7 plan years (using the segment rates under subparagraph (C) for the election year).

''(iii) 15-YEAR AMORTIZATION.—The shortfall amortization installments determined under this subparagraph are the amounts necessary to amortize the shortfall amortization base of the plan for the election year in level annual installments over the 15-plan-year period beginning with the election year (using the segment rates under subparagraph (C) for the election year).

''(iv) ELECTION.—

''(I) IN GENERAL.—The plan sponsor of a plan may elect to have this subparagraph apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan described in section 106 of the Pension Protection Act of 2006, the plan sponsor may only elect to have this subparagraph apply to a plan year beginning in 2011.

''(II) AMORTIZATION SCHEDULE.—Such election shall specify whether the amortization schedule under clause (ii) or (iii) shall apply to an election year, except that if a plan sponsor elects to have this subparagraph apply to 2 eligible plan years, the plan sponsor must elect the same schedule for both years.

''(III) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary, and may be revoked only with the consent of the Secretary. The Secretary shall, before granting a revocation request, provide the Pension Benefit Guaranty Corporation an opportunity to comment on the conditions applicable to the treatment of any portion of the election year shortfall amortization base that remains unamortized as of the revocation date.

''(v) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year shall only be treated as an eligible plan year if the due date under subsection (j)(1) for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this subparagraph.

''(vi) REPORTING.—A plan sponsor of a plan who makes an election under clause (i) shall—

''(I) give notice of the election to participants and beneficiaries of the plan, and

''(II) inform the Pension Benefit Guaranty Corporation of such election in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.

''(vii) INCREASES IN REQUIRED INSTALLMENTS IN CERTAIN CASES.—For increases in required contributions in cases of excess compensation or extraordinary dividends or stock redemptions, see paragraph (7).''.

(2) INCREASES IN REQUIRED CONTRIBUTIONS IF EXCESS COMPENSATION PAID.—Section 430(c) is amended by adding at the end the following paragraph:

''(7) INCREASES IN ALTERNATE REQUIRED INSTALLMENTS IN CASES OF EXCESS COMPENSATION OR EXTRAORDINARY DIVIDENDS OR STOCK REDEMPTIONS.—

''(A) IN GENERAL.—If there is an installment acceleration amount with respect to a plan for any plan year in the restriction period with respect to an election year under paragraph (2)(D), then the shortfall amortization installment otherwise determined and payable under such paragraph for such plan year shall, subject to the limitation under subparagraph (B), be increased by such amount.

''(B) TOTAL INSTALLMENTS LIMITED TO SHORTFALL BASE.—Subject to rules prescribed by the Secretary, if a shortfall amortization installment with respect to any shortfall amortization base for an election year is required to be increased for any plan year under subparagraph (A)—

''(i) such increase shall not result in the amount of such installment exceeding the present value of such installment and all succeeding installments with respect to such base (determined without regard to such increase but after application of clause (ii)), and

''(ii) subsequent shortfall amortization installments with respect to such base shall, in reverse order of the otherwise required installments, be reduced to the extent necessary to limit the present value of such subsequent shortfall amortization installments (after application of this paragraph) to the present value of the remaining unamortized shortfall amortization base.

''(C) INSTALLMENT ACCELERATION AMOUNT.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'installment acceleration amount' means, with respect to any plan year in a restriction period with respect to an election year, the sum of—

''(I) the aggregate amount of excess employee compensation determined under subparagraph (D) with respect to all employees for the plan year, plus

''(II) the aggregate amount of extraordinary dividends and redemptions determined under subparagraph (E) for the plan year.

''(ii) ANNUAL LIMITATION.—The installment acceleration amount for any plan year shall not exceed the excess (if any) of—

''(I) the sum of the shortfall amortization installments for the plan year and all preceding plan years in the amortization period elected under paragraph (2)(D) with respect to the shortfall amortization base with respect to an election year, determined without regard to paragraph (2)(D) and this paragraph, over

''(II) the sum of the shortfall amortization installments for such plan year and all such preceding plan years, determined after application of paragraph (2)(D) (and in the case of any preceding plan year, after application of this paragraph).

''(iii) CARRYOVER OF EXCESS INSTALLMENT ACCELERATION AMOUNTS.—

''(I) IN GENERAL.—If the installment acceleration amount for any plan year (determined without regard to clause (ii)) exceeds the limitation under clause (ii), then, subject to subclause (II), such excess shall be treated as an installment acceleration amount with respect to the succeeding plan year.

''(II) CAP TO APPLY.—If any amount treated as an installment acceleration amount under subclause (I) or this subclause with respect any succeeding plan year, when added to other installment acceleration amounts (determined without regard to clause (ii)) with respect to the plan year, exceeds the limitation under clause (ii), the portion of such amount representing such excess shall be treated as an installment acceleration amount with respect to the next succeeding plan year.

''(III) LIMITATION ON YEARS TO WHICH AMOUNTS CARRIED FOR.—No amount shall be carried under subclause (I) or (II) to a plan year which begins after the first plan year following the last plan year in the restriction period (or after the second plan year following such last plan year in the case of an election year with respect to which 15-year amortization was elected under paragraph (2)(D)).

''(IV) ORDERING RULES.—For purposes of applying subclause (II), installment acceleration amounts for the plan year (determined without regard to any carryover under this clause) shall be applied first against the limitation under clause (ii) and then carryovers to such plan year shall be applied against such limitation on a first-in, first-out basis.

''(D) EXCESS EMPLOYEE COMPENSATION.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'excess employee compensation' means, with respect to any employee for any plan year, the excess (if any) of—

''(I) the aggregate amount includible in income under this chapter for remuneration during the calendar year in which such plan year begins for services performed by the employee for the plan sponsor (whether or not performed during such calendar year), over

''(II) $1,000,000.

''(ii) AMOUNTS SET ASIDE FOR NONQUALIFIED DEFERRED COMPENSATION.—If during any calendar year assets are set aside or reserved (directly or indirectly) in a trust (or other arrangement as determined by the Secretary), or transferred to such a trust or other arrangement, by a plan sponsor for purposes of paying deferred compensation of an employee under a nonqualified deferred compensation plan (as defined in section 409A) of the plan sponsor, then, for purposes of clause (i), the amount of such assets shall be treated as remuneration of the employee includible in income for the calendar year unless such amount is otherwise includible in income for such year. An amount to which the preceding sentence applies shall not be taken into account under this paragraph for any subsequent calendar year.

''(iii) ONLY REMUNERATION FOR CERTAIN POST-2009 SERVICES COUNTED.—Remuneration shall be taken into account under clause (i) only to the extent attributable to services performed by the employee for the plan sponsor after February 28, 2010.

''(iv) EXCEPTION FOR CERTAIN EQUITY PAYMENTS.—

''(I) IN GENERAL.—There shall not be taken into account under clause (i)(I) any amount includible in income with respect to the granting after February 28, 2010, of service recipient stock (within the meaning of section 409A) that, upon such grant, is subject to a substantial risk of forfeiture (as defined under section 83(c)(1)) for at least 5 years from the date of such grant.

''(II) SECRETARIAL AUTHORITY.—The Secretary may by regulation provide for the application of this clause in the case of a person other than a corporation.

''(v) OTHER EXCEPTIONS.—The following amounts includible in income shall not be taken into account under clause (i)(I):

''(I) COMMISSIONS.—Any remuneration payable on a commission basis solely on account of income directly generated by the individual performance of the individual to whom such remuneration is payable.

''(II) CERTAIN PAYMENTS UNDER EXISTING CONTRACTS.—Any remuneration consisting of nonqualified deferred compensation, restricted stock, stock options, or stock appreciation rights payable or granted under a written binding contract that was in effect on March 1, 2010, and which was not modified in any material respect before such remuneration is paid.

''(vi) SELF-EMPLOYED INDIVIDUAL TREATED AS EMPLOYEE.—The term 'employee' includes, with respect to a calendar year, a self-employed individual who is treated as an employee under section 401(c) for the taxable year ending during such calendar year, and the term 'compensation' shall include earned income of such individual with respect to such self-employment.

''(vii) INDEXING OF AMOUNT.—In the case of any calendar year beginning after 2010, the dollar amount under clause (i)(II) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2009' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount of any increase under clause (i) is not a multiple of $1,000, such increase shall be rounded to the next lowest multiple of $1,000.

''(E) EXTRAORDINARY DIVIDENDS AND REDEMPTIONS.—

''(i) IN GENERAL.—The amount determined under this subparagraph for any plan year is the excess (if any) of the sum of the dividends declared during the plan year by the plan sponsor plus the aggregate amount paid for the redemption of stock of the plan sponsor redeemed during the plan year over the greater of—

''(I) the adjusted net income (within the meaning of section 4043 of the Employee Retirement Income Security Act of 1974) of the plan sponsor for the preceding plan year, determined without regard to any reduction by reason of interest, taxes, depreciation, or amortization, or

''(II) in the case of a plan sponsor that determined and declared dividends in the same manner for at least 5 consecutive years immediately preceding such plan year, the aggregate amount of dividends determined and declared for such plan year using such manner.

''(ii) ONLY CERTAIN POST-2009 DIVIDENDS AND REDEMPTIONS COUNTED.—For purposes of clause (i), there shall only be taken into account dividends declared, and redemptions occurring, after February 28, 2010.

''(iii) EXCEPTION FOR INTRA-GROUP DIVIDENDS.—Dividends paid by one member of a controlled group (as defined in section 412(d)(3)) to another member of such group shall not be taken into account under clause (i).

''(iv) EXCEPTION FOR CERTAIN REDEMPTIONS.—Redemptions that are made pursuant to a plan maintained with respect to employees, or that are made on account of the death, disability, or termination of employment of an employee or shareholder, shall not be taken into account under clause (i).

''(v) EXCEPTION FOR CERTAIN PREFERRED STOCK.—

''(I) IN GENERAL.—Dividends and redemptions with respect to applicable preferred stock shall not be taken into account under clause (i) to the extent that dividends accrue with respect to such stock at a specified rate in all events and without regard to the plan sponsor's income, and interest accrues on any unpaid dividends with respect to such stock.

''(II) APPLICABLE PREFERRED STOCK.—For purposes of subclause (I), the term 'applicable preferred stock' means preferred stock which was issued before March 1, 2010 (or which was issued after such date and is held by an employee benefit plan subject to the provisions of title I of Employee Retirement Income Security Act of 1974).

''(F) OTHER DEFINITIONS AND RULES.—For purposes of this paragraph—

''(i) PLAN SPONSOR.—The term ' plan sponsor' includes any member of the plan sponsor's controlled group (as defined in section 412(d)(3)).

''(ii) RESTRICTION PERIOD.—The term 'restriction period' means, with respect to any election year—

''(I) except as provided in subclause (II), the 3-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009), and

''(II) if the plan sponsor elects 15-year amortization for the shortfall amortization base for the election year, the 5-year period beginning with the election year (or, if later, the first plan year beginning after December 31, 2009).

''(iii) ELECTIONS FOR MULTIPLE PLANS.—If a plan sponsor makes elections under paragraph (2)(D) with respect to 2 or more plans, the Secretary shall provide rules for the application of this paragraph to such plans, including rules for the ratable allocation of any installment acceleration amount among such plans on the basis of each plan's relative reduction in the plan's shortfall amortization installment for the first plan year in the amortization period described in subparagraph (A) (determined without regard to this paragraph).

''(iv) MERGERS AND ACQUISITIONS.—The Secretary shall prescribe rules for the application of paragraph (2)(D) and this paragraph in any case where there is a merger or acquisition involving a plan sponsor making the election under paragraph (2)(D).''.

(3) CONFORMING AMENDMENTS.—Section 430 is amended—

(A) in subsection (c)(1), by striking ''the shortfall amortization bases for such plan year and each of the 6 preceding plan years'' and inserting ''any shortfall amortization base which has not been fully amortized under this subsection'', and

(B) in subsection (j)(3), by adding at the end the following:

''(F) QUARTERLY CONTRIBUTIONS NOT TO INCLUDE CERTAIN INCREASED CONTRIBUTIONS.—Subparagraph (D) shall be applied without regard to any increase under subsection (c)(7).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 302. APPLICATION OF EXTENDED AMORTIZATION PERIOD TO PLANS SUBJECT TO PRIOR LAW FUNDING RULES.

(a) IN GENERAL.—Title I of the Pension Protection Act of 2006 is amended by redesignating section 107 as section 108 and by inserting the following after section 106:

''SEC. 107. APPLICATION OF EXTENDED AMORTIZATION PERIODS TO PLANS WITH DELAYED EFFECTIVE DATE.

''(a) IN GENERAL.—If the plan sponsor of a plan to which section 104, 105, or 106 of this Act applies elects to have this section apply

for any eligible plan year (in this section referred to as an 'election year'), section 302 of the Employee Retirement Income Security Act of 1974 and section 412 of the Internal Revenue Code of 1986 (as in effect before the amendments made by this subtitle and subtitle B) shall apply to such year in the manner described in subsection (b) or (c), whichever is specified in the election. All references in this section to 'such Act' or 'such Code' shall be to such Act or such Code as in effect before the amendments made by this subtitle and subtitle B.

''(b) APPLICATION OF 2 AND 7 RULE.—In the case of an election year to which this subsection applies—

''(1) 2-YEAR LOOKBACK FOR DETERMINING DEFICIT REDUCTION CONTRIBUTIONS FOR CERTAIN PLANS.—For purposes of applying section 302(d)(9) of such Act and section 412(l)(9) of such Code, the funded current liability percentage (as defined in subparagraph (C) thereof) for such plan for such plan year shall be such funded current liability percentage of such plan for the second plan year preceding the first election year of such plan.

''(2) CALCULATION OF DEFICIT REDUCTION CONTRIBUTION.—For purposes of applying section 302(d) of such Act and section 412(l) of such Code to a plan to which such sections apply (after taking into account paragraph (1))—

''(A) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code shall be the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, and

''(B) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(c) APPLICATION OF 15-YEAR AMORTIZATION.—In the case of an election year to which this subsection applies, for purposes of applying section 302(d) of such Act and section 412(l) of such Code—

''(1) in the case of the increased unfunded new liability of the plan, the applicable percentage described in section 302(d)(4)(C) of such Act and section 412(l)(4)(C) of such Code for any pre-effective date plan year beginning with or after the first election year shall be the ratio of—

''(A) the annual installments payable in each year if the increased unfunded new liability for such plan year were amortized over 15 years, using an interest rate equal to the third segment rate described in sections 104(b), 105(b), and 106(b) of this Act, to

''(B) the increased unfunded new liability for such plan year, and

''(2) in the case of the excess of the unfunded new liability over the increased unfunded new liability, such applicable percentage shall be determined without regard to this section.

''(d) ELECTION.—

''(1) IN GENERAL.—The plan sponsor of a plan may elect to have this section apply to not more than 2 eligible plan years with respect to the plan, except that in the case of a plan to which section 106 of this Act applies, the plan sponsor may only elect to have this section apply to 1 eligible plan year.

''(2) AMORTIZATION SCHEDULE.—Such election shall specify whether the rules under subsection (b) or (c) shall apply to an election year, except that if a plan sponsor elects to have this section apply to 2 eligible plan years, the plan sponsor must elect the same rule for both years.

''(3) OTHER RULES.—Such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

''(e) DEFINITIONS.—For purposes of this section—

''(1) ELIGIBLE PLAN YEAR.—For purposes of this subparagraph, the term 'eligible plan year' means any plan year beginning in 2008, 2009, 2010, or 2011, except that a plan year beginning in 2008 shall only be treated as an eligible plan year if the due date for the payment of the minimum required contribution for such plan year occurs on or after the date of the enactment of this clause.

''(2) PRE-EFFECTIVE DATE PLAN YEAR.—The term 'pre-effective date plan year' means, with respect to a plan, any plan year prior to the first year in which the amendments made by this subtitle and subtitle B apply to the plan.

''(3) INCREASED UNFUNDED NEW LIABILITY.—The term 'increased unfunded new liability' means, with respect to a year, the excess (if any) of the unfunded new liability over the amount of unfunded new liability determined as if the value of the plan's assets determined under subsection 302(c)(2) of such Act and section 412(c)(2) of such Code equaled the product of the current liability of the plan for the year multiplied by the funded current liability percentage (as defined in section 302(d)(8)(B) of such Act and 412(l)(8)(B) of such Code) of the plan for the second plan year preceding the first election year of such plan.

''(4) OTHER DEFINITIONS.—The terms 'unfunded new liability' and 'current liability' shall have the meanings set forth in section 302(d) of such Act and section 412(l) of such Code.''.

(b) ELIGIBLE CHARITY PLANS.—Section 104 of the Pension Protection Act of 2006 is amended—

(1) by striking ''eligible cooperative plan'' wherever it appears in subsections (a) and (b) and inserting ''eligible cooperative plan or an eligible charity plan'', and

(2) by adding at the end the following new subsection:

''(d) ELIGIBLE CHARITY PLAN DEFINED.—For purposes of this section, a plan shall be treated as an eligible charity plan for a plan year if the plan is maintained by more than one employer (determined without regard to section 414(c) of the Internal Revenue Code) and 100 percent of the employers are described in section 501(c)(3) of such Code.''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect as if included in the Pension Protection Act of 2006.

(2) ELIGIBLE CHARITY PLAN.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2007, except that a plan sponsor may elect to apply such amendments to plan years beginning after December 31, 2008. Any such election shall be made at such time, and in such form and manner, as shall be prescribed by the Secretary of the Treasury, and may be revoked only with the consent of the Secretary of the Treasury.

SEC. 303. LOOKBACK FOR CERTAIN BENEFIT RESTRICTIONS.

(a) IN GENERAL.—

(1) AMENDMENT TO ERISA.—Section 206(g)(9) of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

''(D) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(i) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(I) such percentage, as determined without regard to this subparagraph, or

''(II) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) APPLICABLE PROVISION.—For purposes of this subparagraph, the term 'applicable provision' means—

''(I) paragraph (3), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary of the Treasury, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(II) paragraph (4).''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 436(j) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(3) SPECIAL RULE FOR CERTAIN YEARS.—Solely for purposes of any applicable provision—

''(A) IN GENERAL.—For plan years beginning on or after October 1, 2008, and before October 1, 2010, the adjusted funding target attainment percentage of a plan shall be the greater of—

''(i) such percentage, as determined without regard to this paragraph, or

''(ii) the adjusted funding target attainment percentage for such plan for the plan year beginning after October 1, 2007, and before October 1, 2008, as determined under rules prescribed by the Secretary.

''(B) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(i) subparagraph (A) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(ii) subparagraph (A)(ii) shall apply based on the last plan year beginning before November 1, 2007, as determined under rules prescribed by the Secretary.

''(C) APPLICABLE PROVISION.—For purposes of this paragraph, the term 'applicable provision' means—

''(i) subsection (d), but only for purposes of applying such paragraph to a payment which, as determined under rules prescribed by the Secretary, is a payment under a social security leveling option which accelerates payments under the plan before, and reduces payments after, a participant starts receiving social security benefits in order to provide substantially similar aggregate payments both before and after such benefits are received, and

''(ii) subsection (e).''.

(b) INTERACTION WITH WRERA RULE.—Section 203 of the Worker, Retiree, and Employer Recovery Act of 2008 shall apply to a plan for any plan year in lieu of the amendments made by this section applying to sections 206(g)(4) of the Employee Retirement Income Security Act of 1974 and 436(e) of the Internal Revenue Code of 1986 only to the extent that such section produces a higher adjusted funding target attainment percentage for such plan for such year.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning on or after October 1, 2008.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2007.

SEC. 304. LOOKBACK FOR CREDIT BALANCE RULE FOR PLANS MAINTAINED BY CHARITIES.

(a) AMENDMENT TO ERISA.—Paragraph (3) of section 303(f) of the Employee Retirement Income Security Act of 1974 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year shall be the greater of—

''(I) such ratio, as determined without regard to this subparagraph, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007, and before September 1, 2008, as determined under rules prescribed by the Secretary of the Treasury.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2008, and before January 1, 2011, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary of the Treasury.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3) of the Internal Revenue Code of 1986.''.

(b) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Paragraph (3) of section 430(f) of the Internal Revenue Code of 1986 is amended by adding the following at the end thereof:

''(D) SPECIAL RULE FOR CERTAIN YEARS OF PLANS MAINTAINED BY CHARITIES.—

''(i) IN GENERAL.—For purposes of applying subparagraph (C) for plan years beginning after August 31, 2009, and before September 1, 2011, the ratio determined under such subparagraph for the preceding plan year of a plan shall be the greater of—

''(I) such ratio, as determined without regard to this subsection, or

''(II) the ratio for such plan for the plan year beginning after August 31, 2007 and before September 1, 2008, as determined under rules prescribed by the Secretary.

''(ii) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year—

''(I) clause (i) shall apply to plan years beginning after December 31, 2007, and before January 1, 2010, and

''(II) clause (i)(II) shall apply based on the last plan year beginning before September 1, 2007, as determined under rules prescribed by the Secretary.

''(iii) LIMITATION TO CHARITIES.—This subparagraph shall not apply to any plan unless such plan is maintained exclusively by one or more organizations described in section 501(c)(3).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to plan years beginning after August 31, 2009.

(2) SPECIAL RULE.—In the case of a plan for which the valuation date is not the first day of the plan year, the amendments made by this section shall apply to plan years beginning after December 31, 2008.

Subtitle B—Multiemployer Plans

SEC. 321. ADJUSTMENTS TO FUNDING STANDARD ACCOUNT RULES.

(a) ADJUSTMENTS.—

(1) AMENDMENT TO ERISA.—Section 304(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1084(b)) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary of the Treasury on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary of the Treasury for purposes of section 165 of the Internal Revenue Code of 1986.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years ending after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary of the Treasury shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by such Secretary under section 302(d)(1) and section 412(d)(1) of such Code.

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(2) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 431(b) is amended by adding at the end the following new paragraph:

''(8) SPECIAL RELIEF RULES.—Notwithstanding any other provision of this subsection—

''(A) AMORTIZATION OF NET INVESTMENT LOSSES.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may treat the portion of any experience loss or gain attributable to net investment losses incurred in either or both of the first two plan years ending after August 31, 2008, as an item separate from other experience losses, to be amortized in equal annual installments (until fully amortized) over the period —

''(I) beginning with the plan year in which such portion is first recognized in the actuarial value of assets, and

''(II) ending with the last plan year in the 30-plan year period beginning with the plan year in which such net investment loss was incurred.

''(ii) COORDINATION WITH EXTENSIONS.—If this subparagraph applies for any plan year—

''(I) no extension of the amortization period under clause (i) shall be allowed under subsection (d), and

''(II) if an extension was granted under subsection (d) for any plan year before the election to have this subparagraph apply to

the plan year, such extension shall not result in such amortization period exceeding 30 years.

''(iii) NET INVESTMENT LOSSES.—For purposes of this subparagraph—

''(I) IN GENERAL.—Net investment losses shall be determined in the manner prescribed by the Secretary on the basis of the difference between actual and expected returns (including any difference attributable to any criminally fraudulent investment arrangement).

''(II) CRIMINALLY FRAUDULENT INVESTMENT ARRANGEMENTS.—The determination as to whether an arrangement is a criminally fraudulent investment arrangement shall be made under rules substantially similar to the rules prescribed by the Secretary for purposes of section 165.

''(B) EXPANDED SMOOTHING PERIOD.—

''(i) IN GENERAL.—A multiemployer plan with respect to which the solvency test under subparagraph (C) is met may change its asset valuation method in a manner which—

''(I) spreads the difference between expected and actual returns for either or both of the first 2 plan years beginning after August 31, 2008, over a period of not more than 10 years,

''(II) provides that for either or both of the first 2 plan years beginning after August 31, 2008, the value of plan assets at any time shall not be less than 80 percent or greater than 130 percent of the fair market value of such assets at such time, or

''(III) makes both changes described in subclauses (I) and (II) to such method.

''(ii) ASSET VALUATION METHODS.—If this subparagraph applies for any plan year—

''(I) the Secretary shall not treat the asset valuation method of the plan as unreasonable solely because of the changes in such method described in clause (i), and

''(II) such changes shall be deemed approved by the Secretary under section 302(d)(1) of the Employee Retirement Income Security Act of 1974 and section 412(d)(1).

''(iii) AMORTIZATION OF REDUCTION IN UNFUNDED ACCRUED LIABILITY.—If this subparagraph and subparagraph (A) both apply for any plan year, the plan shall treat any reduction in unfunded accrued liability resulting from the application of this subparagraph as a separate experience amortization base, to be amortized in equal annual installments (until fully amortized) over a period of 30 plan years rather than the period such liability would otherwise be amortized over.

''(C) SOLVENCY TEST.—The solvency test under this paragraph is met only if the plan actuary certifies that the plan is projected to have sufficient assets to timely pay expected benefits and anticipated expenditures over the amortization period, taking into account the changes in the funding standard account under this paragraph.

''(D) RESTRICTION ON BENEFIT INCREASES.—If subparagraph (A) or (B) apply to a multiemployer plan for any plan year, then, in addition to any other applicable restrictions on benefit increases, a plan amendment increasing benefits may not go into effect during either of the 2 plan years immediately following such plan year unless—

''(i) the plan actuary certifies that—

''(I) any such increase is paid for out of additional contributions not allocated to the plan immediately before the application of this paragraph to the plan, and

''(II) the plan's funded percentage and projected credit balances for such 2 plan years are reasonably expected to be at least as high as such percentage and balances would have been if the benefit increase had not been adopted, or

''(ii) the amendment is required as a condition of qualification under part I of subchapter D or to comply with other applicable law.

''(E) REPORTING.—A plan sponsor of a plan to which this paragraph applies shall—

''(i) give notice of such application to participants and beneficiaries of the plan, and

''(ii) inform the Pension Benefit Guaranty Corporation of such application in such form and manner as the Director of the Pension Benefit Guaranty Corporation may prescribe.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of the first day of the first plan year ending after August 31, 2008, except that any election a plan makes pursuant to this section that affects the plan's funding standard account for the first plan year beginning after August 31, 2008, shall be disregarded for purposes of applying the provisions of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 to such plan year.

(2) RESTRICTIONS ON BENEFIT INCREASES.—Notwithstanding paragraph (1), the restrictions on plan amendments increasing benefits in sections 304(b)(8)(D) of such Act and 431(b)(8)(D) of such Code, as added by this section, shall take effect on the date of enactment of this Act.

TITLE IV—REVENUE OFFSETS

SEC. 401. ROLLOVERS FROM ELECTIVE DEFERRAL PLANS TO ROTH DESIGNATED ACCOUNTS.

(a) IN GENERAL.—Section 402A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) TAXABLE ROLLOVERS TO DESIGNATED ROTH ACCOUNTS.—

''(A) IN GENERAL.—Notwithstanding sections 402(c), 403(b)(8), and 457(e)(16), in the case of any distribution to which this paragraph applies—

''(i) there shall be included in gross income any amount which would be includible were it not part of a qualified rollover contribution,

''(ii) section 72(t) shall not apply, and

''(iii) unless the taxpayer elects not to have this clause apply, any amount required to be included in gross income for any taxable year beginning in 2010 by reason of this paragraph shall be so included ratably over the 2-taxable-year period beginning with the first taxable year beginning in 2011.

Any election under clause (iii) for any distributions during a taxable year may not be changed after the due date for such taxable year.

''(B) DISTRIBUTIONS TO WHICH PARAGRAPH APPLIES.—In the case of an applicable retirement plan which includes a qualified Roth contribution program, this paragraph shall apply to a distribution from such plan other than from a designated Roth account which is contributed in a qualified rollover contribution to the designated Roth account maintained under such plan for the benefit of the individual to whom the distribution is made.

''(C) OTHER RULES.—The rules of subparagraphs (D), (E), and (F) of section 408A(d)(3) (as in effect for taxable years beginning after 2009) shall apply for purposes of this paragraph.''.

SEC. 402. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

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

SEC. 403. TEMPORARY ONE-YEAR FREEZE ON RAISES, BONUSES, AND OTHER SALARY INCREASES FOR FEDERAL EMPLOYEES.

Notwithstanding any other provision of law, civilian employees of the Federal Government in fiscal year 2011 shall not receive a cost of living adjustment or other salary increase, including a bonus. The salaries of members of the armed forces are exempt from the provisions of this section.

SEC. 404. CAPPING THE TOTAL NUMBER OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the head of each relevant Federal department or agency shall collaborate with the Director of the Office of Management and Budget to determine how many full-time employees the department or agency employs. For each new full-time employee added to any Federal department or agency for any purpose, the head of such department or agency shall ensure that the addition of such new employee is offset by a reduction of one existing full-time employee at such department or agency.

(b) INFORMATION ON TOTAL EMPLOYEES.—The Director of the Office of Management and Budget shall publicly disclose the total number of Federal employees, as well as a breakdown of Federal employees by agency and the annual salary by title of each Federal employee at an agency and update such information not less than once a year.

SEC. 405. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

''§ 7381. Collection of unpaid taxes from employees of the Federal Government

''(a) DEFINITION.—For purposes of this section—

''(1) the term 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

''(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

''(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

''(2) the term 'Federal employee' means—

''(A) an employee, as defined by section 2105; and

''(B) an employee of the United States Congress, including Members of the House of Representatives and Senators.

''(b) COLLECTION OF UNPAID TAXES.—The Internal Revenue Service shall coordinate

with the Department of Treasury and the hiring agency of a Federal employee who has a seriously delinquent tax debt to collect such taxes by withholding a portion of the employee's salary over a period set by the hiring agency to ensure prompt payment.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

''Sec. 7381. Collection of unpaid taxes from employees of the Federal Government.''.

SEC. 406. REDUCING PRINTING AND PUBLISHING COSTS OF GOVERNMENT DOCUMENTS.

Within 90 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs by no less than a total of $4,600,000 over the 10-year period beginning with fiscal year 2010. The Director shall ensure that essential printed documents prepared for Social Security recipients, Medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available.

SEC. 407. REDUCING EXCESSIVE DUPLICATION, OVERHEAD AND SPENDING WITHIN THE FEDERAL GOVERNMENT.

(a) REDUCING DUPLICATION.—The Director of the Office of Management Budget and the Secretary of each department (or head of each independent agency) shall work with the Chairman and ranking member of the relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) CONTROLLING BUREAUCRATIC OVERHEAD COSTS.—Each Federal department and agency shall reduce annual administrative expenses by at least five percent in fiscal year 2011.

(c) RESCISSIONS OF EXCESSIVE SPENDING.—There is hereby rescinded an amount equal to 5 percent of—

(1) the budget authority provided (or obligation limit imposed) for fiscal year 2010 for any discretionary account in any other fiscal year 2010 appropriation Act;

(2) the budget authority provided in any advance appropriation for fiscal year 2010 for any discretionary account in any prior fiscal year appropriation Act; and

(3) the contract authority provided in fiscal year 2010 for any program subject to limitation contained in any fiscal year 2010 appropriation Act.

(d) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in such subsection; and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget)

(e) EXCEPTIONS.—This section shall not apply to discretionary authority appropriated or otherwise made available to the Department of Veterans Affairs and the Department of Defense.

(f) OMB REPORT.—Within 30 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report specifying the account and amount of each rescission made pursuant to this section and the report shall be posted on the public website of the Office of Management and Budget.

SEC. 408. ELIMINATING NONESSENTIAL GOVERNMENT TRAVEL.

Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of ''nonessential travel'' and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of ''nonessential travel''. No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $5,000,000,000 annually.

SEC. 409. ELIMINATING BONUSES FOR POOR PERFORMANCE BY GOVERNMENT CONTRACTORS.

(a) GUIDANCE ON LINKING OF AWARD AND INCENTIVE FEES TO OUTCOMES.—Not later than 180 days after the date of enactment of this Act, each Federal department or agency shall issue guidance, with detailed implementation instructions (including definitions), on the appropriate use of award and incentive fees in department or agency programs.

(b) ELEMENTS.—The guidance under subsection (a) shall—

(1) ensure that all new contracts using award fees link such fees to outcomes (which shall be defined in terms of program cost, schedule, and performance);

(2) establish standards for identifying the appropriate level of officials authorized to approve the use of award and incentive fees in new contracts;

(3) provide guidance on the circumstances in which contractor performance may be judged to be excellent or superior and the percentage of the available award fee which contractors should be paid for such performance;

(4) establish standards for determining the percentage of the available award fee, if any, which contractors should be paid for performance that is judged to be acceptable, average, expected, good, or satisfactory;

(5) ensure that no award fee may be paid for contractor performance that is judged to be below satisfactory performance or performance that does not meet the basic requirements of the contract;

(6) provide specific direction on the circumstances, if any, in which it may be appropriate to roll over award fees that are not earned in one award fee period to a subsequent award fee period or periods;

(7) ensure that the Department or agency—

(A) collects relevant data on award and incentive fees paid to contractors; and

(B) has mechanisms in place to evaluate such data on a regular basis; and

(8) include performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes.

(c) RETURN OF UNEARNED BONUSES.—Any funds intended to be awarded as incentive fees that are not paid due to contractors inability to meet the criteria established by this section shall be returned to the Treasury.

SEC. 410. $1,000,000,000 LIMITATION ON VOLUNTARY PAYMENTS TO THE UNITED NATIONS.

Notwithstanding any other provision of law, the Secretary of State shall ensure no more than $1,000,000,000 is provided to the United Nations each year in excess of the United States' annual assessed contributions.

SEC. 411. RESCINDING A STATE DEPARTMENT TRAINING FACILITY UNWANTED BY RESIDENTS OF THE COMMUNITY IN WHICH IT IS PLANNED TO BE CONSTRUCTED.

Notwithstanding any other provision of law, no Federal funds may be spent to construct a State Department training facility in Ruthsberg, Maryland, and any funding obligated for the facility by Public Law 111–5 are rescinded, *Provided That*, this section does not prohibit funds otherwise appropriated to be spent by the State Department for training facilities in other jurisdictions in accordance with law.

SEC. 412. REDUCING BUDGETS OF MEMBERS OF CONGRESS.

(a) IN GENERAL.—Of the funds made available under Public Law 111–68 for the legislative branch, $100,000,000 in unobligated balances are permanently rescinded on a pro rata basis: *Provided*, That the rescissions made by the section shall not apply to funds made available to the Capitol Police.

(b) REPORTING.—The Director of the Office of Management and Budget shall report to Congress the amounts rescinded under subsection (a).

SEC. 413. DISPOSING OF UNNEEDED AND UNUSED GOVERNMENT PROPERTY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''§ 621. Definitions

''In this subchapter:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(2) EXPEDITED DISPOSAL OF A REAL PROPERTY.—The term 'expedited disposal of a real property' means a demolition of real property or a sale of real property for cash that is conducted under the requirements of section 545.

''(3) LANDHOLDING AGENCY.—The term 'landholding agency' means a landholding agency as defined under section 501(i)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(3)).

''(4) REAL PROPERTY.—

''(A) IN GENERAL.—The term 'real property' means—

''(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

''(I) excess;

''(II) surplus;

''(III) underperforming; or

''(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

''(ii) a building or other structure located on real property described under clause (i).

''(B) EXCLUSION.—The term 'real property' excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

''§ 622. Disposal program

''(a) The Director of the Office of Management and Budget shall dispose of by sale or auction not less than $15,000,000,000 worth of real property that is not meeting Federal Government from fiscal year 2010 to fiscal year 2015.

''(b) Agencies shall recommend candidate disposition real properties to the Director for participation in the pilot program established under section 622.

''(c) The Director, with the concurrence of the head of the executive agency concerned and consistent with the criteria established in this subchapter, may then select such candidate real properties for participation in the program and notify the recommending agency accordingly.

''(d) The Director shall ensure that all real properties selected for disposition under this section are listed on a website that shall—

''(1) be updated routinely; and

''(2) include the functionality to allow members of the public, at their option, to receive such updates through electronic mail.

''(e) The Director may transfer real property identified in the enactment of this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development has determined such properties are suitable for use to assist the homeless.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''Sec. 621. Definitions .

''Sec. 622. Disposal program.''.

SEC. 414. AUCTIONING AND SELLING OF UNUSED AND UNNEEDED EQUIPMENT.

(a) Notwithstanding section 1033 of the National Defense Authorization Act of 1997 or any other provision of law, the Secretary of Defense shall auction or sell unused, unnecessary, or surplus supplies and equipment without providing preference to State or local governments.

(b) The Secretary may make exceptions to the sale or auction of such equipment for transfers of excess military property to state and local law enforcement agencies related to counter-drug efforts, counter-terrorism activities, or other efforts determined to be related to national defense or homeland security. The Secretary of Defense may sell such equipment to State and local agencies at fair market value.

SEC. 415. RESCINDING UNSPENT FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, $80,000,000,000 in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

(c) EXCEPTION.—This section shall not apply to the unobligated Federal funds of the Department of Defense or the Department of Veterans Affairs.

SEC. 416. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (other than under title X of division A of such Act) is rescinded such that the aggregate amount of such rescissions equal $37,500,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 417. DEFICIT REDUCTION TRUST FUND.

(a) IN GENERAL.—Subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new section:

''§ 3114. Certain rescinded stimulus funds to reduce public debt

''(a) There is established in the Treasury of the United States a trust fund to be known as the 'Deficit Reduction Trust Fund' (in this section referred to as the 'Trust Fund').

''(b) There is appropriated to the Trust Fund the following amounts:

''(1) Amounts equivalent to the reductions in Federal spending, as estimated by the Secretary from time to time, as a result of the provisions of sections 403, 404, 406, 407 (other than subsection (c) thereof), 408, 409, 410, and 414 of the American Jobs and Closing Tax Loopholes Act of 2010.

''(2) Amounts equivalent to the amounts rescinded under sections 407(c), 411, 412, 415, and 416 of the American Jobs and Closing Tax Loopholes Act of 2010.

''(3) Amounts equivalent to the amounts received under the program established under section 622 of title 5, United States Code.

''(4) The amount of taxes received in the Treasury attributable to section 7384 of the Internal Revenue Code of 1986 and the amendments made by sections 401 and 402 of the American Jobs and Closing Tax Loopholes Act of 2010, as estimated by the Secretary.

''(c) The Secretary of the Treasury shall use the moneys in the Trust Fund solely to pay at maturity, or to redeem or buy before maturity, an obligation of the Government included in the public debt.

''(d) Any obligation of the Government which is paid, redeemed, or bought with money from the Trust Fund shall be canceled and retired and may not be reissued.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter I of chapter 31 of title 31, United States Code, is amended by adding at the end the following new item:

''3114. Certain rescinded stimulus funds to reduce public debt.''.

TITLE V—UNEMPLOYMENT, HEALTH, AND OTHER ASSISTANCE

Subtitle A—Unemployment Insurance and Other Assistance

SEC. 501. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''November 30, 2010'';

(B) in the heading for subsection (b)(2), by striking ''JUNE 2, 2010'' and inserting ''NOVEMBER 30, 2010''; and

(C) in subsection (b)(3), by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''June 2, 2010'' and inserting ''November 30, 2010'';

(B) in the heading for paragraph (2), by striking ''JUNE 2, 2010'' and inserting ''NOVEMBER 30, 2010''; and

(C) in paragraph (3), by striking ''December 7, 2010'' and inserting ''May 31, 2011''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''June 2, 2010'' each place it appears and inserting ''December 1, 2010''; and

(B) in subsection (c), by striking ''November 6, 2010'' and inserting ''May 1, 2011''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''November 6, 2010'' and inserting ''April 30, 2011''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (D), by striking ''and'' at the end; and

(2) by inserting after subparagraph (E) the following:

''(F) the amendments made by section 501(a)(1) of the American Jobs and Closing Tax Loopholes Act of 2010; and''.

(c) CONDITIONS FOR RECEIVING EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 4001(d)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended, in the matter preceding subparagraph (A), by inserting before ''shall apply'' the following: ''(including terms and conditions relating to availability for work, active search for work, and refusal to accept work)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Continuing Extension Act of 2010 (Public Law 111–157).

SEC. 502. COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.

(a) CERTAIN INDIVIDUALS NOT INELIGIBLE BY REASON OF NEW ENTITLEMENT TO REGULAR BENEFITS.—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:

''(g) COORDINATION OF EMERGENCY UNEMPLOYMENT COMPENSATION WITH REGULAR COMPENSATION.—

''(1) If—

''(A) an individual has been determined to be entitled to emergency unemployment compensation with respect to a benefit year,

''(B) that benefit year has expired,

''(C) that individual has remaining entitlement to emergency unemployment compensation with respect to that benefit year, and

''(D) that individual would qualify for a new benefit year in which the weekly benefit amount of regular compensation is at least either $100 or 25 percent less than the individual's weekly benefit amount in the benefit year referred to in subparagraph (A),

then the State shall determine eligibility for compensation as provided in paragraph (2).

''(2) For individuals described in paragraph (1), the State shall determine whether the individual is to be paid emergency unemployment compensation or regular compensation for a week of unemployment using one of the following methods:

''(A) The State shall, if permitted by State law, establish a new benefit year, but defer the payment of regular compensation with

respect to that new benefit year until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph (1)(A);

''(B) The State shall, if permitted by State law, defer the establishment of a new benefit year (which uses all the wages and employment which would have been used to establish a benefit year but for the application of this paragraph), until exhaustion of all emergency unemployment compensation payable with respect to the benefit year referred to in paragraph(1)(A);

''(C) The State shall pay, if permitted by State law—

''(i) regular compensation equal to the weekly benefit amount established under the new benefit year, and

''(ii) emergency unemployment compensation equal to the difference between that weekly benefit amount and the weekly benefit amount for the expired benefit year; or

''(D) The State shall determine rights to emergency unemployment compensation without regard to any rights to regular compensation if the individual elects to not file a claim for regular compensation under the new benefit year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals whose benefit years, as described in section 4002(g)(1)(B) the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by this section, expire after the date of enactment of this Act.

Subtitle B—Physician Payment Update and Other Provisions

PART I—PHYSICIAN PAYMENT UPDATE

SEC. 511. PHYSICIAN PAYMENT UPDATE.

Section 1848 of the Social Security Act (42 U.S.C. 1395w–4) is amended—

(1) in subsection (d)—

(A) in paragraph (10), in the heading, by striking ''PORTION'' and inserting ''THE FIRST 5 MONTHS''; and

(B) by adding at the end the following new paragraph:

''(11) UPDATE FOR THE LAST 7 MONTHS OF 2010 AND FOR 2011 AND 2012.—

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

''(i) for 2010 for the period beginning on June 1, 2010, and ending on December 31, 2010, the update to the single conversion factor shall be 2.0 percent; and

''(ii) for each of 2011 and 2012, the update to the single conversion factor shall be 2.0 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2013 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2013 and subsequent years as if subparagraph (A) had never applied.''; and

(2) in subsection (f), by adding at the end the following new paragraph:

''(5) TEMPORARY ADJUSTMENT.—In determining the growth rate under paragraph (2) for 2014, the Secretary's estimate of the percentage change otherwise determined under paragraph (2)(D) shall be reduced by 4.0 percentage points.''.

PART II—EXTENSION OF EXPIRING PROVISIONS

SEC. 521. EXTENSION OF MMA SECTION 508 RECLASSIFICATIONS.

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

SEC. 522. EXTENSION OF MEDICARE WORK GEOGRAPHIC ADJUSTMENT FLOOR.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)), as amended by section 3102 of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''before January 1, 2011'' and inserting ''before January 1, 2012''.

SEC. 523. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

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

SEC. 524. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

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

SEC. 525. EXTENSION OF AMBULANCE ADD-ONS.

(a) GROUND AMBULANCE.—Section 1834(l)(13)(A) of the Social Security Act (42 U.S.C. 1395m(l)(13)(A)), as amended by sections 3105(a) and 10311(a) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended—

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

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

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

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)), as amended by sections 3105(c) and 10311(c) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''2011'' and inserting ''2012''.

SEC. 526. EXTENSION OF PHYSICIAN FEE SCHEDULE MENTAL HEALTH ADD-ON PAYMENT.

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

SEC. 527. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

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

(1) in subclause (II)—

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

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

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

SEC. 528. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

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

SEC. 529. EXTENSION OF THE QUALIFYING INDIVIDUAL (QI) PROGRAM.

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

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

(1) in paragraph (2)—

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

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

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

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

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

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

SEC. 530. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA).

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

SEC. 531. EXTENSION OF DRA COURT IMPROVEMENT GRANTS.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (e), by striking ''2010'' and inserting ''2011''.

PART III—CHANGES TO THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND ADDITIONAL PROVISIONS

Subpart A—Changes to the Patient Protection and Affordable Care Act and Additional Provisions

SEC. 541. EXPANSION OF AFFORDABILITY EXCEPTION TO INDIVIDUAL MANDATE.

Section 5000A(e)(1)(A) of the Internal Revenue Code of 1986, as added by section 1501(b) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by striking ''8 percent'' and inserting ''5 percent''.

SEC. 542. REPLACEMENT OF MEDICAID PRIMARY CARE PAYMENT CLIFF.

(a) PAYMENTS TO PRIMARY CARE PROVIDERS.—

(1) GRANTS TO STATES TO INCREASE PAYMENTS.—From the amounts appropriated

under paragraph (2), the Secretary of Health and Human Services shall award grants to States with an approved State plan amendment under the Medicaid program under title XIX of the Social Security Act to permanently increase payment rates to primary care providers under the State Medicaid program above the rates applicable under the State Medicaid program on the date of enactment of this Act. Funds paid to a State from such a grant shall only be used for expenditures attributable to the additional amounts paid to such providers as a result of the increase in such rates.

(2) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services on January 1, 2013, $8,000,000,000, to remain available until expended.

(b) REPEAL OF MEDICAID PRIMARY CARE PAYMENT CLIFF.—Section 1202 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) (and the amendments made by such section) is repealed.

SEC. 543. ESTABLISH A CMS–IRS DATA MATCH TO IDENTIFY FRAUDULENT PROVIDERS.

(a) AUTHORITY TO DISCLOSE RETURN INFORMATION CONCERNING OUTSTANDING TAX DEBTS FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(22) DISCLOSURE OF RETURN INFORMATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PURPOSES OF ENHANCING MEDICARE PROGRAM INTEGRITY.—

''(A) IN GENERAL.—The Secretary shall, upon written request from the Secretary of Health and Human Services, disclose to officers and employees of the Department of Health and Human Services return information with respect to a taxpayer who has applied to enroll, or reenroll, as a provider of services or supplier under the Medicare program under title XVIII of the Social Security Act. Such return information shall be limited to—

''(i) the taxpayer identity information with respect to such taxpayer;

''(ii) the amount of the delinquent tax debt owed by that taxpayer; and

''(iii) the taxable year to which the delinquent tax debt pertains.

''(B) RESTRICTION ON DISCLOSURE.—Return information disclosed under subparagraph (A) may be used by officers and employees of the Department of Health and Human Services for the purposes of, and to the extent necessary in, establishing the taxpayer's eligibility for enrollment or reenrollment in the Medicare program, or in any administrative or judicial proceeding relating to, or arising from, a denial of such enrollment or reenrollment, or in determining the level of enhanced oversight to be applied with respect to such taxpayer pursuant to section 1866(j)(3) of the Social Security Act.

''(C) DELINQUENT TAX DEBT.—For purposes of this paragraph, the term 'delinquent tax debt' means an outstanding debt under this title for which a notice of lien has been filed pursuant to section 6323, but the term does not include a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122, or a debt with respect to which a collection due process hearing under section 6330 is requested, pending, or completed and no payment is required.''.

(2) CONFORMING AMENDMENTS.—Section 6103(p)(4) of such Code, as amended by sections 1414 and 3308 of Public Law 111–148, in the matter preceding subparagraph (A) and in subparagraph (F)(ii), is amended by striking ''or (17)'' and inserting ''(17), or (22)'' each place it appears.

(b) SECRETARY'S AUTHORITY TO USE INFORMATION FROM THE DEPARTMENT OF TREASURY IN MEDICARE ENROLLMENTS AND REENROLLMENTS.—Section 1866(j)(2) of the Social Security Act (42 U.S.C. 1395cc(j)), as inserted by section 6401(a) of Public Law 111–148, is further amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

''(E) USE OF INFORMATION FROM THE DEPARTMENT OF TREASURY CONCERNING TAX DEBTS.—In reviewing the application of a provider of services or supplier to enroll or reenroll under the program under this title, the Secretary shall take into account the information supplied by the Secretary of the Treasury pursuant to section 6103(l)(22) of the Internal Revenue Code of 1986, in determining whether to deny such application or to apply enhanced oversight to such provider of services or supplier pursuant to paragraph (3) if the Secretary determines such provider of services or supplier owes such a debt.''.

(c) AUTHORITY TO ADJUST PAYMENTS OF PROVIDERS OF SERVICES AND SUPPLIERS WITH THE SAME TAX IDENTIFICATION NUMBER FOR MEDICARE OBLIGATIONS.—Section 1866(j)(6) of the Social Security Act (42 U.S.C. 1395cc(j)(6)), as inserted by section 6401(a) of Public Law 111–148, is amended—

(1) in the paragraph heading, by striking ''PAST-DUE'' and inserting ''MEDICARE'';

(2) in subparagraph (A), by striking ''past-due obligations described in subparagraph (B)(ii) of an'' and inserting ''amount described in subparagraph (B)(ii) due from such''; and

(3) in subparagraph (B)(ii), by striking ''a past-due obligation'' and inserting ''an amount that is more than the amount required to be paid''.

SEC. 544. FUNDING FOR CLAIMS REPROCESSING.

For purposes of carrying out the provisions of, and amendments made by, this Act that relate to title XVIII of the Social Security Act, and other provisions of such title that involve reprocessing of claims, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $175,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

Subpart B—Medical Liability Reform

SEC. 551. SHORT TITLE.

This subpart may be cited as the ''Medical Care Access Protection Act of 2010'' or the ''MCAP Act''.

SEC. 552. FINDINGS AND PURPOSE.

(a) FINDINGS.—

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—Congress finds that our current civil justice system is adversely affecting patient access to health care services, better patient care, and cost-efficient health care, in that the health care liability system is a costly and ineffective mechanism for resolving claims of health care liability and compensating injured patients, and is a deterrent to the sharing of information among health care professionals which impedes efforts to improve patient safety and quality of care.

(2) EFFECT ON INTERSTATE COMMERCE.—Congress finds that the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States are activities that affect interstate commerce by contributing to the high costs of health care and premiums for health care liability insurance purchased by health care system providers.

(3) EFFECT ON FEDERAL SPENDING.—Congress finds that the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this subpart to implement reasonable, comprehensive, and effective health care liability reforms designed to—

(1) improve the availability of health care services in cases in which health care liability actions have been shown to be a factor in the decreased availability of services;

(2) reduce the incidence of ''defensive medicine'' and lower the cost of health care liability insurance, all of which contribute to the escalation of health care costs;

(3) ensure that persons with meritorious health care injury claims receive fair and adequate compensation, including reasonable noneconomic damages;

(4) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty in the amount of compensation provided to injured individuals; and

(5) provide an increased sharing of information in the health care system which will reduce unintended injury and improve patient care.

SEC. 553. DEFINITIONS.

In this subpart:

(1) ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.—The term ''alternative dispute resolution system'' or ''ADR'' means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) CLAIMANT.—The term ''claimant'' means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) COLLATERAL SOURCE BENEFITS.—The term ''collateral source benefits'' means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers' compensation law;

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) COMPENSATORY DAMAGES.—The term ''compensatory damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment

for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. Such term includes economic damages and noneconomic damages, as such terms are defined in this section.

(5) CONTINGENT FEE.—The term ''contingent fee'' includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) ECONOMIC DAMAGES.—The term ''economic damages'' means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) HEALTH CARE GOODS OR SERVICES.—The term ''health care goods or services'' means any goods or services provided by a health care institution, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, care, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(8) HEALTH CARE INSTITUTION.—The term ''health care institution'' means any entity licensed under Federal or State law to provide health care services (including but not limited to ambulatory surgical centers, assisted living facilities, emergency medical services providers, hospices, hospitals and hospital systems, nursing homes, or other entities licensed to provide such services).

(9) HEALTH CARE LAWSUIT.—The term ''health care lawsuit'' means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of (or the failure to provide) health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(10) HEALTH CARE LIABILITY ACTION.—The term ''health care liability action'' means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(11) HEALTH CARE LIABILITY CLAIM.—The term ''health care liability claim'' means a demand by any person, whether or not pursuant to ADR, against a health care provider or health care institution, including third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(12) HEALTH CARE PROVIDER.—

(A) IN GENERAL.—The term ''health care provider'' means any person (including but not limited to a physician (as defined by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), registered nurse, dentist, podiatrist, pharmacist, chiropractor, or optometrist) required by State or Federal law to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(B) TREATMENT OF CERTAIN PROFESSIONAL ASSOCIATIONS.—For purposes of this subpart, a professional association that is organized under State law by an individual physician or group of physicians, a partnership or limited liability partnership formed by a group of physicians, a nonprofit health corporation certified under State law, or a company formed by a group of physicians under State law shall be treated as a health care provider under subparagraph (A).

(13) MALICIOUS INTENT TO INJURE.—The term ''malicious intent to injure'' means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) NONECONOMIC DAMAGES.—The term ''noneconomic damages'' means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) PUNITIVE DAMAGES.—The term ''punitive damages'' means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider or health care institution. Punitive damages are neither economic nor noneconomic damages.

(16) RECOVERY.—The term ''recovery'' means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys' office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) STATE.—The term ''State'' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 554. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

(a) IN GENERAL.—Except as otherwise provided for in this section, the time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first.

(b) GENERAL EXCEPTION.—The time for the commencement of a health care lawsuit shall not exceed 3 years after the date of manifestation of injury unless the tolling of time was delayed as a result of—

(1) fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

(c) MINORS.—An action by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that if such minor is under the full age of 6 years, such action shall be commenced within 3 years of the manifestation of injury, or prior to the eighth birthday of the minor, whichever provides a longer period. Such time limitation shall be tolled for minors for any period during which a parent or guardian and a health care provider or health care institution have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

(d) RULE 11 SANCTIONS.—Whenever a Federal or State court determines (whether by motion of the parties or whether on the motion of the court) that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure (or a similar violation of applicable State court rules) in a health care liability action to which this subpart applies, the court shall impose upon the attorneys, law firms, or pro se litigants that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which shall include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorneys' fee. Such sanction shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the party or parties injured by such conduct.

SEC. 555. COMPENSATING PATIENT INJURY.

(a) UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.—In any health care lawsuit, nothing in this subpart shall limit the recovery by a claimant of the full amount of the available economic damages, notwithstanding the limitation contained in subsection (b).

(b) ADDITIONAL NONECONOMIC DAMAGES.—

(1) HEALTH CARE PROVIDERS.—In any health care lawsuit where final judgment is rendered against a health care provider, the amount of noneconomic damages recovered from the provider, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties other than a health care institution against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(2) HEALTH CARE INSTITUTIONS.—

(A) SINGLE INSTITUTION.—In any health care lawsuit where final judgment is rendered against a single health care institution, the amount of noneconomic damages recovered from the institution, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(B) MULTIPLE INSTITUTIONS.—In any health care lawsuit where final judgment is rendered against more than one health care institution, the amount of noneconomic damages recovered from each institution, if otherwise available under applicable Federal or State law, may be as much as $250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence, except that the total amount recovered from all such institutions in such lawsuit shall not exceed $500,000.

(c) NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.—In any health care lawsuit—

(1) an award for future noneconomic damages shall not be discounted to present value;

(2) the jury shall not be informed about the maximum award for noneconomic damages under subsection (b);

(3) an award for noneconomic damages in excess of the limitations provided for in subsection (b) shall be reduced either before the entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law; and

(4) if separate awards are rendered for past and future noneconomic damages and the combined awards exceed the limitations described in subsection (b), the future noneconomic damages shall be reduced first.

(d) FAIR SHARE RULE.—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 556. MAXIMIZING PATIENT RECOVERY.

(a) COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.—

(1) IN GENERAL.—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants.

(2) CONTINGENCY FEES.—

(A) IN GENERAL.—In any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity.

(B) LIMITATION.—The total of all contingent fees for representing all claimants in a health care lawsuit shall not exceed the following limits:

(i) 40 percent of the first $50,000 recovered by the claimant(s).

(ii) 33⅓ percent of the next $50,000 recovered by the claimant(s).

(iii) 25 percent of the next $500,000 recovered by the claimant(s).

(iv) 15 percent of any amount by which the recovery by the claimant(s) is in excess of $600,000.

(b) APPLICABILITY.—

(1) IN GENERAL.—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution.

(2) MINORS.—In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) EXPERT WITNESSES.—

(1) REQUIREMENT.—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

(i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

(ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or injury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) PHYSICIAN REVIEW.—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with respect to issues of negligence concerning such treatment unless such individual is a physician.

(3) SPECIALTIES AND SUBSPECIALTIES.—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) LIMITATION.—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

SEC. 557. ADDITIONAL HEALTH BENEFITS.

(a) IN GENERAL.—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) PRESERVATION OF CURRENT LAW.—Where a payor of collateral source benefits has a right of recovery by reimbursement or subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) APPLICATION OF PROVISION.—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

SEC. 558. PUNITIVE DAMAGES.

(a) PUNITIVE DAMAGES PERMITTED.—

(1) IN GENERAL.—Punitive damages may, if otherwise available under applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer.

(2) FILING OF LAWSUIT.—No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(3) SEPARATE PROCEEDING.—At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award; and

(B) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(4) LIMITATION WHERE NO COMPENSATORY DAMAGES ARE AWARDED.—In any health care lawsuit where no judgment for compensatory damages is rendered against a person, no punitive damages may be awarded with respect to the claim in such lawsuit against such person.

(b) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—

(1) FACTORS CONSIDERED.—In determining the amount of punitive damages under this section, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) MAXIMUM AWARD.—The amount of punitive damages awarded in a health care lawsuit may not exceed an amount equal to two times the amount of economic damages awarded in the lawsuit or $250,000, whichever is greater. The jury shall not be informed of the limitation under the preceding sentence.

(c) LIABILITY OF HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—A health care provider who prescribes, or who dispenses pursuant to a prescription, a drug, biological product, or medical device approved by the Food and Drug Administration, for an approved indication of the drug, biological product, or medical device, shall not be named as a party to a product liability lawsuit invoking such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug, biological product, or medical device.

(2) MEDICAL PRODUCT.—The term ''medical product'' means a drug or device intended for humans. The terms ''drug'' and ''device'' have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

SEC. 559. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) IN GENERAL.—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding $50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) APPLICABILITY.—This section applies to all actions which have not been first set for trial or retrial before the effective date of this subpart.

SEC. 560. EFFECT ON OTHER LAWS.

(a) GENERAL VACCINE INJURY.—

(1) IN GENERAL.—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this subpart shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this subpart in conflict with a rule of law of such title XXI shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this subpart or otherwise applicable law (as determined under this subpart) will apply to such aspect of such action.

(b) SMALLPOX VACCINE INJURY.—

(1) IN GENERAL.—To the extent that part C of title II of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a smallpox vaccine-related injury or death—

(A) this subpart shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this subpart in conflict with a rule of law of such part C shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a smallpox vaccine-related injury or death to which a Federal rule of law under part C of title II of the Public Health Service Act does not apply, then this subpart or otherwise applicable law (as determined under this subpart) will apply to such aspect of such action.

(c) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this subpart shall be deemed to affect any defense available, or any limitation on liability that applies to, a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 561. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this subpart shall preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this subpart. The provisions governing health care lawsuits set forth in this subpart supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this subpart; or

(2) prohibits the introduction of evidence regarding collateral source benefits.

(b) PREEMPTION OF CERTAIN STATE LAWS.—No provision of this subpart shall be construed to preempt any State law (whether effective before, on, or after the date of the enactment of this subpart) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this subpart, notwithstanding section 555(a).

(c) PROTECTION OF STATE'S RIGHTS AND OTHER LAWS.—

(1) IN GENERAL.—Any issue that is not governed by a provision of law established by or under this subpart (including the State standards of negligence) shall be governed by otherwise applicable Federal or State law.

(2) RULE OF CONSTRUCTION.—Nothing in this subpart shall be construed to—

(A) preempt or supersede any Federal or State law that imposes greater procedural or substantive protections (such as a shorter statute of limitations) for a health care provider or health care institution from liability, loss, or damages than those provided by this subpart;

(B) preempt or supercede any State law that permits and provides for the enforcement of any arbitration agreement related to a health care liability claim whether enacted prior to or after the date of enactment of this subpart;

(C) create a cause of action that is not otherwise available under Federal or State law; or

(D) affect the scope of preemption of any other Federal law.

SEC. 562. APPLICABILITY; EFFECTIVE DATE.

This subpart shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this subpart, except that any health care lawsuit arising from an injury occurring prior to the date of enactment of this subpart shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

TITLE VI—OTHER PROVISIONS

SEC. 601. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) EXTENSION.—Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 7(a) of Public Law 111–157, is amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting December 31, 2010, for the date specified in each such section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be considered to have taken effect on May 31, 2010.

SEC. 602. SMALL BUSINESS LOAN GUARANTEE ENHANCEMENT EXTENSIONS.

(a) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration—Business Loans Program Account'', $505,000,000, to remain available through December 31, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section.

Such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(b) EXTENSION OF PROGRAMS.—

(1) FEES.—Section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) is amended by striking ''September 30, 2010'' each place it appears and inserting ''December 31, 2010''.

(2) LOAN GUARANTEES.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''May 31, 2010'' and inserting ''December 31, 2010''.

(c) APPROPRIATION.—There is appropriated for an additional amount, out of any funds in the Treasury not otherwise appropriated, for administrative expenses to carry out sections 501 and 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), $5,000,000, to remain available until expended, which may be transferred and merged with the appropriation for ''Small Business Administration—Salaries and Expenses''.

SEC. 603. SUMMER EMPLOYMENT FOR YOUTH.

There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Department of Labor—Employment and Training Administration—Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (''WIA''), $1,000,000,000 shall be available for obligation on the date of enactment of this Act for grants to States for youth activities, including summer employment for youth: *Provided*, That no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA: *Provided further*, That for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities in the fiscal year does not exceed $1,000,000,000: *Provided further*, That with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'': *Provided further*, That the work readiness performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds: *Provided further*, That an amount that is not more than 1 percent of such amount may be used for the administration, management, and oversight of the programs, activities, and grants carried out with such funds, including the evaluation of the use of such funds: *Provided further*, That funds available under the preceding proviso, together with funds described in section 801(a) of division A of the American Recovery and reinvestment Act of 2009 (Public Law 111–5), and funds provided in such Act under the heading ''Department of Labor–Departmental Management–Salaries and Expenses'', shall remain available for obligation through September 30, 2011.

SEC. 604. EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) PHASED EXPANSION CONCURRENT RECEIPT.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

''(a) PAYMENT OF BOTH RETIRED PAY AND DISABILITY COMPENSATION.—

''(1) PAYMENT OF BOTH REQUIRED.—

''(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a 'qualified retiree') is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

''(B) APPLICABILITY OF FULL CONCURRENT RECEIPT PHASE-IN REQUIREMENT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

''(C) PHASE-IN EXCEPTION FOR 100 PERCENT DISABLED RETIREES.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

''(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

''(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

''(D) TEMPORARY PHASE-IN EXCEPTION FOR CERTAIN CHAPTER 61 DISABILITY RETIREES; TERMINATION.—Subject to subsection (b), during the period beginning on January 1, 2011,

and ending on September 30, 2012, subsection (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

''(2) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section:

''(A) 50 PERCENT RATING THRESHOLD.—In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs. However, during the period specified in paragraph (1)(D), members or former members receiving retired pay under chapter 61 with 20 years or more of creditable service computed under section 12732 of this title, but not otherwise entitled to retired pay under any other provision of this title, shall qualify in accordance with subparagraphs (B) and (C).

''(B) INCLUSION OF MEMBERS NOT OTHERWISE ENTITLED TO RETIRED PAY.—In the case of a member or former member receiving retired pay under chapter 61 of this title, but who is not otherwise entitled to retired pay under any other provision of this title, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2011, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

''(ii) January 1, 2012, rated 80 percent or 70 percent.

''(iii) January 1, 2013, rated 60 percent or 50 percent.

''(C) ELIMINATION OF RATING THRESHOLD.—In the case of a member or former member receiving retired pay under chapter 61 regardless of being otherwise eligible for retirement, the term 'qualifying service-connected disability' means a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (which, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

''(i) January 1, 2014, rated 40 percent or 30 percent.

''(ii) January 1, 2015, any rating.

''(3) LIMITED DURATION.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause—

''(A) shall apply only if the termination date specified in paragraph (1)(D) would occur during or after the calendar year specified in the clause; and

''(B) shall not apply beyond the termination date specified in paragraph (1)(D).''.

(b) CONFORMING AMENDMENT TO SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b) of such section is amended to read as follows:

''(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED FOR SUCH RETIREES.—

''(1) GENERAL REDUCTION RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(2) CHAPTER 61 RETIREES NOT OTHERWISE ENTITLED TO RETIRED PAY.—

''(A) BEFORE TERMINATION DATE.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title, but is not otherwise entitled to retired pay under any other provision of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

''(B) AFTER TERMINATION DATE.—Subsection (a) does not apply to a member described in subparagraph (A) if the termination date specified in subsection (a)(1)(D) has occurred.''.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking ''the second sentence of''.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 1414. Concurrent receipt of retired pay and veterans' disability compensation''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

''1414. Concurrent receipt of retired pay and veterans' disability compensation.''.

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

SEC. 605. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), as amended by section 6 of the Continuing Extension Act of 2010 (Public Law 111–157), is amended—

(1) by striking ''before May 31, 2010''; and

(2) by inserting ''for 2011'' after ''until updated poverty guidelines''.

SEC. 606. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

(a) IN GENERAL.—Subchapter A of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2010.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

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

SEC. 607. ARRA PLANNING AND REPORTING.

Section 1512 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 287) is amended—

(1) in subsection (d)—

(A) in the subsection heading, by inserting ''PLANS AND'' after ''AGENCY'';

(B) by striking ''Not later than'' and inserting the following:

''(1) DEFINITION.—In this subsection, the term 'covered program' means a program for which funds are appropriated under this division—

''(A) in an amount that is—

''(i) more than $2,000,000,000; and

''(ii) more than 150 percent of the funds appropriated for the program for fiscal year 2008; or

''(B) that did not exist before the date of enactment of this Act.

''(2) PLANS.—Not later than July 1, 2010, the head of each agency that distributes recovery funds shall submit to Congress and make available on the website of the agency a plan for each covered program, which shall, at a minimum, contain—

''(A) a description of the goals for the covered program using recovery funds;

''(B) a discussion of how the goals described in subparagraph (A) relate to the goals for ongoing activities of the covered program, if applicable;

''(C) a description of the activities that the agency will undertake to achieve the goals described in subparagraph (A);

''(D) a description of the total recovery funding for the covered program and the recovery funding for each activity under the covered program, including identifying whether the activity will be carried out using grants, contracts, or other types of funding mechanisms;

''(E) a schedule of milestones for major phases of the activities under the covered program, with planned delivery dates;

''(F) performance measures the agency will use to track the progress of each of the activities under the covered program in meeting the goals described in subparagraph (A), including performance targets, the frequency of measurement, and a description of the methodology for each measure;

''(G) a description of the process of the agency for the periodic review of the progress of the covered program towards meeting the goals described in subparagraph (A); and

''(H) a description of how the agency will hold program managers accountable for achieving the goals described in subparagraph (A).

''(3) REPORTS.—

''(A) IN GENERAL.—Not later than''; and

(C) by adding at the end the following:

''(B) REPORTS ON PLANS.—Not later than 30 days after the end of the calendar quarter ending September 30, 2010, and every calendar quarter thereafter during which the agency obligates or expends recovery funds, the head of each agency that developed a plan for a covered program under paragraph (2) shall submit to Congress and make available on a website of the agency a report for each covered program that—

''(i) discusses the progress of the agency in implementing the plan;

''(ii) describes the progress towards achieving the goals described in paragraph (2)(A) for the covered program;

''(iii) discusses the status of each activity carried out under the covered program, including whether the activity is completed;

''(iv) details the unobligated and unexpired balances and total obligations and outlays under the covered program;

''(v) discusses—

''(I) whether the covered program has met the milestones for the covered program described in paragraph (2)(E);

''(II) if the covered program has failed to meet the milestones, the reasons why; and

''(III) any changes in the milestones for the covered program, including the reasons for the change;

''(vi) discusses the performance of the covered program, including—

''(I) whether the covered program has met the performance measures for the covered program described in paragraph (2)(F);

''(II) if the covered program has failed to meet the performance measures, the reasons why; and

''(III) any trends in information relating to the performance of the covered program; and

''(vii) evaluates the ability of the covered program to meet the goals of the covered program given the performance of the covered program.'';

(2) in subsection (f)—

(A) by striking ''Within 180 days'' and inserting the following:

''(1) IN GENERAL.—Within 180 days''; and

(B) by adding at the end the following:

''(2) PENALTIES.—

''(A) IN GENERAL.—Subject to subparagraphs (B), (C), and (D), the Attorney General may bring a civil action in an appropriate United States district court against a recipient of recovery funds from an agency that does not provide the information required under subsection (c) or knowingly provides information under subsection (c) that contains a material omission or misstatement. In a civil action under this paragraph, the court may impose a civil penalty on a recipient of recovery funds in an amount not more than $250,000. Any amounts received from a civil penalty under this paragraph shall be deposited in the general fund of the Treasury.

''(B) NOTIFICATION.—

''(i) IN GENERAL.—The head of an agency shall provide a written notification to a recipient of recovery funds from the agency that fails to provide the information required under subsection (c). A notification under this subparagraph shall provide the recipient with information on how to comply with the necessary reporting requirements and notice of the penalties for failing to do so.

''(ii) LIMITATION.—A court may not impose a civil penalty under subparagraph (A) relating to the failure to provide information required under subsection (c) if, not later than 31 days after the date of the notification under clause (i), the recipient of the recovery funds provides the information.

''(C) CONSIDERATIONS.—In determining the amount of a penalty under this paragraph for a recipient of recovery funds, a court shall consider—

''(i) the number of times the recipient has failed to provide the information required under subsection (c);

''(ii) the amount of recovery funds provided to the recipient;

''(iii) whether the recipient is a government, nonprofit entity, or educational institution; and

''(iv) whether the recipient is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), with particular consideration given to businesses with not more than 50 employees.

''(D) APPLICABILITY.—This paragraph shall apply to any report required to be submitted on or after the date of enactment of this paragraph.

''(E) NONEXCLUSIVITY.—The imposition of a civil penalty under this subsection shall not preclude any other criminal, civil, or administrative remedy available to the United States or any other person under Federal or State law.

''(3) TECHNICAL ASSISTANCE.—Each agency distributing recovery funds shall provide technical assistance, as necessary, to assist recipients of recovery funds in complying with the requirements to provide information under subsection (c), which shall include providing recipients with a reminder regarding each reporting requirement.

''(4) PUBLIC LISTING.—

''(A) IN GENERAL.—Not later than 45 days after the end of each calendar quarter, and subject to the notification requirements under paragraph (2)(B), the Board shall make available on the website established under section 1526 a list of all recipients of recovery funds that did not provide the information required under subsection (c) for the calendar quarter.

''(B) CONTENTS.—A list made available under subparagraph (A) shall, for each recipient of recovery funds on the list, include the name and address of the recipient, the identification number for the award, the amount of recovery funds awarded to the recipient, a description of the activity for which the recovery funds were provided, and, to the extent known by the Board, the reason for noncompliance.

''(5) REGULATIONS AND REPORTING.—

''(A) REGULATIONS.—Not later than 90 days after the date of enactment of this paragraph, the Attorney General, in consultation with the Director of the Office of Management and Budget and the Chairperson, shall promulgate regulations regarding implementation of this section.

''(B) REPORTING.—

''(i) IN GENERAL.—Not later than July 1, 2010, and every 3 months thereafter, the Director of the Office of Management and Budget, in consultation with the Chairperson, shall submit to Congress a report on the extent of noncompliance by recipients of recovery funds with the reporting requirements under this section.

''(ii) CONTENTS.—Each report submitted under clause (i) shall include—

''(I) information, for the quarter and in total, regarding the number and amount of civil penalties imposed and collected under this subsection, sorted by agency and program;

''(II) information on the steps taken by the Federal Government to reduce the level of noncompliance; and

''(III) any other information determined appropriate by the Director.''; and

(3) by adding at the end the following:

''(i) TERMINATION.—The reporting requirements under this section shall terminate on September 30, 2013.''.

TITLE VII—BUDGETARY PROVISIONS

SEC. 701. DETERMINATION OF BUDGETARY EFFECTS.

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

(b) EMERGENCY DESIGNATION FOR CONGRESSIONAL ENFORCEMENT.—In the House of Representatives, this Act, with the exception of section 511, is designated as an emergency for purposes of pay-as-you-go principles. In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) EMERGENCY DESIGNATION FOR STATUTORY PAYGO.—This Act, with the exception of section 511, is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

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 has been scheduled before the Subcommittee on Energy. The hearing will be held on Tuesday, June 15, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 3460, a bill to require the Secretary of Energy to provide funds to states for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, and for other purposes.

S. 3396, a bill to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

S. 3251, a bill to improve energy efficiency and the use of renewable energy by Federal agencies, and for other purposes.

S. 679, a bill to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes.

S. 3233, a bill to amend the Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer, or sell surplus uranium from the inventory of the Department of Energy, and for other purposes.

S. 2900, a bill to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems.

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 should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Alicia Jackson or Abigail Campbell.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 9, 2010, at 10 a.m. to conduct a hearing entitled ''Local Perspectives on the Livable Communities Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 9, 2010, in room SR–253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on June 9, 2010, 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on June 9, 2010, at 10:30 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy, and Consumer Rights, be authorized to meet during the session of the Senate, on June 9, 2010, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Enforcement of the Antitrust Laws.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on June 9, 2001, at 2:30 p.m. to conduct a hearing entitled ''The National Security Personnel System and Performance Management in the Federal Government.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate to conduct a hearing on June 9, 2010, at 3 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL SPILL LIABILITY TRUST FUND

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3473, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3473) to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CONRAD. Mr. President, this is the Statement of Budgetary Effects of PAYGO Legislation for S. 3473. This statement has been prepared pursuant to section 4 of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139), and is being submitted for printing in the CONGRESSIONAL RECORD prior to passage of S. 3473 by the Senate.

Total Budgetary Effects of S. 3473 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of S. 3473 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this act.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 3473, A BILL TO AMEND THE OIL POLLUTION ACT OF 1990 TO AUTHORIZE ADVANCES FROM OIL SPILL LIABILITY TRUST FUND FOR THE DEEPWATER HORIZON SPILL, AS PROVIDED TO CBO BY THE SENATE BUDGET COMMITTEE ON JUNE 8, 2010

	By fiscal year in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
Net Increase or Decrease (−) in the Deficit													
Statutory Pay-As-You-Go Impact	50	0	−50	0	0	0	0	0	0	0	0	0	0

Note: The bill would allow the Coast Guard to draw up to an additional $850 million from the Oil Spill Liability Trust Fund to respond to the Deepwater Horizon oil spill. CBO estimates that additional spending would be recovered from the responsible party.

Mr. SANDERS. I ask unanimous consent that the bill be read three times, that the bill be passed, and the motion to reconsider be laid upon the table; further, that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3473) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3473

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

SECTION 1. ADVANCES FROM OIL SPILL LIABILITY TRUST FUND FOR DEEPWATER HORIZON OIL SPILL.

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

(1) by inserting ''(1)'' after ''Coast Guard''; and

(2) by inserting before the period at the end the following: ''and (2) in the case of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain 1 or more advances from the Fund as needed, up to a maximum of $100,000,000 for each advance, with the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986, and within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance''.

SEC. 2. BUDGETARY EFFECTS.

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

UNANIMOUS-CONSENT AGREEMENT—S.J. RES. 26

Mr. SANDERS. Mr. President, I ask unanimous consent that the order with respect to Senate consideration of S.J. Res. 26 be modified to provide that the debate time on the motion to proceed be allotted in 30-minute alternating blocks, with Senator MURKOWSKI controlling the first 30-minute block, and with the first block commencing at 9:45 a.m., Thursday, June 10.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 10, 2010

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Thursday, June 10; that following the prayer and

pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following leader remarks, the Senate consider S.J. Res. 26, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SANDERS. Mr. President, tomorrow the Senate will debate, for up to 6 hours, the motion to proceed to the joint resolution of disapproval of the EPA findings with respect to greenhouse gases. If all time is used, Senators should expect the vote on the motion to proceed to occur at around 3:45 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:48 p.m., adjourned until Thursday, June 10, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

AFRICAN DEVELOPMENT FOUNDATION

MIMI E. ALEMAYEHOU, EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2015, VICE LLOYD O. PIERSON, TERM EXPIRED.

JOHNNIE CARSON, AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2015, VICE JENDAYI ELIZABETH FRAZER, TERM EXPIRED.

EDWARD W. BREHM, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2011, VICE CLAUDE A. ALLEN, TERM EXPIRED.

DEPARTMENT OF STATE

JAMES FREDERICK ENTWISTLE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF THE CONGO.

DEPARTMENT OF JUSTICE

MARK LLOYD ERICKS, OF WASHINGTON, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE WILLIAM JOSEPH HAWE.

JOSEPH PATRICK FAUGHNAN, SR., OF CONNECTICUT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS, VICE JOHN FRANCIS BARDELLI, RESIGNED.

HAROLD MICHAEL OGLESBY, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE RICHARD JAMES O'CONNELL, TERM EXPIRED.

DONALD MARTIN O'KEEFE, OF CALIFORNIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE FEDERICO LAWRENCE ROCHA, TERM EXPIRED.

CHARLES THOMAS WEEKS II, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE MICHAEL WADE ROACH, TERM EXPIRED.

KENNETH JAMES RUNDE, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE TIMOTHY ANTHONY JUNKER, TERM EXPIRED.

ROBERT E. O'NEILL, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE A. BRIAN ALBRITTON.

EXTENSIONS OF REMARKS

IN RECOGNITION OF STUART ROSSMAN, OUTGOING DIRECTOR OF THE JEWISH COMMUNITY RELATIONS COUNCIL OF GREATER BOSTON

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LYNCH. Madam Speaker, I rise today to recognize Stuart Rossman who will be stepping down on June 9, 2010 as President of the Jewish Community Relations Council of Greater Boston.

An honors graduate of the University of Michigan and Harvard Law School, Mr. Rossman has dedicated himself to working for social justice, ensuring the well-being of the State of Israel and building a strong Jewish community in the greater Boston area. As an adjunct faculty member at both the Northeastern University School of Law and at the Suffolk University Law School, he trains and educates the next generation of lawyers and legal scholars.

Throughout his legal career, during which he served in the Massachusetts Attorney General's office and in his current post with the National Consumer Law Center, a national advocacy organization for low-income consumer justice, he has stood up for those whose voices are seldom heard. Mr. Rossman has brought together partners across ethnic and religious lines to speak out for what is right.

Mr. Rossman has also been a strong supporter of Israel and of the Jewish community. During his term as Chairman of the United Jewish Appeal Young Leadership Cabinet from 1991 to 1992, he led a solidarity mission to Israel during the Persian Gulf War and led the 8th Annual UJA Young Leadership Conference in Washington, attended by the late Prime Minister Yitzhak Rabin and over 3,000 participants. In addition to his work with the Jewish Community Relations Council of Greater Boston, he has been actively involved in the Combined Jewish Philanthropies, where he has served on its Executive Committee and Board. He also served as President of the Bureau of Jewish Education, President of the Massachusetts Association of Jewish Federations and Chair of the Boston-Haifa Connection, a partnership that seeks to build economic and social bridges.

He is also is a member of the Advisory Committees for the South Area Solomon Schechter Day School and the American Society for the University of Haifa New England Region.

Madam Speaker, Stuart Rossman has spent a lifetime working for the betterment of his community and of Israel and the relationship between our two countries. It is my pleasure to join with Stuart's family, his wife Shelley and daughters Rina and Jessie, JCRC Executive Director Nancy K. Kaufman and their colleagues to recognize his achievements and to congratulate him as he concludes his tenure as President of the Jewish Community Relations Council of Greater Boston.

TRIBUTE TO MRS. DOROTHY ELIZABETH MLADINOV

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BACA. Madam Speaker, I stand here today to honor and remember a loving wife, mother, grandmother, sister, friend and respected citizen, Mrs. Dorothy Elizabeth Mladinov.

Dot, as she was affectionately known, passed away peacefully in her home from Acute Myeloid Leukemia on May 14, 2010.

The daughter of Johan and Julia Dobias, she was born in Chicago, Illinois, on December 13, 1939.

Dot was an 11 year survivor of breast cancer. After beating the disease, she became an avid walker in support of the Susan G. Komen for the Cure Foundation.

Dot had recently retired after working 20 years as a surgery technician at the San Antonio Community Hospital of Upland, California.

Upon moving to Upland in 1968 to raise her family, she quickly became involved in local organizations such as youth sports, the PTA, and Girl Scouts.

Dot is mourned by her high school sweetheart turned husband of 49 years, Dr. Joseph Mladinov Jr.; her three children and their spouses, Joseph Mladinov III and Aries, Cyndi Mladinov and Tynan Schmidt, Chris Mladinov and Anne Kim; her 6 grandchildren Jake, Keaton, Vincent, Joseph IV, Jonco and Genevieve; two sisters, Dolores and Judy; and many nieces, nephews and friends.

In lieu of flowers, donations have been requested to be made to the Susan G. Komen for the Cure Foundation, in Dottie's name.

Let us take the time to pay tribute to this wonderful woman. The thoughts and prayers of my wife Barbara, my family, and I, are with her family at this time.

Madam Speaker, let us pay our respects to Dorothy Elizabeth Mladinov. Let us celebrate the life she lived and her positive impact on the lives of everyone she touched.

HONORING WOODBURY ROTARY CLUB VETERANS MONUMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor the Woodbury Rotary Club and the recent construction of the Woodbury Rotary Club Veterans Monument. The Veterans Monument recognizes veterans from the past, present, and those who will serve in the future.

Construction of the monument would not have been possible without the dedicated efforts of the Club Service Committee Chair, Herb Budd, Jr. Mr. Budd served as a Second Lieutenant in the U.S. Army National Guard. He was elected President of the rotary club in 1971 and 2005 and served as District Governor in 1989.

The Woodbury Rotary Club Veterans Monument has been an ongoing project since 2005. The monument is a ceremonial stone fixture, centrally located on the Rotary Park Memorial Walkway. Veterans of the Army, Navy, Marine Corps, Air Force, Coast Guard, Merchant Marines and Army National Guard are honored for their service during both times of war and peace. The area around the monument will be made up of bricks engraved to reflect military service of individuals in the South Jersey community.

This monument embodies the motto, ''Some gave all, all gave some'' by honoring those brave individuals who committed selfless acts for their country. The actions of these men and women ensured peace and freedom for American people. The monument pays tribute to those who have lost their lives in combat, those who survived, and those who will serve in the future.

Madam Speaker, the Woodbury Rotary Club should be recognized for their time and effort spent constructing a permanent tribute to our veterans.

ADAM METZGER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Adam Metzger. Adam is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 59, and earning the most prestigious award of Eagle Scout.

Adam has been very active with his troop, participating in many scout activities. Over the many years Adam has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Becoming an Eagle Scout represents a great deal of dedication and perseverance by Adam and I am sure that he will continue to hold such high standards in the future.

Madam Speaker, I proudly ask you to join me in commending Adam Metzger for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE ACHIEVEMENTS AND LEADERSHIP OF P. MICHAEL SAINT

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. DELAHUNT. Madam Speaker, I rise today to recognize P. Michael Saint of Franklin, Tennessee—the Chairman, and Chief Executive Officer of The Saint Consulting Group.

In 1983, following a long and dedicated career working in government and media, Mr. Saint founded The Saint Consulting Group. It started in a one-bedroom condominium in Hingham, Massachusetts—which is in my district—and has since blossomed into a successful international firm with offices across the United States and Europe. From its humble beginnings, his pioneering company has grown to be a recognized international leader in the field of ''land use politics.''

From conferences and speeches at distinguished institutions around the world, Mr. Saint has generously shared his unique perspective and extensive professional experiences with colleagues, peers, and younger generations of philanthropists. He serves on the Board of Directors of the Association of Management Consulting Firms and is a trustee on the board of The Foundation for Excellence in Consulting and Management, and also contributes locally serving on the advisory board of the Civic Bank and Trust in Nashville and the executive board of the Nashville District Council of the Urban Land Institute. He serves on the Board of Directors of the Nashville Opera and on the Board of Trustees of the George Street Playhouse in New Brunswick, New Jersey. His active support for the Vanderbilt Children's Hospital and the Heritage Foundation of Williamson County, Tennessee, as well as innumerable other associations and charitable endeavors, has sparked hope in the hearts of children and families across the country.

In 2009, Mr. Saint added the title of 'author' to his impressive resume as he co-authored the groundbreaking book on land use politics, ''Nimby Wars—The Politics of Land Use''.

To the people who work for and with Mr. Saint, and to the people who know him best, it is not just his entrepreneurial spirit, or his charitable work that makes him an enduring leader. It is the genuine care and compassion that he exhibits for others that will always be his legacy. Whether it was offering domestic partner benefits long before it was fashionable or a legal requirement, or fully funding family health insurance costs for all his employees, or promoting continuing education for his employees by fully funding Master of Business Arts degrees—Mike Saint has created a dynamic and innovative company, one that puts people first.

It is my honor to recognize P. Michael Saint for his innovation, his philanthropic endeavors and, most importantly, for his exemplary leadership.

LILLIE MAE SEARCY

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. HARPER. Madam Speaker, on June 6, 2010, Lillie Mae Searcy of Natchez, Mississippi passed away at the age of 80. Born to Eliza and Charles Gaylor and married to Argentor Searcy, Searcy leaves behind an inspiring legacy that we honor here today.

A fine and caring woman, Lillie Searcy came to know Christ at a young age. Her character, strength, and her faith in the Lord provided an instrument for her desire to help those in need. Through her church she reached out to people, aiding them both physically and spiritually. Searcy did so by not only cooking for the disadvantaged at both the Stewpot Ministries and with the Southwest Mississippi Planning and Development for Senior Citizens, but also through her life and her testimony. Before cooking for Stewpot and for seniors, Searcy achieved fame as one of the best chefs in the South.

Despite her large family and many careers, she always had time to help those less fortunate than herself. Searcy was a member of the choir at each church she attended, a member of the Mother's Board, and a member of the Board of Directors for WORD. Helping others was her joy, and she was a blessing to everyone around her. Her caring temperament inspired friends and family to become involved in the community.

In addition to serving others, Lillie Searcy was a devoted and loving mother of 11. She cared for her 38 grandchildren, 28 great grandchildren, and four great-great grandchildren. The happiness of her family and of those around her was her top priority.

Lillie Searcy lived by a motto in which we should all take note. ''Live your life to the fullest, don't wait for happiness to come to you, follow your passion, and create your own joy.'' Searcy brightened the lives of all around her and her selflessness should serve as inspiration to us all. Let us honor Lillie Mae Searcy today.

IN RECOGNITION OF WORLD TRADE CENTER RESPONDER DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mrs. MALONEY. Madam Speaker, along with my colleague and good friend Congressman NADLER, I rise to recognize World Trade Center Responder Day, which will be held in lower Manhattan on the afternoon of Saturday, June 5th. World Trade Center (WTC) Responder Day is organized by the Mount Sinai World Trade Center Medical Monitoring and Treatment Program Clinical Center, the New York State AFL–CIO, and the New York City Central Labor Council to honor the men and women who rushed to lower Manhattan to rescue and recover others following the terrorist attacks of September 11, 2001.

The collapse of the World Trade Center towers took thousands of lives in a matter of seconds and released a massive cloud of asbestos, pulverized concrete, and other poisons that sickened thousands more in the days and months after the attacks. The first responders who participated in search, rescue, and recovery operations at Ground Zero toiled in this toxic environment, often for weeks at a time. As a result of their service, many of these heroes and heroines now suffer from a host of illnesses, including severe respiratory and gastrointestinal diseases and Post-Traumatic Stress Disorder—as do many survivors of the attacks.

For many, 9/11 has receded into memory, but the nightmare of that day continues for Americans sickened as a direct result of these attacks on our country, and are not getting the help they need and deserve from the federal government. In addition to honoring their service, WTC Responder Day also serves as a reminder that we must do more to provide proper health care and compensation to first responders and survivors of the attacks who are suffering.

The federal government has a moral obligation to care for those who respond to an attack on our country, just as we did more than 65 years ago in the aftermath of the Pearl Harbor attacks. At that time, American civilians helped recover the dead and salvage what remained of our Pacific fleet. Many of these civilians also were killed, injured or made sick as a consequence of their heroic service to our nation. In passing the War Hazards Compensation Act of 1942, Congress wisely and compassionately extended health care and financial relief to civilian responders in need. It is time that this Congress did the same for those who lost their health as a result of 9/11. More than 100 colleagues serving in this House, from all across the nation, have joined with Congressman NADLER and me in a bipartisan coalition to co-sponsor the James Zadroga 9/11 Health and Compensation Act. It will provide medical monitoring for everyone who was exposed to World Trade Center toxins, treatment for anyone who is sick as a result, and compensation for economic losses by reopening the 9/11 Victim Compensation Fund.

Though WTC Responder Day is held in Manhattan, caring for the heroes of Ground Zero Americans is an issue that extends far beyond the borders of the Empire State. According to the federally-funded World Trade Center Health Registry, citizens from all 50 states and nearly every Congressional district in the country ventured to lower Manhattan to volunteer their services on or after 9/11, and now harbor serious concerns about their health. In all, more than 10,000 people enrolled in the Registry live outside the greater New York tri-state metropolitan area that also encompasses northern New Jersey and southwestern Connecticut.

New York City Mayor Michael Bloomberg has proclaimed June 5th to be World Trade Center Responders Day in the Big Apple. The organizers of Responder Day plan to make this a recurring, nationally-recognized event, one that will continue to inspire other communities around the country to host their own Responder Day gatherings in the years to come.

Madam Speaker, Congressman NADLER and I ask that our colleagues join us in applauding the Mount Sinai World Trade Center Medical Monitoring and Treatment Program Clinical Center, the New York State AFL–CIO, and the New York City Central Labor Council for organizing World Trade Center Responder Day.

We commend these fine organizations for their patriotism and dedication to caring for the heroes of 9/11.

TAX EXTENDERS ACT OF 2009

SPEECH OF

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. SKELTON. Mr. Speaker, when I am home in Missouri, the folks I talk to frequently express their concerns about the economy and jobs. According to the most recent data, 27,630 people in the Fourth District are without work. Families whose breadwinners have lost work and others who fear unemployment must continue to be a priority of this Congress.

Jobs allow for American families to feel secure in their homes. Jobs stimulate economic activity in our home towns and throughout our country. Jobs generate tax revenue for city, state, and federal governments, which help policy makers pay the bills and reduce the deficit. Jobs are essential to breaking out of the Great Recession.

This year, Congress has been working on several jobs bills. One bill known as the HIRE Act, which is now the law of the land, provides tax relief to small businesses and expands important highway projects. Other legislation on which Congress has been working include bills to provide additional small business tax relief, to expand lending opportunities for small businesses, and to stimulate small business growth and expansion.

Today, the House of Representatives is considering H.R. 4213, a bill that would create additional jobs in our country by cutting taxes for American families and businesses and by spurring new infrastructure improvements. It would also take care of American veterans by eliminating the so-called disabled veterans tax for two years, would provide American farmers with tax relief and emergency disaster assistance, and would extend emergency assistance to American families.

H.R. 4213 is supported by Farm Bureau, by veterans, by small businesses, and by AARP.

For Missouri farmers, H.R. 4213 would extend the five-year depreciation for farming machinery and equipment, would extend the charitable tax deduction for donated food, and would extend the tax deduction for donating conservation easements. H.R. 4213 would also extend critical tax incentives for biodiesel and renewable diesel fuel. The biodiesel tax credit is very important to the development and sustainability of America's renewable fuel industry. H.R. 4213 would also provide emergency financial assistance to farmers for qualifying 2009 agricultural losses. For these reasons, today's legislation has been endorsed by the Farm Bureau and the National Biodiesel Board.

For America's veterans, H.R. 4213 would allow many military retirees who are also disabled veterans to receive both Department of Defense military retirement pay and VA military disability pay for the next two years. Often referred to as the disabled veterans tax, finding a legislative solution to the concurrent receipt issue has been a top priority of our nation's veterans and of Congress. I have worked on the House Armed Services Committee to end the disabled veterans tax and am pleased that H.R. 4213 will provide full retirement and disability benefits to 77,000 of these disabled service members for two years. Its passage is a critical first step toward extending concurrent receipt to all 136,000 medically retired veterans over four years. Because of the bill's positive impact on veterans, it has been endorsed by the Military Officers Association of America, MOAA.

For Missouri businesses, H.R. 4213 would allow credit to flow more easily to small businesses through popular and effective SBA lending programs, would extend the research and development, R&D, tax credit that encourages financial investment and job creation in America's high tech sector, would allow corporations to receive a refund of a portion of their alternative minimum tax credits if they invest during 2010 in capital equipment for use in the United States, would extend the 15-year cost recovery for qualified improvements to restaurants and retail space, and would extend benefits for investments in economically distressed areas of our country. Because the business provisions included in H.R. 4213 are so very important, the bill is supported by the National Restaurant Association, the Independent Community Bankers Association, and the National Retail Federation.

For Missouri families, H.R. 4213 would provide important tax relief. The bill would extend for one year tax deductions for qualified college education expenses. It would extend a special deduction for teachers and other school professionals who use personal funds to buy school supplies for their classrooms. And, the legislation would ensure activated military reservists do not suffer a pay reduction by providing a tax credit for small businesses that continue to pay National Guard and Reserve employees when they are called to active duty.

For Missouri's senior citizens, military personnel, military retirees, and people with disabilities, H.R. 4213 would ensure they are able to continue seeing the doctor of their choice by preventing a 21 percent reduction in Medicare and TRICARE physician fees. Without making these changes, doctors in Missouri and elsewhere would likely not continue to see Medicare and TRICARE patients. That is why H.R. 4213 is supported by AARP and MOAA.

H.R. 4213 would extend other valuable provisions of the U.S. tax code, including deductions for charitable contributions by individuals and businesses, would provide for important pension relief sought after by the Missouri Rural Electric Cooperatives, would provide emergency assistance for American families who are impacted by unemployment, would create summer jobs for American youth, and would allow for state and local governments to finance the reconstruction of schools, sewer systems, and hospitals through Build America Bonds and Recovery Zone Bonds—work that would create thousands of jobs across our country. Because infrastructure improvements are so vital to jobs, H.R. 4213 has been endorsed by our nation's mayors and county governments.

The non-emergency spending associated with H.R. 4213 is compliant with the PAYGO law enacted earlier this year. I urge my colleagues to support H.R. 4213 so that we can provide tax relief to American families, farmers, and businesses, can take care of America's veterans and senior citizens, and can create small business jobs.

RECOGNIZING TRAILBLAZER AND EDUCATIONAL PIONEER MRS. EMMA BRANDON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, it gives me immense pleasure to rise today in honor of trailblazer, educator and pioneer, Mrs. Emma Brandon.

Mrs. Brandon began teaching right out of high school in 1946 for a wage of $36/month. She walked three miles one way to school and seven miles if weather made the road conditions to difficult to travel.

As a woman, of much wisdom and vision, Mrs. Brandon realized that education required a deep devotion and a substantial amount of hard work from both student and teacher.

Mrs. Brandon began her career at a two-room school on a dirt road next door to Beechland Church where she taught first through fourth grades. Three years later, she became principal and sole teacher at Egypt School in Russum, which was later consolidated into another school.

Mrs. Brandon understood that the task of educating is an enduring and tedious process; one that empowers and benefits individuals, communities and countries, alike.

After years of serving students in Claiborne County, as both an educator and an administrator, Mrs. Brandon earned her bachelor's degree from Alcorn State University. After completing her education at Alcorn, Mrs. Brandon returned to complete her educational career in Claiborne County, MS.

For the last 42 years, Mrs. Brandon has been educating generations of families at A.W. Watson Elementary in Port Gibson, MS where her enthusiasm for learning is abundant. She implemented programs that have strengthened the learning capabilities of her students and challenged them to think critically.

Mrs. Brandon has yielded the guiding principles of education and knowledge to all of whom she has encountered. She believes that each child can enjoy today's promises of a rewarding life if they possess a strong foundation in education.

Madam Speaker, it is with great pleasure that I ask my colleagues to rise and join me in expressing my gratitude and appreciation to Mrs. Emma Brandon of Port Gibson, Mississippi, for her many contributions to education and her dedication to its principles.

MILITARY SPOUSE APPRECIATION DAY

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mrs. MYRICK. Madam Speaker, on May 7, 2010, we recognized Military Spouse Appreciation Day. On this day, I received a letter from Mrs. Anthony Massey, the wife of a diver in the United States Navy. Her letter is attached, and it very eloquently talks about the

sacrifice, support and dedication provided by military spouses to our men and women in uniform.

HAVE YOU THANKED A MILITARY SPOUSE TODAY?

In 1984, President Ronald Reagan designated the Friday before Mother's Day as Military Spouse Appreciation Day, a day set aside to recognize the many contributions and sacrifices military spouses make in support of military members and our country.

Yesterday, President Obama made this declaration:

When Americans answer the call to serve in our Armed Forces, a sacred trust is forged. Our men and women in uniform take on the duty of protecting us all, and their spouses and families also help shoulder this important responsibility . . . At the heart of our Armed Forces, servicemembers' spouses keep our military families on track. They balance family life, military life, and their careers all while supporting other military families and giving back to their communities . . . Today, let us honor the spouses and families who support our servicemembers and, in doing so, help defend our Nation and preserve our liberty.

For many military spouses, we have essentially no idea what it means to be a ''military spouse'' when we say, ''I do''. We, like many, simply make a pledge that day to support our loved one through good times and bad. However, it quickly becomes apparent that military life is unlike anything we have experienced. When standing at the alter, whether we know it or not, we are making a commitment to serve our country, many times forsaking our desires for a greater cause.

Rarely, will you ever see a military spouse seeking the approval of others for the hat he or she wears. Rarely, will you ever hear a military spouse ask for ''Thank Yous'' after he or she has kissed their loved one for the last time for 7 months (or longer). Rarely, will you ever witness a military spouse demand compensation for raising their children as a single parent while their loved one deploys for the fourth time in five years.

In just really is not our style.

When you say, ''I do'' to a Sailor, Marine, Soldier, Airman, or Coast Guardsman, you are immediately inducted into a special society of spouses . . . one that is built on a legacy of those who have sacrificially dedicated their life to the service of their country. A legacy that only understood by those who have walked the walk and talked the talk. From this legacy, we are inspired, encouraged, and supported. We know many before us and along side of us have gotten through it, have overcome the challenges, and persevered when the going gets tough.

We know that there is at least one spouse who has celebrated an anniversary alone and one spouse who watched their child graduate from preschool/high school/college alone. We know there is at least one spouse who moved from one state to another alone. We know there is at least one spouse who has given birth to their first, third, or sixth child alone.

Nevertheless, we are quick to remember that we are never alone. For me personally, Jesus is always by my side. However, for all of us, every military spouse, past or present, is standing side-by-side with us as we continue to overcome the challenges of daily life.

There is a joy like no other when your Sailor, Marine, Solider, Airman, or Coast Guardsman comes home from deployment or training. There is an excitement that wakes you up at all hours of the night and keeps you from falling back asleep in the days leading up to their return home. There is a sense of relief as soon as they are in your arms that you have defeated the odds.

These moments make it worthwhile. That first eye-to-eye contact . . . that first embrace . . . that first kiss all remind you why you fell in love with them the first time. It is the overwhelming sense of pride you feel when you see them in uniform as they step off the plane or ship that reminds you that the hat you wear is worth it. It is that first morning that you wake up in their arms that gives you the strength to begin preparing for the next separation.

Military spouses are a breed like no other. While the United States Military has no official authority over us, they really do because they tell us when our loved one will work, when they will stand watch, when they will deploy, and to where we will move next. Their system can be archaic and rigid at times . . . but without it, our loved one's life is at risk. We grow to appreciate this rigidity. We learn to communicate in a language based on acronyms. Moreover, we learn to roll with the punches.

Before we got married, Andy told me that military life is like the tide, frequently changing on a daily basis. There are no certainties to military life other than constant change. Frequently, deployment dates move up and return dates are pushed back. Departure times become earlier and arrival times get later. To be a successful military spouse, you must be resilient because without resiliency, you crack. We are stretched to our limits and then some, with little power to change the situation.

Military spouses are woven together with the same strand of thread when we accept this responsibility with a gracious heart and sacrificial love for our Sailor, Marine, Airman, or Coast Guardsman. And for the military spouses whose loved one has paid the ultimate price in service to our country, we, as a nation, are forever indebted to them for the price they paid as a military spouse.

I write this out of the pride I have to be ND1 Massey's wife. Pride in him as a Mighty Man who serves an Awesome God first and our country second. Pride that reduces me to tears whenever I think of him.

So if you know one, thank one. While they may react humbly, chances are it will mean a great deal to them. Our Sailors, Marines, Soldiers, Airmen, and Coast Guardsmen are so frequently the ones who are thanked . . . and they should be. They are the ones that leave their families at home to fight for a cause they may not always support. However, every once in a while, when we are thanked for wearing this hat, it reassures us that we are remembered and appreciated and it encourages us to face the next challenge head on.

TAX EXTENDERS ACT OF 2009

SPEECH OF

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 28, 2010

Mr. LEVIN. Mr. Speaker, in conjunction with the May 28, 2010, consideration in the U.S. House of Representatives of House amendments to the Senate amendment to H.R. 4213, ''The American Jobs and Closing Tax Loopholes Act of 2010,'' I have asked the nonpartisan Joint Committee on Taxation to make available to the public a technical explanation of the provisions included in the House amendment to the Senate amendment to H.R. 4213. This technical explanation reflects the Ways and Means Committee's understanding and legislative intent behind those provisions. It is available on the Joint Committee on Taxation website at www.jct.gov and is listed under document number JCX–29–10.

RECOGNIZING THE ROLE AND CONTRIBUTIONS OF THE ABILITYONE PROGRAM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. GRAVES. Madam Speaker, I rise today to recognize the participating businesses in the AbilityOne program and for the work they do providing meaningful employment to the disabled of our communities.

AbilityOne provides those who are blind or have other significant disabilities the ability and self-confidence that can come from meaningful employment. AbilityOne jobs sites provide important training to individuals with disabilities that help further integrate them into the broader community where they can earn a living alongside their non-disabled peers.

In my own district, a number of AbilityOne businesses have used the resources this program authorizes to provide employment opportunities to the blind and disabled. Each year, I have the opportunity to meet with the business owners and their workers to hear first hand how participation in this program has enriched their lives and the economic vitality of the local communities in which they are located.

In closing, I encourage all my colleagues to recognize and work with the AbilityOne program sponsors in their own districts and hope that Congress will continue to support and encourage this important employment program for the disabled.

FEDERAL REPORTING.GOV, THE FIRST CENTRALIZED REPORTING STRATEGY

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. MORAN of Virginia. Madam Speaker, I rise to draw the attention of my colleagues to a successful example of public-private collaboration that marks a new era of government transparency and accountability. It could not have happened without the cooperation of the private sector.

Following President Obama's commitment to let the public track every dollar spent under the economic stimulus package, administration was hard pressed to find a timely and effective way to meet the objective. Many were skeptical, and thought it would take months if not years to develop a website, standardize the information, create a website and keep the information current.

Rather than start from scratch and begin a new procurement process, the Office of Management and Budget opted to leverage an existing program and technology. This wise decision lowered the cost and enabled it to be implemented under an extremely tight timeline.

In June 2009, OMB and the Recovery and Accountability and Transparency Board (RATB) selected an existing data management system used by the Environmental Protection Agency called the Central Data Exchange or CDX for short. The great efficiency of the interagency work allowed the website, Recovery.gov, to open several weeks later in August for both the government and the public to access. The system is also flexible enough that OMB and RATB continue to guide and improve reporting requirements through a separate data collection site, FederalReporting.gov on a daily basis.

The Recovery Board and the EPA partnered with CGI Federal to develop and implement the site. CGI Federal built the site and added enhancements and still continues to validate the site's information. The tireless work and outstanding effort of this partnership led to the successful implementation of this system.

FederalReporting.gov is the first centralized reporting strategy that spans all participating federal agencies. As a result, agencies do not have to spend funds to implement independent solutions for data collection. Also, FederalReporting.gov is one of the first federal reporting systems to be entirely paperless. The success of the site proves that a paperless system does not result in a large number of non-compliant recipients but opens the door for future green government efforts.

FederalReporting.gov shows us that there are examples of successful collaboration and partnership between government agencies and the private sector that help move our country forward.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mrs. LOWEY. Madam Speaker, I regrettably missed a rollcall vote on June 8, 2010. Had I been present, I would have voted "yea" on rollcall No. 337.

HOH INDIAN TRIBE SAFE HOMELANDS ACT

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 8, 2010

Ms. RICHARDSON. Madam Speaker, as a member of the Native American Caucus, I rise today in strong support of H.R. 1061, the Hoh Indian Tribe Safe Homelands Act, which declares that certain federal land in the state of Washington is held in trust by the United States for the benefit of the Hoh Indian Tribe.

I would like to thank Speaker PELOSI for her leadership in bringing this important bill to the floor. I would also like to thank my colleague Congressman NORM DICKS, the author of this legislation, who worked so hard to help this tribe solve the serious land and water problems they face.

Madam Speaker, the Hoh Indian Tribe Safe Homelands Act directs the Secretary of the Interior, on conveyance of certain nonfederal land owned by the Tribe to the Secretary, to take such land into trust for the Tribe. This bill prohibits the placement of commercial, residential, or industrial buildings or other structures, any actions that would adversely affect the natural environment, or logging and hunting activities. H.R. 1061 also directs the Secretary and the Tribe to make cooperative agreements for mutual emergency fire aid and to provide opportunities for the public to learn more about the Tribe's culture and traditions.

As a long time friend and supporter of the Native American community, I am so pleased to champion a bill such as H.R. 1061, which will help the Hoh tribe grow and prosper on lands that are safe for their children and elders.

Madam Speaker, I urge my colleagues to join me in supporting H.R. 1061.

PERSONAL EXPLANATION

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Ms. GIFFORDS. Madam Speaker, yesterday I was absent and missed rollcall votes 337 and 338.

Had I been present, I would have voted "aye" on rollcall 337 and "aye" on rollcall 338.

TRIBUTE TO NELDA BARTON-COLLINGS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to Nelda Barton-Collings, a business savvy Kentuckian who adopted a passion for public service through her family legacy and through her own determination, improved our region.

Nelda Barton-Collings is a pioneer for women in business and entrepreneurship in Kentucky. Nelda's career was shaped by her hard-working family. Her father spent 20 years as a county commissioner while also running the family grocery store with her mother. Her parents laid a firm foundation of strong work ethic and civic responsibility. Nelda dedicated her life to those values and became the first woman to chair the Kentucky Chamber of Commerce.

Nelda faced several challenges along her journey to success. At the age of 48, she suffered through the death of her husband and became a widow with five children. Determined to support her family, Nelda went back to college to learn more about business, entrepreneurship and healthcare. She soon joined her late husband's business partner to bring his original business dreams to life. Today, they own nursing homes, newspapers, banks and a pharmacy. Nelda's tenacity and spirit carried her through many challenging times to now see the fruits of her hard labor shared among families across the state.

For 28 years, Nelda was the Republican National Committee-Woman from Kentucky. She was the first woman from Kentucky to address the RNC and call the meeting to order. As an ambassador for our fine Commonwealth, Mrs. Barton-Collings greeted every U.S. President with her sweet southern hospitality and gave them a priceless bluegrass welcome. She made such a lasting impression, that President Ronald Reagan appointed her to the Federal Council on Aging and President George H.W. Bush appointed her to the President's Council on Rural America.

Madam Speaker, I ask my colleagues to join me in honoring Nelda Barton-Collings, a true friend to Kentucky, our great nation and a mentor to women in business and entrepreneurship.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. THOMPSON of California. Madam Speaker, on June 8, 2010, I was unavoidably unable to cast my votes for rollcall 337 and rollcall 338 due to a delayed flight. Had I been present, I would have voted "aye."

DEDICATION OF STATUE AT MICKEY MANTLE FIELD IN COMMERCE, OKLAHOMA

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BOREN. Madam Speaker, my congressional district in eastern Oklahoma is home to some great American heroes. Names like Woody Guthrie, T. Boone Pickens, Will Rogers and even the late great Speaker of the House Carl Albert. But no eastern Oklahoman has a bigger claim to fame than Hall of Fame baseball player Mickey Mantle.

Madam Speaker, Mickey Mantle was born in Spavinaw, Oklahoma, the son of Elvin and Lovell Mantle—"The Mick" was named in honor of Mickey Cochrane, the Hall of Fame catcher from the Philadelphia Athletics. Later in life the Mantle family would move to the nearby town of Commerce, Oklahoma where Mickey would attend Commerce High School and go on to become an all-state athlete in basketball, football and of course baseball.

Promptly after his high school graduation, Mickey Mantle would sign a contract to play professional baseball in the New York Yankees organization. Mantle rose through the minors quickly and made his major league debut on Yankees' field in the spring of 1951. Five years later, in 1956, Mickey Mantle would win the Triple Crown, leading the majors in home runs, RBIs and batting average. In the spring of 1957, he was considered by many to be the greatest baseball player on the planet.

Mantle went on to become one of the most recognizable names in baseball history and in 1961 was the highest paid active player in the Major Leagues. He was inducted into the National Baseball Hall of Fame in 1974, and forty-one years ago this month (June) had his number "7" forever retired in Yankee lore.

In honor of their hometown hero, on the 12th of June, 2010, the citizens of eastern Oklahoma are set to commemorate one of

their own, Mickey Mantle, with the dedication of a statue of the legendary player at Mickey Mantle field at Commerce High School in Commerce, Oklahoma.

Madam Speaker, Mickey Mantle's hopes, dreams, and accomplishments remind each and every one of my constituents why it's great to be an "Okie."

CONGRATULATING ISRAEL ON OECD MEMBERSHIP

SPEECH OF

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 26, 2010

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to offer my congratulations to the state of Israel on its acceptance into the Organization for Economic Cooperation and Development. This shows a great triumph for the country of Israel, and I congratulate them on their prestigious achievement.

On May 10, the 31 states in the OECD unanimously agreed to invite Israel to become a member, noting the country's "scientific and technological policies have produced outstanding outcomes on a world scale." On May 27, Israel officially joined.

The fact that Israel is now a member of the OECD is proof that, despite hardships and struggle, Israel has become a thriving and prosperous democracy. It has made important contributions in technology, medicine, agriculture and environmental innovation, worldwide. I am proud to see that these contributions are being acknowledged.

I also want to recognize President Obama and Secretary Clinton for their strong efforts ensure this happened. This victory for Israel is equally a victory for our country.

Congratulations, too, to the participating countries in the OECD for their ability to see past the possible politicization of this offer. The OECD was responsible and fair in its assessment of Israel's qualifications, focusing on what matters: economic and democratic standards.

But even as we stand here to recognize the Jewish State's achievement, we must remember that Israel, one of our strongest and most consistent allies, still continues to face attacks from hostile neighbors and challenges in its dealings with the rest of the world.

We must continue to be supportive allies to the Jewish State. Though Israel has made this significant advancement, threats still exist, and we must ensure that anti-Israel and anti-Semitic sentiments do not dictate Israel's viability as a strong, democratic nation.

RECOGNIZING THE 30TH ANNIVERSARY OF SIERRA NEVADA BREWERY AND THE INSPIRATIONAL CAREER OF ITS FOUNDER KEN GROSSMAN

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. HERGER. Madam Speaker, it is with great pleasure that I rise to commend both Sierra Nevada Brewery and the inspirational career of its founder, Ken Grossman on its 30th Anniversary. Ken is an outstanding model of the modern American entrepreneurial spirit.

Thirty years ago, Ken began a modest brewing company in the town of Chico, California. Named after the beloved California Mountains, the Sierra Nevada Brewery has since matured into the tenth largest brewery in the United States.

Ken's specialty beers receive constant praise for their exceptional quality. Through the years his brews have collected an impressive array of national and international awards. His award portfolio includes gold medal recognition from competitions in Munich as well as the Great American Beer Festival in Colorado.

The Sierra Nevada Brewery, by incorporating smart and sustainable manufacturing practices, provides an excellent working example of the ideal that economic success and environmental protection go hand in hand. Recently, the brewery expanded its solar panel facility, making it one of the largest private solar facilities in the nation. This expansion allows the brewery to produce the majority of its own energy needs. The brewery also engages in resource conservation and waste diversion through the installation of instruments that reuse the brewery's wastewater and methane gas. Additionally, his brewery has a near perfect recycling record, diverting more than 98 percent of its annual waste away from overused landfills.

Sierra Nevada Brewery has had a tremendous impact on the local economy. With approximately $100 million in annual sales, Sierra Nevada Brewery has been able to create over three hundred and fifty jobs. Sierra Nevada Brewery has also been generous in giving back to the community. Indeed, its donation of $88,000 to the California State University, Chico's Paul L. Byrne Agricultural Teaching and Research Center illustrates its desire to give back to the community that has aided in its success. There is no doubt that the Second Congressional District of California is a better place because of the economic activity and good works that Sierra Nevada Brewery selflessly provides.

RECOGNIZING MARTIN LEONARD SKUTNIK

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. SPRATT. Madam Speaker, I rise to commemorate the retirement from government service of a true hero, Martin Leonard Skutnik. On June 4, 2010, Lenny retired after 30 years supporting logistics at the Congressional Budget Office, CBO. His work there—printing and distribution of literally hundreds of CBO reports, providing IT support, and handling mail and supplies—may not have been heroic in the standard sense, and Lenny Skutnik may still insist he didn't do anything special, but those who remember the Air Florida crash in Washington, DC, in 1982 know differently. On that January day when a plane crashed into the freezing Potomac River seconds after takeoff, Lenny dived from shore to save a woman who was too weakened to hold on to a helicopter's rescue line. His selfless and risky act saved Priscilla Tirado, and two weeks later President Reagan made Lenny a household name by citing his heroism during the State of the Union address.

Lenny never sought recognition of his heroism, but he received it in spades, including being awarded both the United States Coast Guard's Gold Lifesaving Medal and the Carnegie Hero's Fund Medal. The public accolades included "Lenny Skutnik Days" in Mississippi in 1982, and a unanimously passed resolution by the General Assembly of the Commonwealth of Virginia honoring his "unselfish act of bravery."

But day in and day out, Lenny downplayed his heroism in an unassuming way, continuing to provide logistics for CBO. Doug Elmendorf, CBO's Director, publicly cited Lenny's contributions on Friday, noting that Lenny says he was proud to have been part of CBO, and that he learned a lot working there.

Lenny Skutnik exemplifies the spirit of public service, both on that fateful winter day in 1982 and every day since then through his work with others at CBO to provide budget-related materials that inform Congress and the public on key decisions. On behalf of the many people who rely on CBO's products, and as a grateful American, I would like to thank Lenny Skutnik not just for his heroism in 1982 but also for his many years of public service.

HONORING MARTIN LEONARD SKUTNIK

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. RYAN of Wisconsin. Madam Speaker, I rise today to pay tribute and to say thank you to Martin Leonard Skutnik. Lenny is retiring after 30 years of service to the Congressional Budget Office. As you know, Madam Speaker, the Budget Committee relies heavily on CBO and on the professionalism, dedication, and competence of its staff—and those are the very traits I think of when I think of Lenny Skutnik: professional, dedicated, and competent. Lenny paid perhaps one of the highest compliments an employee can pay to his employer when he said recently that he was "proud to have been a part of it [CBO]." That pride was evident in his work and the support he provided CBO in ensuring its products were printed and disseminated in a timely manner.

Lenny had a career at CBO of which he can be proud and Lenny—through his unforgettable actions on a cold day in January nearly 30 years ago—filled this nation with pride even as we watched the fate of Air Florida Flight 90 in horror. On that January 13th, which will forever be remembered by those who then lived and worked in and around Washington, DC, Lenny provided a very real face to heroism. Lenny pushed his own safety to the back of his mind, defied logic, and willingly jumped into the icy waters of the Potomac to help those in need. Lenny's humility and grace keep him from acknowledging he did anything extraordinary, yet we know differently. Lenny's actions provide inspiration to us all and provide a vivid example for us to use when describing the concept of heroism to our children.

Madam Speaker, the Congress was fortunate to have Lenny Skutnik as an employee for the last 30 years and this nation is proud to call Lenny one of its own. I wish him a long, healthy, and happy retirement. He has earned it.

HONORING LIEUTENANT COLONEL TED EPPLE

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. JORDAN of Ohio. Madam Speaker, I am honored to commend to the House the outstanding contributions of Lieutenant Colonel Theodore M. ''Ted'' Epple to the Army and to our nation.

Since August of 2007, Colonel Epple has served as commander of the Joint Systems Manufacturing Center in Lima, Ohio, where so many have worked since World War II to provide cutting-edge military equipment to our armed forces. During his service in Lima, he deployed to Iraq for a year in support of the Defense Contract Management Agency's efforts there.

Throughout his military career, Colonel Epple's dedication and valor have been recognized by his peers and superiors. Among numerous other awards and commendations, he has earned a Bronze Star, the Meritorious Service Medal, and the Joint Service Commendation Medal.

A 1988 graduate of the United States Military Academy at West Point, where he earned a Bachelor of Science degree in leadership studies, Colonel Epple also earned a Master of Science degree from the Florida Institute of Technology. He and his wife, Barbara, are the proud parents of Ben, Matthew, and Bentley.

Madam Speaker, Colonel Epple will relinquish command of JSMC to Lieutenant Colonel Yee Hang at a June 15 ceremony at the facility. On behalf of the people of Ohio's Fourth Congressional District, I thank him for his distinguished service in Lima these past three years. I am proud to join everyone at JSMC in wishing him and his family every success as they move to a new chapter in their lives.

COMMENDING DR. NATHAN FORD AS RECIPIENT OF ''CELEBRATE OUR SUCCESSES'' AWARD

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. ROE of Tennessee. Madam Speaker, I rise today to commend Dr. Nathan Ford, the 2010 recipient of the prestigious ''Celebrate our Successes'' award for his life achievements as Alumnae of the Cocke County School System.

As a member of the Education and Labor Committee, as well as a former Mayor, I welcome the opportunity to applaud those who have gone above the call to serve their community. Dr. Ford has selflessly devoted his life providing health care through his practice of Optometry, education for all ages, and his Public Service across the State of Tennessee.

Dr. Ford began his public service at age 27 being elected to Cocke County Board of Education, and has since served as Cocke County Economic Development Commission Chairman, Newport/Cocke County Chamber of Commerce Director, Chairman of the Cocke County Baptist Hospital Board; not to mention the four terms he spent serving as a Tennessee State Representative.

As a public figure myself, I understand the responsibilities and challenges that are presented when serving in such a position; I commend him for meeting them all with dignity and wisdom.

Dr. Ford's love of serving others, medicine and community involvement continues to this day; it is a great example to those not only in East Tennessee, but to our Country. I encourage my colleagues to join me in commending Dr. Nathan Ford for his outstanding life contributions, and his earning this honorable award.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. WILSON of South Carolina. Madam Speaker, listed below is how I would have voted if I had been present on June 8, 2010.

Roll Number 337—H.R. 1061—to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes—''aye.''

Roll Number 338—H. Res. 518—honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation—''aye.''

RECOGNIZING VALASSIS COMMUNICATIONS, INC.

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. McCOTTER. Madam Speaker, today I rise to recognize Valassis Communications Inc., located in my hometown of Livonia, Michigan, upon the 25th anniversary of their Have You Seen Me? Program founded by Vince Guliano with the support of CEO Al Schultz.

For a quarter of a century, Valassis has demonstrated unwavering support and commitment to the recovery of missing children. Steadfastly dedicated to the core principles of finding missing children, raising public awareness in regard to missing children, deterring potential child abductors and insuring that no missing child is forgotten, Valassis reaches in excess of 100 million people each week. Their partnership with the National Center for Missing and Exploited Children, NCMEC, and the United States Postal Service has featured more than 2,000 missing children and has led to the recovery of over 1,200 of our most vulnerable.

On May 24, 1985, inspired by the heartbreaking story of the abduction and murder of Adam Walsh, Valassis saw a social need and became a good corporate citizen. Their Herculean effort generates 87 percent of all photographic leads given to law enforcement in missing child cases.

Madam Speaker, Valassis Communications Inc. deserves not only recognition but heartfelt gratitude for having profoundly changed the way America searches for missing and exploited children. I ask my colleagues to join me in commending Valassis for its devotion to the children and families of our community and our country.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 2010

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. RUSH. Madam Chair, I rise today in support of the Murphy amendment. By adopting this amendment the House, today, takes an important step in eliminating discrimination in our nation's armed forces.

Madam Chair, critics of this amendment, and the repeal effort, have often stated that allowing open service will ''disrupt unit cohesion'' and lead to a breakdown in ''good order and discipline.'' These are the same arguments that were used in the 1940s to object to the integration of America's armed forces. Since that time, tens of thousands of African-Americans, myself included, have proudly served this nation that they love. Some have even risen to positions of distinction such as Colin Powell, who served as Chairman of the Joint Chiefs of Staff.

Much in that same honorable tradition, Madam Chair, gay and lesbian service members have also served our country with distinction. Whether on land, sea, or in the air gay and lesbian Soldiers, Sailors, Airmen, Marines and Coast Guardsmen have served, and continue to serve, professionally and admirably.

Madam Chair, open service is a policy that is embraced by many of our key allies. In fact, in our current conflicts, American forces have served side by side with British, Canadian and Australian forces. These nations all permit open service and have demonstrated—through their soldiers' blood, sweat and tears—that they, too, are an effective fighting force.

In fact, Madam Chair, 35 countries, thirty-five, allow for open service. That's 35 countries, on all six inhabited continents, that have moved past prejudice and bigotry. Now is the time for the United States to be the 36th country to join them.

Of our NATO allies, Turkey and the United States are the only countries that have not yet allowed for open service. By passing this amendment, Madam Chair, the United States takes the first step in rectifying that situation.

Madam Chair, I will close with a quote from one of our former colleagues that I seldom, if ever, agreed with: Republican Senator Barry Goldwater.

In 1993, Senator Goldwater penned an oped for the Washington Post and the Los Angeles Times where he stated, ''It's no great secret that military studies have proved again and again that there's no valid reason for keeping the ban on gays.'' I ask my colleagues to remember Senator Goldwater's words and to vote ''yes'' on this amendment.

HONORING SOMERVILLE FIRE DEPARTMENT

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Somerville Fire Department, located in Somerset County, New Jersey, which is celebrating its 175th Anniversary.

In 1835, the Somerville Fire Department originated with the creation of the Washington Fire Company on the present day site of the Somerset County Courthouse yard. The original companies included: Union Fire Company No. 1, Jersey Blue Fire Company No. 2, Somerville Steam Fire Engine Company No.1 and Steamer Hose Company No. 1. Today, the oldest surviving Engine Company is Engine Company No. 1 which was formed in 1878.

In 1880, several members of the Engine Company No. 1 realized that a hook and ladder truck was necessary to continue serving the community. These men resigned to form the Central Hook and Ladder Company. Eight years later, in 1888, the West End Hose Company No. 3 was organized in response to a citizen's petition for better fire protection on the west end of town. This company was formed with past members of the original Union Engine Company No. 1 and acquired their apparatus, building and grounds.

Another component of Engine Company No. 1 was a group of young firemen, known at the time as the Engine Company Cadets. After a series of differences with the older men of the company, the Cadets broke away from the paternal organization to form the Lincoln Hose Company in 1891.

By 1893, the Somerville Fire Department had placed fire boxes in eight locations around the town to better serve Somerville residents.

In 1916, the West End Hose Company received the first motor apparatus of the Somerville Fire Department. Eight years later, the Borough provided the Central Hook and Ladder Company with a motorized Seagrave truck with a booster tank and a complete set of wooden ladders. Every 20 years thereafter, the borough provided the company with new apparatus.

Then, in 1969, the West End Hose Company moved from its former headquarters on Doughty Avenue to a new firehouse on High Street. Five years later, the Lincoln Hose company erected its new headquarters on Warren Street at no cost to local taxpayers.

After the terrorist attacks of September 11, 2001, members of the Somerville Fire Department spent weeks in New York City participating in the rescue and recovery efforts. Today, the Somerville Fire Department continues a long and proud tradition of serving its community and surrounding municipalities, when called upon, with mutual assistance.

Madam Speaker, I ask you and my colleagues to join me in congratulating the Somerville Fire Department and its firefighters for one hundred and seventy five years of dedicated and admirable service.

IN RECOGNITION OF LYLE FRANK FOR HIS DISTINGUISHED SERVICE AS CHAIRMAN OF MANHATTAN COMMUNITY BOARD 6

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mrs. MALONEY. Madam Speaker, I rise to acknowledge the achievements of Mr. Lyle Frank on the occasion of his retirement as Chairman of New York City's Community Board 6. A tireless and dedicated community activist and civic volunteer, Lyle Frank is a consummate New Yorker who has distinguished himself in his career in both the public and private sectors.

A respected attorney, Lyle Frank has demonstrated a remarkable commitment to serving others through his public and community service. After graduating from New York University and Brooklyn Law School, Mr. Frank began his legal career as an Assistant District Attorney in Kings County, where he presented arguments in the ''Megan's Law'' hearings. He continued his legal career at Callan, Koster, Brady & Brennan, LLP, and later at Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, serving as a lead attorney in New York Supreme Court trials involving personal injury. Currently a small claims arbitrator for the New York County Civil Court, he serves as Legal Counsel for the New York City Council's Committees on Parks and Recreation and on Lower Manhattan Redevelopment. Mr. Frank is also an adjunct professor at the New York University School of Continuing and Professional Studies. Most recently, he became an adjunct professor at Baruch College, where he is an advisor to students in the National Urban Fellowship Program that prepares students for leadership and management positions in government or non-profit agencies.

It is for his volunteer service as a Member and Chairman of Community Board 6 for which Mr. Frank is being honored by his fellow Board members and community residents on the evening of June 21, 2010. Community Board 6, which encompasses the East Side of Manhattan from 14th to 59th Streets along the East River, serves as the representative town meeting of the historic and nationally prominent neighborhoods that lie within its boundaries. It thus provides a voice to community residents and their concerns, running the gamut of issues from land use to traffic to sanitation and beyond. After joining the Board in 1994, Mr. Frank became a dedicated and energetic representative for his fellow citizens. His leadership abilities were recognized when he was elected Chairman of Manhattan's Community Board 6 in January of 2006. He has just concluded four years as Chairman. Community Board 6 residents are fortunate that Lyle Frank will continue to serve their interests as a Member of the Board. Throughout all his professional and voluntary activity, Lyle Frank has fought for and secured immeasurable improvements to the quality of life of his fellow Manhattan residents.

Madam Speaker, in recognition of his tremendous contributions to the civic and public life of our nation's greatest city, I request that my colleagues join me in paying tribute to Mr. Lyle Frank, a great New Yorker and a great American. Lyle Frank's dedication to public and community serves as an inspiration to us all.

ISRAEL'S RIGHT TO DEFEND ITS BORDERS

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. PLATTS. Madam Speaker, the loss of life is always regrettable, but it is wrong for members of the international community to rush to judgment against Israel with respect to the Gaza flotilla incident. Israel has a right to protect its borders and defend itself against terrorism.

The terrorist group Hamas is engaged in a war against Israel from inside Gaza. Israel unilaterally withdrew from Gaza in 2005 in the hopes of furthering peace. Instead, Hamas consolidated its power in Gaza and launched thousands of rockets and mortar shells against innocent Israeli civilians. Israel's blockade is an act of self-defense—a necessity to deny Hamas the weaponry it needs to continue in its acts of aggression.

Israel was willing to cooperate in a manner to ensure the flow of humanitarian aid to Gaza, as it has in the past. However, organizers of the flotilla appeared intent on provoking confrontation. Video has been released which indicates Israeli soldiers came under violent attack first, before the Israelis switched from using paint guns to using pistols in their own apparent self-defense.

The knee-jerk condemnation of Israel by some in the world community obscures two important facts that should never be forgotten: First, Israel is a democracy and an ally of the United States with a right to protect itself. Second, Hamas is a terrorist group that refuses to recognize the right of Israel to peaceably exist. As an investigation into the specific facts of the incident proceed, we must ensure that it is both balanced and respectful of these underlying facts.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. GERLACH. Madam Speaker, unfortunately, on Tuesday, June 8, 2010, I missed two recorded votes on the House floor. Had I been present, I would have voted ''yea'' on Rollcall 337 and ''yea'' on Rollcall 338.

HONORING GRADUATING HIGH SCHOOL SENIORS FOR THEIR DECISION TO SERVE THE UNITED STATES OF AMERICA AS A MEMBER OF THE ARMED FORCES

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. ANDREWS. Madam Speaker, I rise today to honor forty-seven high school seniors in Camden County for their commendable decision to enlist in the United States Armed Forces. Of these forty-seven, ten are with the New Jersey Army National Guard; their names are Gabriel Gonzalez-Galarza, Baruch Zepeda, Adam Knight, Carlos Watson, Kourtney Scott, Esamuel Tutt, Louis Alcantara-Narvaez, Timothy Johnson, Resheena Whittington, James Sheridan. Sixteen have joined the Marine Corps; their names are Peter Cuoco, James Baume, Robert Distefano, Ashley Fitzgibbons, Nicholas Lentz, Kyri Chandle, John McConnell, Mark Wyatt, Natasha Rodriguez, David Nguyen, Matthew Deeney, Donato Cancelli, Daehan Bong, Erick Mistretta, Pedro Aldebol, Jasmin Ramos. Three have joined the Air Force; their names are Marc Eisenmann, Jade Bates, Efrain Cardona. Five have joined the Navy; their names are Matthew Wilson, Nicolle Morris, Wayne Young, Nicholas Lugo, Eric Jacot. And fourteen have joined the Army; their names are Chelsea Hunter, Erik Coates, Francis Ayala, Jacob Lambeth, Zachary Tavani, Ryan Langley, Joseph Olivo, Alexander Gonzalez, John Wilson, Elizabeth Vollmar, Matthew Kline, Matthew Lincoln, Jacob Colman II, and David Reeves. All forty-seven will also be recognized on June 2nd at ''Our Community Salutes of South Jersey.''

Later this month, these young men and women will join with many of their classmates in celebration of graduation. At a time when many of their peers are looking forward to pursuing vocational training or college degrees, they instead have chosen to dedicate themselves to military service in defense of our country.

Naturally, many may be anxious about the uncertainties that may await them as members of the Armed Forces. But, they should rest assured that the full support and resources of this chamber, and of the American people, are with them in whatever challenges may lie ahead.

It is thanks to the dedication of untold numbers of patriots like these forty-seven that we are able to meet here today, in the House of Representatives, and openly debate the best solutions to the many and diverse problems that confront our country. It is thanks to their sacrifices that the United States of America remains a beacon of hope and freedom in a fractious world.

Madam Speaker, their decision to serve our country will not go unrecognized. I want to personally thank these forty-seven graduating seniors for the selflessness and courage that they have shown by volunteering to risk their lives in defense of others. We owe them, along with all those who serve our country, a deep debt of gratitude.

IN HONOR OF LIEUTENANT DAVID CURLIN

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. ROSS. Madam Speaker, I rise today to honor the memory of a true American hero and dedicated community servant. Lieutenant David Curlin of the Pine Bluff Fire & Emergency Services Department in Arkansas. Lieutenant Curlin passed away on May 22, 2010, in Little Rock at the age of 40 from injuries sustained while fighting a fire in Pine Bluff on January 4, 2010.

Lieutenant Curlin was raised in Watson Chapel, AR, where he graduated from high school in 1988. After graduation, David joined the United States Marine Corps and served in Operation Desert Storm. Following his service in the Marine Corps David joined the Pine Bluff Fire & Emergency Services Department eventually rising to the rank of Lieutenant. Lieutenant Curlin served in Pine Bluff for 14 years while also volunteering with the Watson Chapel Volunteer Fire Department.

Lieutenant Curlin demonstrated the best of Arkansas and of America. As a Marine, he defended and served our great country with honor and pride. As a first responder, he dedicated his life and career to serving his neighbors and protecting his community. We need more heroes like Lieutenant Curlin. His presence will be deeply missed.

My deepest thoughts and prayers are with Lieutenant Curlin's wife Pamela; daughters, Tarah, Katherine and Kaylee; step-daughter, Haley; father and step-mother, George and Phyllis Curlin; mother and step-father, Rita and Joe Gronwald and his entire family during this extraordinarily difficult time.

Our nation is safer and stronger because of brave service members and first responders like Lieutenant Curlin. Today, I ask all Members of Congress to join me as we honor the life, legacy and service of Lieutenant David Curlin.

HONORING DR. FRANCES L. WHITE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor Dr. Frances L. White, a community college educator for 32 years who is retiring as the Superintendent/President of the Marin Community College District. Dr. White is a distinguished leader who is herself a community college graduate. She is a dedicated educator committed to the community college mission and to the welfare of students, particularly those in the 112 public community colleges in California.

A former full-time faculty member in the Peralta Community College District, Dr. White earned her Ph.D. in education administration from the University of California at Berkeley. As an administrator she has served in a variety of roles including President of Skyline College in San Bruno, California and Executive Vice Chancellor at City College of San Francisco. She is the recipient of many awards and recognitions, the author of scholarly publications, and has directed numerous workshops on college leadership, mentoring, and institutional effectiveness. In March, the Association of California Community College Administrators awarded her the prestigious 2010 Harry Buttimer Distinguished Administrator Award.

Starting at College of Marin during a period of considerable turmoil, Dr. White is credited with working with the Board of Trustees and the Faculty to successfully stabilize a district plagued by decades of declining enrollments, crumbling classrooms, financial instability, poor community connections, and on the brink of accreditation loss. Capitalizing on her powerful personal qualities, White put a recovery plan in place and implemented a strategic direction that arrested the downward spiral and set the college on a visionary course.

A leader with considerable collaborative skills, Dr. White is a compassionate mentor, both to students and to colleagues. With her dedicated support, the Academic Senate developed and implemented Student Learning Outcomes and Program Review, essential for the institution to reestablish accreditation in good standing and what led the Academic Senate leaders to receive statewide recognition for their outstanding efforts.

Not one to shy from challenges, three weeks after taking the helm at College of Marin, the Board of Trustees passed a resolution to place a countywide facilities bond on the ballot. While most thought it would fail, under Dr. White's guidance and tireless work, the Measure C Bond was successful and received broad community support. The $250 million bond made it possible for the College to undertake long-deferred facilities renovation and modernization creating newly designed and energy efficient, student-centered learning environments on both the Kentfield and Indian Valley campuses, which helped generate a 15% enrollment increase at Kentfield and a 135% enrollment increase at Indian Valley.

In addition to being a very competent administrator, Dr. White understands the importance of raising private funds for the College of Marin, and has been innovative in creating opportunities for friends of the college to support its mission. Launching the highly successful ''President's Circle'' as well as the ''Education Excellence Innovation Fund,'' Dr. White has established an enviable budget reserve of 12 percent. The College has been very fortunate Dr. White came at a critical time and was able to initiate significant change and a notable shift in the institutional culture.

Madam Speaker, Dr. White is a gracious woman of remarkable talent and considerable commitment, and it is therefore appropriate to honor her today and to wish her well in her next endeavor. Congratulations, Fran White—you will be missed.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE FOUNDING OF TRINITY LUTHERN CHURCH IN SPRINGFIELD, MISSOURI

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BLUNT. Madam Speaker, I rise to pay tribute to the Trinity Lutheran congregation of

Springfield, Missouri, celebrating its 100th year of service to the community and God. Trinity Lutheran is honoring this milestone with a year of special services, events and history displays.

Trinity Lutheran Church will welcome several preachers during this special year. Many who were integral to Trinity's 100-year history will honor and remember the congregation's growth, achievements and history of serving the Springfield area and bringing the word to worshipers.

Former Pastor Manny Rodriguez, who left to develop Amigos de Cristo, a mission church in Sedalia, is joining current Trinity Lutheran Pastor Bill R. Marler and Pastor Eric Tessaro to celebrate this anniversary. The pastors are encouraging the congregation to honor their history and consider long range plans to keep the spirit, message and mission of Trinity Lutheran fresh.

Like many churches 100 years ago struggling with finances, Trinity Lutheran began with a small group of households. Pastors from other congregations volunteered to minister in Springfield. Rev. A.F. Woker became the first pastor of Trinity in 1917. Soon, the congregation purchased property and constructed their first home. This building served them for three decades.

Today's well-known location of Trinity Lutheran is the result of a need to expand beyond the restrictions of its first home. As if divinely inspired, Trinity Lutheran moved into the wilderness of Greene County. This decision proved to be a blessing, placing the church in a location that would easily accommodate phenomenal growth in the 1950s and 1960s. It is still the congregation's home today.

Trinity's growth has also been guided by capable long-term pastors, each of whom were strong leaders and deeply rooted scriptural teachers. Such sound leadership and congregational support helped Trinity Lutheran create a number of new ministries, including campus ministry and a school.

Trinity Lutheran is one of Springfield's strong moral pillars, committed to the work of God and compassion for those less fortunate in our community. My hope is that Trinity Lutheran continues its heritage of strong leadership in Springfield for many centuries to come.

HONORING THE SERVICE OF SERGEANT THOMAS L. COLLINS

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BISHOP of New York. Madam Speaker, I rise today to commend the intellect and dedication of Sergeant Thomas L. Collins, a lifelong resident of East Hampton, New York, who received a medal and certificate of recognition from the British government for his service as a cryptologist during WWII. So secret was his work during the war, Sgt. Collins' invaluable contributions were not recognized and made public until the 1990s.

After distinguishing himself during training at Arlington Hall, the U.S. cryptography center, he was chosen to escort the Allies' most advanced code-breaking machine, the Dragon, to Britain in 1944. Sgt. Collins carried a loaded Smith & Wesson revolver at all times during his journey, a testament to the dangerous nature of his mission and the valuable cargo he guarded.

In October 1944, after landing in Scotland, he and the Dragon were transported by rail and truck to the renowned Allied cryptography center at Bletchley Park, and immediately put to use as Allied forces had their first battle on German soil, at Aachen. All told, Sgt. Collins used the Dragon to decode 143 Nazi messages. He was also instrumental in designing a successor to the original Dragon, which was credited with hastening the defeat of the Nazis by many weeks.

Madam Speaker, heroism has many faces, and the labors of dedicated code breakers hundreds of miles from the front lines saved many lives by providing our fighting forces the best intelligence available. Sgt. Collins is a living reminder of the varied contributions made by members of the Greatest Generation in defending freedom. I humbly join the British Government in honoring the wartime service of Sgt. Thomas L. Collins.

RECOGNIZING OHIO CHRISTIAN UNIVERSITY'S GRADUATING CLASS OF 2010

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. AUSTRIA. Madam Speaker, on behalf of the people of Ohio's Seventh Congressional District, I am honored to recognize Ohio Christian University's graduating class of 2010.

Over the past years, these students have earned academic excellence and grown both spiritually and resourcefully. It was a privilege to attend the University's ceremony and witness such an achievement, as our future leaders are sent out into the community.

Thus, with great pride, I congratulate Ohio Christian University's graduating class of 2010 for its exemplary success and wish each graduate the best in their future endeavors.

RECOGNIZING THE CHICAGO HUMAN RHYTHM PROJECT

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. QUIGLEY. Madam Speaker, today I rise in recognition of the Chicago Human Rhythm Project's 20th anniversary. Over the last 20 years, the Chicago Human Rhythm Project's extraordinary community building efforts and celebration of American tap and percussive arts has firmly established them as one of Chicago's artistic mainstays.

Founded in 1990, the Chicago Human Rhythm Project, CHRP, has maintained community outreach as the cornerstone of its success. Most notably, CHRP has educated over 10,000 students and provided over $250,000 in scholarships to students in need to study tap dance during the summer. CHRP has also provided a free outreach residency school program for elementary, high school, and cultural centers throughout the Chicagoland area. The cultivation of a stronger America through art is further exemplified through their participation in the ''Thanks 4 Giving'' shared revenue program. Since joining ''Thanks 4 Giving'' six years ago, CHRP has raised over $100,000 for charity.

CHRP's dedication to community extends beyond Chicago, Illinois and the United States of America with their involvement in an ongoing cultural exchange program. This program has given CHRP the opportunity to spread American tap dance across the globe by participating in exchanges with Brazil, China, Finland, France, Germany, Japan, Switzerland, and Venezuela. As a result of their commitment to the international community, CHRP was selected to represent the United States of America at the 5th Anniversary Beijing International Contemporary Dance Festival in 2007 and the Gala de Estrellas Internacional in Caracas, Venezuela in 2008.

Madam Speaker, I want to thank the Chicago Human Rhythm Project for their continued efforts. It is through their unabashed commitment to the arts and the community at large that they have helped to perpetuate the love affair with American dance and to establish Chicago as a global fine arts destination.

HONORING SISTER ROSEMARIE NASSIF, SSND, PHD

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Ms. LEE of California. Madam Speaker, I rise today to honor Sister Rosemarie Nassif, SSND, PhD, for her celebrated and successful 11-year tenure as Holy Names University President. On the occasion of her retirement, we recognize the quality and excellence of Sister Rosemarie's career and her talents as a dynamic and inspirational leader. During her time as president, Holy Names University has witnessed record-breaking enrollment, noted student diversity, expanded academic and sports programming, improved facilities, increased alumni participation and overall acclaim.

Sister Rosemarie's religious calling came early in life, and at the age of 17, she entered the School Sisters of Notre Dame. During her early career back East, Sister Rosemarie gained a breadth of experience as Associate Professor of Notre Dame College, St. Louis College of Pharmacy and Co-Vicar for the Archdiocese of St. Louis, Missouri. In Baltimore, she became President of the College of Notre Dame of Maryland and later, President of the Fund for Educational Excellence before leaving that post to join Holy Names University on May 1, 1999.

With a 140-year tradition of providing educational excellence in the Bay Area, Holy Names University, HNU, is a premier, private university founded by the Sisters of the Holy Names of Jesus and Mary and co-educational since 1971. Upon Sister Rosemarie's arrival, the university entered a period of ''refoundation,'' where she, along with faculty and leadership, assessed the university's strengths and the critical needs of their students for the 21st century. She described this process as making the best match between tradition and innovation, while stretching to meet any challenges at hand. With foresight, dedication and solid

teamwork, Sister Rosemarie introduced a five-year strategic plan to the Board of Trustees, later accomplishing every goal she addressed.

She led the institution in achieving the maximum 10-year accreditation by the Western Association of Schools and Colleges, oversaw the highest and most diverse enrollment in the university's history and surpassed initial fundraising goals to raise $5.3 million in a successful $7 million campaign to transform the science facilities.

She added four new athletic programs, completed a New Center for Social Justice and Civic Engagement, and made campus-wide technological advances, including student information and enrollment systems, a Technology Support Center for students and a state-of-the-art video conference studio for multi-state nursing programs. Additionally, HNU added five new baccalaureate majors, four new master's programs, returned to stable financial footing and completed The Campus Master Plan through 2012.

Sister Rosemarie's accomplishments will leave an indelible mark on the HNU campus, but the legacy of her work represents so much more than tangible results. Her personal commitment to shaping a unique learning experience that explores and celebrates the beauty of differences has forever touched the lives of students, faculty, alumni, trustees and local community leaders.

Her service has empowered countless women and men from underrepresented cultures and nations throughout the world to practice civic engagement, tolerance and critical thinking. And, as President Emerita Sr., she will continue to serve students through the Frieda Mary Nassif Scholarship award, named for her mother.

On behalf of California's 9th Congressional District, I want to extend my congratulations on this important milestone. Thank you, Sister Rosemarie Nassif, for all that you do. I wish you continued success in this next chapter of life.

HONORING GARRETT WITTELS OF FIU FOR EXTENDING HIS HITTING STREAK TO 56 GAMES

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise to honor Garrett Wittels of Florida International University, FIU, who has extended his hitting streak to an astonishing 56 consecutive games.

Garrett has been a standout student-athlete since his days at Dr. Michael Krop Senior High School in Miami, Florida. While there, he made the Miami Herald's All-Miami-Dade teams from 2006 to 2008, was selected as team MVP his sophomore and senior seasons and posted a .420 average with six home runs and 29 RBI's during his senior campaign. He was recruited by the University of Miami, North Carolina State, and Louisville, but he chose to attend FIU, Miami's first and only four-year public research university. With a student body of nearly 40,000, FIU is one of the 25 largest universities in the nation.

While he began his collegiate baseball career with moderate success, he is now headlining sports pages and captivating the nation with his amazing feat. As FIU battled to stay alive in the NCAA Regionals of the College World Series, Garrett extended his hitting streak to 56-consecutive games; a streak which began on February 19, 2010. This matches the Major League Baseball record held by Yankee great and Hall of Famer, Joe DiMaggio, who hit in 56-straight games in 1941. The only other person with a longer streak in college than Garrett is the all-time Division I record holder, Robin Ventura of Oklahoma State University, who hit safely in 58-consecutive games in 1987.

Garrett helped lead FIU to the Sun Belt Conference Championship and a berth in this year's College World Series. Garrett had 100 hits in 2010, which set the single-season record for FIU; he was selected as the 2010 Sun Belt Conference Baseball Player of the Year; and was named to the Louisville Slugger All-American Baseball Team (first team).

While he is showing the nation that he can excel on the diamond, less attention is being focused on his achievements off of it. He has made the Academic Honor roll as he works towards his degree in Sports Management. He shows us that he is as dedicated to hitting the books as to hitting line-drives. He is a true scholar-athlete and a fine example for other young athletes to emulate.

Unfortunately, we'll have to wait till next season to see if Garrett can continue his streak but, I'd like to take the time to congratulate Garrett Wittels, his family, his teammates, and the entire FIU community, for being one step closer to baseball immortality. We all look forward to the start of FIU's 2011 baseball season and Garrett's pursuit of the record.

PERSONAL EXPLANATIONS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Ms. RICHARDSON. Madam Speaker, yesterday was primary Election Day in my state of California, which necessitated by remaining in my congressional district on Tuesday, June 8, 2010, through Wednesday morning, June 9, 2010. Consequently, I was unable to return in time for rollcall Votes 337 through 339.

I ask the RECORD to reflect that had I been present I would have voted as follows:

1. On rollcall No. 337, I would have voted "aye" (June 8) (H.R. 1061, Hoh Indian Tribe Safe Homelands Act).

2. On rollcall No. 338, I would have voted "aye" (June 8) (H. Res. 518, Honoring the life of Jacques-Yves Cousteau, explorer, researcher, and pioneer in the field of marine conservation).

3. On rollcall No. 339, I would have voted "aye" (June 9) (Motion on Ordering the Previous Question on the Rule for H.R. 5072—FHA Reform Act of 2010 (H. Res. 1424)).

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,056,957,049,453.42.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,418,531,303,159.60 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. STUPAK. Madam Speaker, on Monday, May 24, 2010 and Friday, May 28, 2010, I was absent for votes due to family commitments. Had I been present, I would have voted on the following:

House rollcall vote 291—I would have voted "yes"; House rollcall vote 292—I would have voted "yes"; House rollcall vote 293—I would have voted "yes"; House rollcall vote 324—I would have voted "yes"; House rollcall vote 325—I would have voted "no"; House rollcall vote 326—I would have voted "no"; House rollcall vote 327—I would have voted "no"; House rollcall vote 328—I would have voted "no"; House rollcall vote 329—I would have voted "yes"; House rollcall vote 330—I would have voted "yes"; House rollcall vote 331—I would have voted "no"; House rollcall vote 332—I would have voted "yes"; House rollcall vote 333—I would have voted "yes"; House rollcall vote 334—I would have voted "yes"; House rollcall vote 335—I would have voted "no"; House rollcall vote 336—I would have voted "yes."

HONORING RAUL H. CASTRO, FORMER GOVERNOR OF ARIZONA

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. PASTOR of Arizona. Madam Speaker, while many have written of the inspirational story surrounding Raul Hector Castro, Arizona's first Hispanic Governor, it seems only fitting that in today's highly charged atmosphere of anti-immigrant sentiment, we take the occasion of Governor Castro's 93rd birthday on June 12th to examine his life as one who has surely proven the American dream is achievable. In fact, he has not only shown that dream is achievable, he has also underscored the fact that those pursuing the dream contribute mightily to the strength of our Nation.

Born in Mexico, the second youngest of 12 children raised in Arizona by an immigrant

copper miner and a mother who was a well-trusted midwife, it would have been easy for him to get lost in the shuffle of such a large family that had to scratch a living from the ground to survive, but early on, he recognized the value of setting goals and not giving up until they are met. Based on that determination, he parlayed his natural athleticism and keen mind in high school into a scholarship to Arizona State Teacher's College.

While no stranger to racism and discrimination when he graduated from college and become a naturalized citizen in 1939, he still had not anticipated the rejection he would experience when applying for teaching positions because school districts were unwilling to hire an Hispanic teacher. Discouraged, but not defeated, he traveled America for several years until he landed a civil service job as a foreign-service clerk for the U.S. State Department in Sonora, Mexico. Many would have been satisfied with a secure position in the Federal Government, but he was determined to further his station in life, becoming a Spanish instructor at the University of Arizona so that he might attend the institution's law school. Passing the Arizona State Bar in 1949, he established an enviable career over the next five decades that took him from Pima County Attorney through the appointment by two United States Presidents to three ambassadorships, in addition to becoming Arizona's first Hispanic governor. Throughout this process, he never lost sight of the importance of an education and his mother's mantra that he could accomplish whatever he set his mind to. As a result, when he did accomplish more than many ever hoped for, he didn't forget the 4 miles he and his Hispanic friends had to walk to school while the buses filled with Anglo children passed them by, and he worked tirelessly to rectify these kinds of incomprehensible bigotry.

For example, as a judge he presided over a full-schedule of cases, but was particularly disturbed by the vulnerable at-risk youngsters in the juvenile court system who were being shoved under the rug by society. This inspired him to take time every Monday to check attendance records at the local high schools. In the evenings, he would visit with families of students exhibiting high rates of absenteeism in an effort to get their support in encouraging the students to stay in school and make the most of that experience. This concern for improving society continued throughout his career. Sometimes limited to simply seeing Hispanic children given equal access to the YMCA, to concentrating on improving human rights abroad while serving as an ambassador, he never lost sight of using his opportunities to make a difference.

Throughout our history it has been proven that immigrants are far more than just an inexpensive work force. They are in fact a valuable asset to this country and Raul H. Castro is an outstanding example of one such person. Therefore, in light of today's divisive view of immigration, his story should be noted as a symbol of how the United States has benefitted from those who value this country so much, and that after moving here to build a better life for their families, they remain dedicated to making sure that they improve our Nation for future generations.

HONORING THE 60TH ANNIVERSARY OF SCHOOLCRAFT MEMORIAL HOSPITAL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. STUPAK. Madam Speaker, I rise to recognize Schoolcraft Memorial Hospital as it celebrates its 60th anniversary serving residents in Schoolcraft County and across Michigan's Upper Peninsula. Schoolcraft Memorial Hospital is known both for the quality of care it provides and its leadership role in keeping the community active and healthy.

Located along Lake Michigan's northern shores in Manistique, Michigan, Schoolcraft Memorial Hospital is a 25-bed progressive critical access hospital, offering comprehensive medical and surgical care, health care in 30 specialties including cardiology and neurology, a 24-hour physician staffed emergency room, a walk-in clinic, physical and occupational therapy, cardiac rehabilitation and a wide range of diagnostic services. It has also opened a number of clinics throughout Schoolcraft County, as well as a fitness center to increase access to health care services and improve health and wellness in the community and surrounding areas.

Schoolcraft Memorial Hospital's excellence has been widely recognized. The hospital received the Michigan Center for Rural Health's 2009 Michigan Rural Health Quality Improvement Award—Award for Excellence for its work to improve care processes in the treatment of heart failure and pneumonia and emergency room transfers. It also was named a 2008 ''Hero for the Uninsured'' by the Upper Peninsula Health Access Coalition. These awards highlight Schoolcraft Memorial Hospital's commitment to continuously improving the care it provides and its dedication to serving the community.

However, the physicians, staff and administrators of Schoolcraft Memorial Hospital are not known to rest on their laurels. Rather, they are steadfast in looking ahead to the hospital's future growth and improvements. Whether it's the acquisition of new rehab equipment, like the ''omnicycle;'' converting electronic medical records to email to save money and space; upgrading current facilities to include a new CT scan room, triage room and emergency room treatment room; or working towards the development and construction of a brand new replacement facility, Schoolcraft Memorial Hospital strives to provide its patients with the most positive experience and effective treatment possible.

Madam Speaker, Schoolcraft Memorial Hospital provides its patients with hometown familiarity combined with state-of-the-art services. Over the years, it has continued to innovate, grow and provide critical health care services to Schoolcraft County. Therefore, I ask Madam Speaker, that you, and the entire U.S. House of Representatives, join me in recognizing Schoolcraft Memorial Hospital on its 60th anniversary.

EASTERN RANDOLPH SOFTBALL TEAM WINS IT ALL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our congratulations to the Eastern Randolph softball team for winning the North Carolina High School Athletic Association 2-A state softball championship. There is no doubt that the level of athleticism and fortitude these young women possess is without reproach.

Eastern Randolph's journey to the state title was one of a remarkable comeback. After being placed in the loser's bracket early in the competition after their first encounter with Central Davidson the team was disappointed, but even more determined. Having successfully defeated South Lenior, the Eastern Wildcats faced Central once again in the championship game.

Led by pitcher and Most Valuable Player Jessica Gordan, the Wildcats defeated the Central Spartans 9–2. After pitching three games during the tournament, Gordan tossed a three-hitter with only two walks and three strikeouts. The entire team exhibited superior athletic ability and are well-deserving of their first state title in Eastern's school history.

Team members include: Rachel Burgess, Jana Cheek, Liza Elliott, Jessica Gordon, Dallas Heaton, Kailey Hill, Olivia Millikan, Codie Rhodes, Gina Ritter, Brittainy Rush, Kayla Saliga, Kaitlyn Scheuering. The team was led by Head Coach Randall Myers and his assistants Richard Thomas, Gary Heaton and Tony Hill. Also contributing were team managers Leslie Honeycutt and Chesley Honeycutt.

Again, on behalf of the Sixth District of North Carolina, we would like to congratulate the Eastern Randolph softball team, the faculty, staff, students, and fans for an outstanding season.

COMMENDING ELKS LODGE IN FOREST GROVE, OREGON, FOR CELEBRATING FLAG DAY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. WU. Madam Speaker, as Flag Day approaches, I rise to pay tribute to our Nation and to commend the Elks Lodge in Forest Grove, Oregon, for celebrating Flag Day in my district.

The United States flag is a hallmark of the enduring character of America. In 1818, Congress passed legislation that provided the basic design of our flag, with 13 stripes honoring the 13 original colonies and one star per state.

Throughout our history citizens have honored the flag and the principles for which it stands, but we did not have an official day honoring our flag until President Woodrow Wilson issued a presidential proclamation in 1916 establishing Flag Day. In 1949, congressional legislation designating June 14 as national Flag Day was signed into law by President Harry Truman.

I am pleased to offer my thanks and support to the Elks Lodge of Forest Grove, Oregon, which has organized a Flag Day celebration to educate the community about our flag and its history. The Order of the Elks promotes American principles of individual freedom, opportunity, and dignity, consistent with the principles that the U.S. flag represents.

I am honored to provide the Elks Lodge of Forest Grove with a flag flown over the U.S. Capitol for their celebration, and I thank them for their service to our community and Nation.

CELEBRATING THE 25TH ANNIVERSARY OF THE FRIENDS OF THE PARKS AND TRAILS OF ST. PAUL AND RAMSEY COUNTY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Ms. McCOLLUM. Madam Speaker, today I rise to congratulate the Friends of the Parks and Trails of St. Paul and Ramsey County, on the occasion of the 25th anniversary of the organization. Since it was established in 1985, this group has been dedicated to serving and promoting parks and green spaces in St. Paul, Minnesota, and surrounding communities.

Executive Director Peggy Lynch has been there every step of the way, first leading a group of citizens to found the organization to keep a massive high-rise development out of Hidden Fall/Crosby Regional Park in order to preserve green space for everyone in our community. The Friends of the Parks and trails has since developed into a broad, membership-supported nonprofit group.

The Friends of the Parks has proven their commitment to St. Paul and Ramsey County parks by promoting open space preservation, protection, improvement, and development of new parks. And as a vital member of the community the Friends of the Parks have successfully laid the foundation for lasting change by working with St. Paul and Ramsey County to require no ''net loss'' of parkland in any deals the city or county makes, and also helped to create city and county park commissions.

Parks are essential to Minnesotans. They not only provide recreational opportunities and a connection to the natural world, they also provide employment, economic development and increase property values. For 25 years, the Friends of the Parks and Trails have been serving my community, ensuring that all Minnesotans have the opportunity to benefit from the positive resources provided by parks. This deserves our thanks, support and commendation.

Madam Speaker, please join me in rising to honor the 25th anniversary of the Friends of the Parks and Trails of St. Paul and Ramsey County, Peggy Lynch, and all its members and volunteers for their hard work and constant dedication to ensuring parks and green space are available for all to enjoy.

OSCE REPRESENTATIVE CITES THREATS TO FREE MEDIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. HASTINGS of Florida. Madam Speaker, as Co-Chairman of the Helsinki Commission, I wish to draw the attention of colleagues to the timely and informative testimony of the OSCE Representative on Freedom of the Media, Dunja Mijatovic, who testified earlier today at a Commission hearing on ''Threats to Free Media in the OSCE Region.'' She focused on various threats to journalists and independent media outlets, including physical attacks and adoption of repressive laws on the media as well as other forms of harassment. Most troubling is the murder of journalists because of their professional activities. According to the U.S.-based Committee to Protect Journalists, 52 journalists have been killed in Russia alone since 1992, many reporting on corruption or human rights violations. Ms. Mijatovic also flagged particular concern over existing and emerging threats to freedom on the Internet and other communications technologies. She also voiced concern over the use of criminal statutes on defamation, libel and insult which are used by some OSCE countries to silence journalists or force the closure of media outlets. With respect to the situation in the United States, she urged adoption of a shield law at the federal level to create a journalists' privilege for federal proceedings. Such a provision was part of the Free Flow of Information Act of 2009, which passed the House early in the Congress and awaits consideration by the full Senate.

As one who has worked to promote democracy, human rights and the rule of law in the 56 countries that comprise the OSCE, I share many of the concerns raised by Ms. Mijatovic in her testimony and commend them to them to colleagues.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE REPRESENTATIVE ON FREEDOM OF THE MEDIA

(By Dunja Mijatovic)

[From the Helsinki Commission Hearing on the Threats to Free Media in the OSCE Region, June 9, 2010]

Dear Chairmen, Distinguished Commissioners, Ladies and Gentlemen,

I am honored to be invited to this hearing before the Helsinki Commission at the very beginning of my mandate. I feel privileged to speak before you today. The Helsinki Commission's welcoming statement issued on the day of my appointment is a clear manifestation of the strong support you continuously show toward the work of this unique Office, and I assure you, distinguished Commissioners, that this fact is very much appreciated.

It will be three months tomorrow since I took office as the new Representative on Freedom of the Media to the OSCE. Even though three months may sound short, it has proved more than enough to gain a deep insight, and unfortunately also voice concerns, about the decline of media freedom in many of the 56 countries that today constitute the OSCE.

Although the challenges and dangers that journalists face in our countries may differ from region to region, one sad fact holds true everywhere: The freedom to express ourselves is questioned and challenged from many sides. Some of these challenges are blatant, others concealed; some of them follow traditional methods to silence free speech and critical voices, some use new technologies to suppress and restrict the free flow of information and media pluralism; and far too many result in physical harassment and deadly violence against journalists.

Today, I would like to draw your attention to the constant struggle of so many institutions and NGOs around the world, including your Commission and my Institution, to combat and ultimately stop violence against journalists. I would also like to address several other challenges that I want to place in the center of my professional activities, each of which I intend to improve by relentlessly using the public voice I am now given at the OSCE.

Let me first start with violence against journalists.

Ever since it was created in 1997, my Office has been raising attention to the alarming increase of violent attacks against journalists. Not only is the high number of violent attacks against journalists a cause for concern. Equally alarming is the authorities' far too-prevalent willingness to classify many of the murders as unrelated to the journalists' professional activities. We also see that more and more often critical speech is being punished with questionable charges brought against the journalists.

Impunity of perpetrators and the responsible authorities' passivity in investigating and failing to publicly condemn these murders breeds further violence. There are numerous cases that need to be raised over and over again. We need to continue to loudly repeat the names of these courageous individuals who lost their lives for the words they have written. I am sorry for all those whom I will not mention today; but the names that follow are on the list that I call ''the Hall of Shame'' of those governments that still have not brought to justice the perpetrators of the horrifying murders that happened in their countries.

The most recent murder of a journalist in the OSCE area is the one of the Kyrgyz opposition journalist Gennady Pavlyuk (Bely Parokhod), who was killed in Kazakhstan in December last year. It gives me hope that the new Interim Government of Kyrgyzstan has announced to save no efforts to bring the perpetrators to justice, as well as those involved in the 2007 murder of Alisher Saipov (Siyosat).

The Russian Federation remains the OSCE participating State where most members of the media are killed. Paul Klebnikov (Forbes, Russia), Anna Politkovskaya (Novaya Gazeta), Anastasia Baburova (Novaya Gazeta), are the most reported about, but let us also remember Magomed Yevloyev (Ingushetiya), Ivan Safronov (Kommersant), Yury Shchekochikhin (Novaya Gazeta), Igor Domnikov (Novaya Gazeta), Vladislav Listyev (ORT), Dmitry Kholodov (Moskovsky Komsomolets) and many others.

We also should not forget the brutal murders of the following journalists, some remain unresolved today:

Hrant Dink (Agos) Armenian Turkish journalist was shot in 2007 in Turkey.

Elmar Huseynov (Monitor) was murdered in 2005 in Azerbaijan.

Georgy Gongadze (Ukrainskaya Pravda) was killed in 2000 in Ukraine.

In Serbia, Slavko Curuvija (Dnevni Telegrat) was murdered in 1999, and Milan Pantic (Vecernje Novosti) was killed in 2001.

In Montenegro, Dusko Jovanovic (Dan), was shot dead in 2004.

In Croatia, Ivo Pukanic (Nacional) and his marketing director, Niko Franjic, were killed by a car bomb in 2008.

Violence against journalists equals violence against society and democracy, and it should be met with harsh condemnation and prosecution of the perpetrators. There can be no improvement without an overhaul of the very apparatus of prosecution and law enforcement, starting from the very top of the Government pyramid.

There is no true press freedom as long as journalists have to fear for their lives while performing their work. The OSCE commitments oblige all participating States to provide safety to these journalists, and I will do my best to pursue this goal with the mandate I am given and with all professional tools at my disposal.

We also observe another very worrying trend; more and more often the imprisonment of critical journalists based on political motivations including fabricated charges. Let me mention some cases:

In Azerbaijan, the prominent editor-in-chief of the now-closed independent Russian-language weekly, Realny Azerbaijan, and Azeri-language daily, Gundalik Azarbaycan, Eynulla Fatullayev was sentenced in 2007 to a cumulative eight-and-a-half years in prison on charges on defamation, incitement of ethnic hatred, terrorism and tax evasion. The European Court of Human Rights (ECtHR) found Azerbaijan in violation of Article 10 and Article 6, paragraphs 1 and 2 of the European Convention on Human Rights, so there is only one possible outcome—Fatullayev should be immediately released.

In Kazakhstan, Ramazan Yesergepov, the editor of Alma-Ata Info, is serving a three-year prison term on charges of disclosing state secrets.

Emin Milli and Adnan Hajizade, bloggers from Azerbaijan, are serving two and a half years and two years in prison respectively since July 2009 on charges of hooliganism and infliction of light bodily injuries.

In Uzbekistan, two independent journalists, Dilmurod Saiid (a freelancer) and Solijon Abdurahmanov (Uznews), are currently serving long jail sentences (twelve-and-a-half-years and ten years) on charges of extortion and drug possession.

I will continue to raise my voice and demand the immediate release of media workers imprisoned for their critical work.

I join Chairman Cardin for commending independent journalists in the Helsinki Commission's recent statement on World Press Freedom Day. These professionals pursue truth wherever it may lead them, often at great personal risk. They indeed play a crucial and indispensable role in advancing democracy and human rights. By highlighting these murder and imprisonment cases, by no means do I intend to neglect other forms of harassment or intimidation that also have a threatening effect on journalists. Let me just recall that, with the heightened security concerns in the last decade, police and prosecutors have increasingly raided editorial offices, journalists' homes, or seized their equipment to find leaks that were perceived as security threats.

SUPPRESSION AND RESTRICTION OF INTERNET FREEDOM

Turning to the problems facing Internet freedom, we can see that new media have changed the communications and education landscape in an even more dramatic manner than did the broadcast media in the last half century. Under my mandate, the challenge has remained the same: how to safeguard or enhance pluralism and the free flow of information, both classical Helsinki obligations within the OSCE.

It was in 1998 that I read the words of Vinton G. Cerf in his article called ''Truth and the Internet''. It perfectly summarizes the nature of the Internet and the ways it can create freedom.

Dr. Cerf calls the Internet one of the most powerful agents of freedom: It exposes truth to those who wish to see it. But he also warns us that the power of the Internet is like a two-edged sword: it can also deliver misinformation and uncorroborated opinion with equal ease. The thoughtful and the thoughtless co-exist side by side in the Internet's electronic universe. What is to be done, asks Cerf.

His answer is to apply critical thinking. Consider the Internet as an opportunity to educate us all. We truly must think about what we see and hear, and we must evaluate and select. We must choose our guides. Furthermore, we must also teach our children to think more deeply about what they see and hear. That, more than any electronic filter, he says, will build a foundation upon which truth can stand.

Today, this foundation upon which truth could indeed so firmly stand is under continuous pressure by governments. As soon as governments realized that the Internet challenges secrecy and censorship, corruption, inefficiency and bad governing, they started imposing controls on it. In many countries and in many ways the effects are visible and they indeed threaten the potential for information to circulate freely.

The digital age offers the promise of a truly democratic culture of participation and interactivity. Realizing that promise is the challenge of our times. In the age of the borderless Internet, the protection of the right to Freedom of Expression ''regardless of frontiers'' takes on a new and more powerful meaning.

In an age of rapid technological change and convergence, archaic governmental controls over the media are increasingly unjust, indefensible and ultimately unsustainable. Despite progress, many challenges remain, including the lack of or poor quality of national legislation relating to freedom of information, a low level of implementation in many OSCE member states and existing political resistance.

The importance of providing free access for all people anywhere in the world can not be raised often enough in the public arena, and cannot be discussed often enough among stakeholders: civil society, media, as well as local and international authorities.

Freedom of speech is more than a choice about which media products to consume.

Media freedom and freedom of speech in the digital age also mean giving everyone—not just a small number of people who own the dominant modes of mass communication, but ordinary people, too—an opportunity to use these new technologies to participate, interact, build, route around and talk about whatever they wish—be it politics, public issues or popular culture. The Internet fundamentally affects how we live. It offers extraordinary opportunities for us to learn, trade, connect, create and also to safeguard human rights and strengthen democratic values. It allows us to hear each other, see each other and speak to each other. It can connect isolated people and help them through their personal problems.

These rights, possibilities and ideals are at the heart of the Helsinki Process and the OSCE principles and commitments that we share. We must find the best ways to spread access to the Internet, so that the whole world can benefit from what it can offer, rather than increasing the existing gaps between those who have access to information and those who do not. And to those governments who fear and distrust the openness brought along by the Internet, let me emphasize over and over again:

The way a society uses the new communications technologies and how it responds to economic, political and cultural globalization will determine the very future of that society. Restrict access to information, and your chances to develop will become restricted. Open up the channels of free communication, and your society will find ways to prosper.

I was delighted to hear Secretary of State Clinton speak about a basic freedom in her January speech on Internet freedom in the ''Newseum''. This freedom is the freedom to connect. Secretary Clinton rightly calls this freedom the freedom of assembly in cyber space. It allows us to come together online, and shape our society in fundamental ways. Fame or money is no longer a requisite to immensely affect our world.

My Office is rapidly developing a comprehensive strategy to identify the main problems related to Internet regulation in the 56 countries of the OSCE, and ways to address these issues. I will count on the support of the Helsinki Commission to advance the universal values that this strategy will attempt to extend to those countries where these values are still being questioned.

Let me also mention the importance to protect the freedom of other new technologies.

Only two weeks ago, my Office organized the 12th Central Asia Media Conference in Dushanbe, Tajikistan, where media professionals from all five Central Asian countries adopted a declaration on access to information and new technologies. This document calls on OSCE governments to facilitate the freer and wider dissemination of information, including through modern information and communication technologies, so as to ensure wide access of the public to governmental information.

It also reiterates that new technologies strengthen democracy by ensuring easy access to information, and calls upon state institutions with legislative competencies to refrain from adopting new legislation that would restrict the free flow of information. And only this spring my Office published a guide to the digital switchover, to assist the many OSCE countries where the switch from analogue to digital will take place in the next five years. The aim of the guide is to help plan the digitalization process, and help ensure that it positively affects media freedom, as well as the choice and quality available to the audience.

Besides advocating the importance of good digitalization strategies, I will also use all available fora to raise attention to the alarming lack of broadcast pluralism, especially television broadcast pluralism, in many OSCE countries. As television is the main source of information in many OSCE regions, we must ensure that the laws allow for diverse, high-quality programs and objective news to easily reach every one of us. Only well-informed citizens can make good choices and further democratic values. Whether we talk about Internet regulation, inventive ways to switch to digital while preserving the dominance of a few selected broadcasters, attempts to limit access to information or broadcast pluralism, we must keep one thing in mind: No matter what governments do, in the long run, their attempts to regulate is a lost battle.

People always find ways to obtain the rights that are denied to them. History has shown this over and over again. In the short run, however, it is very clear that I will intervene with governments which try to restrict the free flow of information.

DEFAMATION

Similar to fighting violence against journalists, my Office has been campaigning since its establishment in 1997 to decriminalize defamation and libel in the entire OSCE region.

Unfortunately, in most countries, defamation is still punishable by imprisonment, which threatens the existence of critical speech in the media. This is so despite the consistent rulings of the European Court of Human Rights in Strasbourg, stating that imprisonment for speech offences, especially when committed by criticizing public figures, is a disproportionate punishment.

Let us again remind ourselves of the journalists and bloggers I have mentioned above when discussing violence against journalists. They are currently in prison because their writing was considered defamatory. Their fate reminds us all of the importance of the right to freely speak our mind.

This problem needs urgent reform not only in the new, but also in the old democracies of the OSCE. Although the obsolete criminal provisions have not been used in Western Europe for decades, their ''chilling effect'' remained.

Furthermore, the mere existence of these provisions has served as a justification for other states that are unwilling to stop the criminalization of journalistic errors, and instead leave these offenses solely to the civil-law domain.

Currently, defamation is a criminal offence in all but ten OSCE countries—my home country Bosnia and Herzegovina, Cyprus, Estonia, Georgia, Ireland, Moldova, Romania, Ukraine, the United Kingdom and the United States.

Last year, three OSCE countries decriminalized defamation, which I consider to be an enormous success: Ireland, Romania and the United Kingdom; the last being the first among the Western European participating States to officially decriminalize defamation.

Some other countries, such as Armenia, are currently reforming their defamation provisions, and I hope that I can soon welcome the next country that carries out this important and very long overdue reform.

CONCLUDING REMARKS

Dear Chairmen,
Dear Commissioners,
Ladies and Gentlemen,

The above problematic areas—violence against journalists, restrictions of new media including the Internet, lack of pluralism and resistance to decriminalize defamation—are among the most urgent media freedom problems that need our attention and concentrated efforts today. However, we will also not forget about the many other fields where there is plenty of room to improve. Of course, I will not miss the excellent opportunity that we are here together today to raise your attention to the topic that my distinguished predecessor, Miklos Haraszti, has already raised with you: the establishment and the adoption of a federal shield law in the United States.

As you know, my Office has been a dedicated promoter of the federal shield law for many years. If passed, the Free Flow of Information Act would provide a stronger protection to journalists; it could ensure that imprisonments such as that of Judith Miller in 2005, and Josh Wolf in 2006, could never again take place and hinder investigative journalism. But the passage of such legislation would resonate far further than within the borders of the United States of America. It could send a very much needed signal and set a precedent to all the countries where protection of sources is still opposed by the government and is still not more than a dream for journalists.

I respectfully ask all of you, distinguished Commissioners, to continue and even increase your efforts to enable that the Free Flow of Information Act soon becomes the latest protector of media freedom in the United States.

And of course I cannot close my speech without mentioning my home country, Bosnia and Herzegovina. As you know, not only Bosnia and Herzegovina, but also most of the emerging democracies in the Balkans enjoy modern and forward-looking media legislation. We can openly say that they almost have it all when it comes to an advanced legal and regulatory framework enabling free expression to thrive. But it is not that simple. I use this moment to pose several questions: if there are good laws, then why do we still face severe problems in relation to media freedom, why do we stagnate and sometimes even move backward? Where does the problem lie? And, more importantly, how can we solve it and move ahead?

What Bosnia and Herzegovina shows us is that good laws in themselves are not enough. Without their good implementation, they are only documents filled with unrealized potential. In countries that struggle with similar problems, we must stress over and over again: without the full implementation of valid legislation, without genuine political will, without a comprehensive understanding of the media's role in a functioning democracy, without the creation of a safe environment for journalists to do their work, and without true commitment by all actors, these countries risk falling far behind international standards.

Apart from unmet expectations and disillusioned citizens, we all know that the consequences of politicized and misused media could be very serious. In conclusion, let me assure you, dear Commissioners, that I will not hesitate to openly and vigorously remind any country of their responsibilities toward implementing the OSCE commitments to the freedom of the media.

I am also asking you to use this opportunity today and send a clear message to the governments of all OSCE countries to do their utmost to fully implement their media legislation safeguarding freedom of expression. The governments have the power to create an environment in which media can perform their unique role free of pressures and threats. Without this, no democracy can flourish.

Thank you for your attention.

HONORING COLONEL EDWARD J. KERTIS FOR HIS DISTINGUISHED SERVICE TO THE RESIDENTS OF GEORGIA

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BROUN of Georgia. Madam Speaker, I rise today to honor Col. Edward J. Kertis for a distinguished career and the outstanding help that he has been to me, my staff, and the people in my district.

Col. Kertis assumed command of the Savannah District, U.S. Army Corps of Engineers, on June 29, 2007. Since his appointment, he has been responsible for a $4 billion military design and construction program; water resources planning, design and construction; hazardous, toxic and radiological waste cleanup; and real estate activities.

Residents of my district are especially grateful for his help with water resources management during an historic drought. As the rains finally began to return, Col. Kertis took the unprecedented step of stopping flow from Thurmond and Hartwell Dams, allowing the lakes to fill while water was flowing into the Savannah River from flooding creeks and streams. This common-sense decision provided economic relief to those communities who rely so heavily on the preservation of the beautiful lakes and parks of the upper Savannah River. But he has served his country in other ways as well.

Prior to his assignment to the Savannah District, Col. Kertis commanded the Walla Walla District, USACE, in Washington State from 2002–2004. He has also served as a platoon leader, staff officer, and battalion executive officer in the 27th Engineer Battalion; company commander in the 41st Engineer Battalion; and engineer company commander in the 1st Special Forces Operational Detachment—Delta. He was also the inaugural commander of the Northern District, Gulf Region Division, Iraq, during Operation Iraqi Freedom, where he managed construction projects in support of Coalition forces and the Iraqi government.

I ask my colleagues to join me in thanking Col. Kertis for his service to the nation and the dedication he has given his duties, and in wishing him all the best as he assumes his new assignment as Pacific Ocean Division Commander.

HONORING ROCK BRIDGE BOYS HIGH SCHOOL TENNIS TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating the Rock Bridge High School Boys Tennis Team on their outstanding season.

The young men and their coaches should be commended for all their hard work throughout the regular season and bringing home the Class 2 State Tennis Championship to their school and community.

I ask that you join me in recognizing the Rock Bridge High School Tennis Team for a job well done.

KEN GRIFFEY, JR.

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. REICHERT. Madam Speaker, I rise today in recognition of the recently retired Ken Griffey, Jr. Griffey retired last week from Major League Baseball after hitting 630 home runs, driving in 1,836 runs, and scoring 2,781 times. I won't even attempt to quantify the OOOOHHS and AAAAHHS.

Griffey joined the Seattle Mariners in 1989, when I was with the King County Sheriffs Department. At times, I was assigned to provide security at many of the sporting events held at the Kingdome. At these events, I watched an assortment of professional athletes practice their trade in Seattle. When Ken Griffey, Jr., took the field, he scaled walls, hit tape-measure home runs, and rounded the bases with a smile on his face that made spectators instant fans. His career was extraordinary, his accomplishments legendary, and his impact on baseball in the Northwest may never be equaled.

Griffey played with exuberance and passion and created memories for baseball fans around the world.

A lot of Mariners fans were upset with Griffey when he left the Seattle Mariners after the 1999 season. Madam Speaker, I was not one. As a father, I completely understood Griffey's desire to be close to his family and play a bigger role in raising his children—a role too many men abdicate. Plus, Madam Speaker, his departure allowed for his joyous return, beginning in 2007 when he returned to Safeco Field in Seattle as a member of the Cincinnati Reds. The homecoming crowd cheered with delight, Griffey barely contained his emotions, and everyone knew ''The Kid'' would one day call Seattle home again.

It's fitting that Griffey ended his career in a Seattle Mariners uniform because he deserved to leave the game as a legend—and I believe his legend was established in Seattle. Madam Speaker, my staff and I wish Ken Griffey, his wife, and their three children the very best in the future. He changed baseball in the Northwest forever and his contribution won't be forgotten.

HONORING THE LIFE OF FIRST LIEUTENANT JOSEPH THEINERT

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. BISHOP of New York. Madam Speaker, I rise today humbly and with profound sadness to mark the death of Army First Lieutenant Joseph Theinert, who was killed in action in Kandahar Province, Afghanistan on June 4th.

A resident of Sag Harbor, in my Congressional district, Lt. Theinert graduated from Shelter Island High School in 2004. He distinguished himself in athletics, was Student Council president and was crowned king of his senior prom.

Deeply affected by the September 11th attacks, Lt. Theinert earned a BA degree from the University of Albany in 2008 and was commissioned a second lieutenant in May 2008 through the Siena College Reserve Officer Training Corps program. He had been deployed for one month in Afghanistan, attached to 1st Squadron, 71st Cavalry Regiment, 1st Brigade Combat Team, 10th Mountain Division.

Lt. Theinert was leading his platoon on a mission in Kandahar Province when they came under hostile fire and were forced toward an area mined with IEDs, according to his commanding officer. He disabled one IED and started to disarm a second one when the trigger mechanism sounded; however, he was able to warn the twenty men under his command to get back before the device exploded. Lt. Theinert was the only soldier killed in the incident, and his final heroic and selfless act fulfilled the responsibility of an officer to keep his men safe and in the fight.

I offer my deepest condolences to Lt. Theinert's mother and stepfather, Chrystyna and Frank Kestler of Mattituck and Shelter Island; and to his father and stepmother, James and Cathy Theinert of Sag Harbor. I also join these closely-knit Peconic Bay communities in mourning the loss of a young citizen of enormous potential, and note with a heavy heart that two sons of the small village of Sag Harbor have made the supreme sacrifice since September 11th.

Madam Speaker, among Lt. Theinert's possessions, his family found a memory book entitled: ''My Life by Joseph Theinert.'' I read the noble sentiments he inscribed on its inside cover into the RECORD of this House, in the hope that others may draw inspiration from them, as I have:

The years of our youth that we will never forget.

When life was simple and all we knew was love.

The people in this book is why I choose to fight.

It is for them that I am willing to lay down my life.

There is nothing glorious about war, but I will go to it to keep the people I love away from it.

9/11, Never Forget.

HONORING CF INDUSTRIES AND ITS PALMYRA TERMINAL EMPLOYEES FOR REACHING AN IMPRESSIVE SAFETY MILESTONE

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize CF Industries and its Palmyra Terminal employees for reaching an impressive milestone: 15,000 consecutive safe days on the job. This is a proud achievement showing a commitment of the highest level of safety.

Employees at CF Industries' Palmyra Terminal receive ammonia by pipeline and by barge on the Mississippi River from the company's Donaldsonville nitrogen complex and ships ammonia to customers via truck. If not for the hard work of these individuals, agriculture in our area would certainly suffer. These individuals do their jobs well, and that shows through the safety they exhibit while on the job. It is with great pride that I can share this news of this achievement. The Palmyra employees have set the bar high for safety standards in their community and the 9th District of Missouri.

I am proud to represent this fine company and this terminal in Congress. Congratulations to every employee at the Palmyra Terminal on your outstanding safety record and commitment to excellence.

COMMEMORATING THE 150TH ANNIVERSARY OF THE CITY OF MANISTIQUE, MICHIGAN

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. STUPAK. Madam Speaker, I rise to recognize the city of Manistique, Michigan on its 150th anniversary. On June 19, 2010 the residents of Manistique will celebrate this sesquicentennial anniversary along with a color guard, presentations from local, state and federal officials and entertainment for all.

Located in Michigan's Upper Peninsula, where the waves of Lake Michigan meet the currents of the Manistique River, the city's history is one of commerce, ingenuity and immense pride. The small settlement on the Manistique River had no name until 1860 when Charles Harvey built a small dam on the river to power a sawmill. Initially named Epsport, after his wife's family name of Eps, the name was changed to Manistique in 1885. The name Manistique was adapted from a Native American word for vermillion, because of the reddish tint of the river's water.

Development of the area began in 1872 when Abijah Weston bought the Chicago Lumber company and brought it to Manistique. Manistique was ideally situated to take advantage of the timber industry boom from the 1880s through the 1920s. As a lumber transfer town, timber that was cut further north was sent down the Manistique River, sorted at Manistique and then sent by boats across Lake Michigan to towns for processing. The use of water transportation was vital for the survival of the community—until 1888 when the Soo Line Railroad began to serve the Manistique area, the only way to reach the city was over water.

As the timber industry declined, limestone production and the pulp and paper mill, along with tourism following World War II, became the area's major industries.

Still standing as a testament to the vibrant history of Manistique are the 200–foot brick water tower built in 1921–22 when the municipal water system was installed and ''Siphon Bridge,'' an engineering marvel built in 1916 which allowed the Manistique Pulp and Paper Company to maintain the river's water level several feet above the bridge's roadbed to support a ''floating bridge.'' The East Breakwater Light at the mouth of the river guided Lake Michigan vessels with its Fourth Order Fresnel Lens at the east end of the harbor beginning in 1917. More recently, a boardwalk nearly two miles long was constructed along the shoreline offering access to East Breakwater Light, picnic grounds, a fishing pier, and a wide variety of wildlife.

Today, Manistique provides residents and visitors alike with some of the best natural surroundings the Upper Peninsula has to offer. During summer months there is hiking in the Hiawatha National Forest, swimming in Lake Michigan and canoeing down the Manistique River. Winters bring up to 71 inches of snow for cross country skiers to glide through trails around Indian Lake and snowmobilers and sledders who want to try their hand at ''Thunder Bowl.''

Madam Speaker, Manistique is a city rich in history and natural beauty. From the humble beginnings of a small sawmill situated on the shores of Lake Michigan the city and its residents have grown and evolved into a premier destination in Michigan's Upper Peninsula. Madam Speaker, as residents celebrate this sesquicentennial milestone, I ask that you and the entire U.S. House of Representatives join me in honoring the city of Manistique on its 150th anniversary.

RECOGNIZING THE JACOB MILLER TAVERN ON ITS HISTORICAL MARKER DEDICATION

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. AUSTRIA. Madam Speaker, on behalf of the people of Ohio's Seventh Congressional District, I am honored to recognize the Jacob Miller Tavern on the occasion of its historical marker dedication.

In 1806, this tavern, a two story hewn log structure was built by Jacob Miller. This building was recently purchased with the purpose of restoring this building to its original condition.

Somerset is famous for their local native General Philip Sheridan. The Jacob Miller Tavern will be another landmark that Somerset will be known for.

The Historical Society of Perry County and the Perry County Historical Museum are to be commended for their many years of support for Somerset and the Somerset National Register Historic District. Thus, it is with great pride that I congratulate them on this great occasion and extend best wishes for the future.

RECOGNIZING THE DEDICATED SERVICE OF UNITED STATES AIRMAN LIEUTENANT COLONEL RICKEY O. HARRINGTON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to recognize and pay tribute to Lieutenant Colonel Rickey O. Harrington, for 22 years of exceptional service and dedication to the United States Air Force.

Colonel Harrington will be retiring from active duty on September 30, 2010. He has most recently served as the Pentagon's Chief of Air Force Reserve Directorate of Personnel for the Chief Force Support and Sustainment Branch.

As a native of Itta Bena, Mississippi, Colonel Harrington entered the Air Force in 1988 as a distinguished graduate of the Reserve Officers' Training Corps at Mississippi Valley State University.

In October 1988, then Second Lieutenant Harrington began his career as a Personnel Officer in the Consolidated Base Personnel Office at Bergstrom Air Force Base, Texas.

In September of 1990 Colonel Harrington became newly promoted First Lieutenant Harrington and was deployed to Operation Desert Shield/Desert Storm as Chief, Personnel Support Contingency Operations Team at Al Minhad Air Base, United Arab Emirates providing the full scale support to nearly 3,000 airmen.

Colonel Harrington would go on after this deployment to serve in a variety of staff and leadership positions both stateside and overseas. During his career he has served as a Section Commander, Executive Officer, Squadron Commander, Inspector and Action Officer at the wing and Headquarters level. Most notably, he was on-duty as Executive Officer to the Director of Personnel Accountability at the Air Force Personnel Center responsible for running the Air Force Casualty Operations Center during the bombing of Khobar Towers where 19 brave service men lost their lives and during the airplane crash in Germany carrying then Secretary of Commerce Ron Brown. During this crisis, Colonel Harrington ensured that all levels of leadership were kept abreast of ongoing issues and ensured humane and dignified notification of next of kin while honoring the memory of those who fell in these tragedies.

He also served as the Deputy Support Group Commander at Khandahar Air Base, Afghanistan in 2003 in support of Operation Enduring Freedom. Over the past 4 years Colonel Harrington has worked tirelessly on behalf of the Air Force Reserve as the lone active duty member on their Personnel Staff.

As the wars in Iraq and Afghanistan have led to increased use of our reserve forces, he has championed many initiatives, both in policy and in law, that have enhanced recruiting, retention, benefits and entitlements for these dedicated airmen.

His efforts have helped to sustain a viable, ready trained force capable of meeting the needs of Combatant Commanders to protect our Nation and achieve objectives of national interest.

In addition to upholding the highest standards of professional conduct as a military officer, Colonel Harrington has also labored to enhance the communities he's lived in through his affiliation with various churches, civic organizations and as a life member of Alpha Phi Alpha Fraternity, Incorporated.

Madam Speaker, I ask my Colleagues to join me in expressing our sincere thanks to Colonel Harrington and his family for their unwavering support of our country and their dedication to preserving our Nation's freedom. Congratulations, and thank you for your service.

TRIBUTE TO GARY WAUTERS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LATHAM. Madam Speaker, I rise today to recognize Gary Wauters of West Marshall, Iowa who is celebrating his retirement from the West Marshall Community School District.

Gary, the only art teacher in the West Marshall School District, devoted 40 years to facilitating his students' creativity in the classroom. Gary takes pride in the work his students have produced over the years, especially stained glass artwork, which was a staple in his curriculum. In his retirement, Gary plans to continue his artwork in his home studio.

I commend Gary Wauters for his dedication to the students he has taught over the years and to the West Marshall School District. Gary inspired thousands of students to embrace their creativity and the lessons he taught will influence people for ages to come. I am honored to represent Gary and his family in the United States Congress and I wish him the best of luck in his future endeavors.

COMMENDING WEBSTER CITY SCHOOL DISTRICT RETIREES

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 2010

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of sixteen exemplary teachers and staff members from the Webster City School District of Webster City, Iowa and to express my appreciation for their dedication and commitment to these schools and their community.

Collectively these sixteen teachers and staff retirees have served the school district for 440 years. Among these notable faculty members: Linda Moenck served for 31 years, Dave Niggemeyer taught in the district for 35 years, Debra Niggemeyer as well as Gayle Olson served 32 years, Carolee Woodward taught in the Webster City Schools for 41 years, Donna Foster served for 24 years, JoAnn Robb as well as Sally Crouch served 30 years in the district, Mike Larson served 35 years, Gary Moenck has served 34 years, Faith McDowell served 12 years, Holly Riemenschneider taught for 9 years, John Kidney served the district for 39 years, Sharon Conder served 9 years in the district's food services department, Karen Draeger served for 26 years, and Nancy Spire served 21 years in the Webster City Schools.

These educators and faculty and their dedicated service underscores the value that Iowa has always placed on education. Every student who has gone to school in Iowa knows a great teacher or faculty member like this group of sixteen, and every community in the state does everything it can to make sure students have the best possible chance to succeed. Iowans know that the best way to invest in the future of our state is to invest in the education of our children.

I consider it an honor to represent these sixteen distinguished teachers and staff members of the Webster City Schools in the United States Congress, and I wish them all a long, happy and healthy retirement as they continue to serve their community.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 10, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 15

9:30 a.m.
Armed Services
To hold hearings to examine the situation in Afghanistan; with the possibility of a closed session in SVC–217 following the open session.
SD–G50

10 a.m.
Judiciary
To hold hearings to examine the nomination of James Michael Cole, of the District of Columbia, to be Deputy Attorney General, Department of Justice.
SD–226

2:30 p.m.
Energy and Natural Resources
Energy Subcommittee
To hold hearings to examine S. 3460, to require the Secretary of Energy to provide funds to States for rebates, loans, and other incentives to eligible individuals or entities for the purchase and installation of solar energy systems for properties located in the United States, S. 3396, to amend the Energy Policy and Conservation Act to establish within the Department of Energy a Supply Star program to identify and promote practices, companies, and products that use highly efficient supply chains in a manner that conserves energy, water, and other resources, S. 3251, to improve energy efficiency and the use of renewable energy by Federal agencies, S. 679, to establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, S. 3233, to amend the Atomic Energy Act of 1954 to authorize the Secretary of Energy to barter, transfer, or sell surplus uranium from the inventory of the Department of Energy, and S. 2900, to establish a research, development, and technology demonstration program to improve the efficiency of gas turbines used in combined cycle and simple cycle power generation systems.
SD–366

Health, Education, Labor, and Pensions
To hold hearings to examine the health impacts of the Gulf of Mexico oil spill.
SD–430

Homeland Security and Governmental Affairs
To hold hearings to examine protecting cyberspace as a national asset, focusing on comprehensive legislation for the 21st century.
SD–342

Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

JUNE 16

9:30 a.m.
Veterans' Affairs
To hold hearings to examine Veterans' Affairs health care in rural areas.
SR–418

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of John S. Pistole, of Virginia, to be Assistant Secretary of Homeland Security.
SD–342

10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2011 for the Department of Defense.
SD–192

2 p.m.
Aging
To hold hearings to examine the retirement challenge, focusing on making savings last a lifetime.
SD–562

2:30 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold an oversight hearing to examine Federal payment of interchange fees, focusing on how to save taxpayer dollars.
SD–192

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 3294, to establish certain wilderness areas in central Idaho and to authorize various land conveyances involving National Forest System land and Bureau of Land Management land in central Idaho, S. 3310, to designate certain wilderness areas in the National Forest System in the State of South Dakota, and S. 3313, to withdraw certain land located in Clark County, Nevada from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.
SD–366

3 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine the Gulf of Mexico oil spill, focusing on ensuring a financially responsible recovery.
SD–342

JUNE 17

9:30 a.m.
Armed Services
To hold hearings to examine the New Strategic Arms Reduction Treaty (START) and the implications for national security programs.
SD–106

2:30 p.m.
Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

3:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine closing the language gap, focusing on improving the Federal government's foreign language capabilities.
SD–342

JUNE 24

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System.
SD–366

JUNE 30

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine farm bill reauthorization, focusing on maintaining our domestic food supply through a strong United States farm policy.
SR–328A

JULY 1

9:30 a.m.
Veterans' Affairs
To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.
SR–418

JULY 21

9:30 a.m.
Veterans' Affairs
To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.
SR–418

POSTPONEMENTS

JUNE 17

10 a.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the future of the National Park System and to consider the recommendations of the National Parks Second Century Commission in its report ''Advancing the National Park Idea''.
SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4709–S4786

Measures Introduced: Eleven bills and two resolutions were introduced, as follows: S. 3464–3474, and S. Res. 547–548. **Pages S4744–45**

Measures Reported:

S. 1507, to amend chapter 89 of title 5, United States Code, to reform Postal Service retiree health benefits funding, with amendments. (S. Rept. No. 111–203) **Page S4744**

Measures Passed:

Oil Pollution Act: Senate passed S. 3473, to amend the Oil Pollution Act of 1990 to authorize advances from Oil Spill Liability Trust Fund for the Deepwater Horizon oil spill. **Page S4785**

House Messages:

American Jobs and Closing Tax Loopholes Act: Senate continued consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, taking action on the following amendments proposed thereto: **Pages S4711–41**

Adopted:

By 58 yeas to 41 nays (Vote No. 182), Baucus Amendment No. 4326 (to Amendment No. 4301), to increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings. **Pages S4736–38**

Cornyn/Kyl Modified Amendment No. 4302 (to Amendment No. 4301), to increase transparency regarding debt instruments of the United States held by foreign governments, to assess the risks to the United States of such holdings. (By 38 yeas to 61 nays (Vote No. 183), Senate earlier failed to table the amendment.) **Pages S4711, S4735–36, S4738**

Rejected:

Roberts Amendment No. 4325 (to Amendment No. 4301), to exempt pediatric medical devices from the medical device tax. (By 55 yeas to 44 nays (Vote No. 180), Senate tabled the amendment.) **Pages S4728–29, S4733**

Pending:

Baucus motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Baucus Amendment No. 4301 (to the amendment of the House to the amendment of the Senate to the bill), in the nature of a substitute. **Page S4711**

Franken Amendment No. 4311 (to Amendment No. 4301), to establish the Office of the Homeowner Advocate for purposes of addressing problems with the Home Affordable Modification Program. **Page S4711**

Sanders Amendment No. 4318 (to Amendment No. 4301), to amend the Internal Revenue Code of 1986 to eliminate big oil and gas company tax loopholes, and to use the resulting increase in revenues to reduce the deficit and to invest in energy efficiency and conservation. **Pages S4738–39, S4739–41**

Vitter Amendment No. 4312 (to Amendment No. 4301), to ensure that any new revenues to the Oil Spill Liability Trust Fund will be used for the purposes of the fund and not used as a budget gimmick to offset deficit spending. **Page S4739**

During consideration of this measure today, Senate also took the following action:

By 57 yeas to 42 nays (Vote No. 179), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive all applicable budget points of order, with respect to Cardin Amendment No. 4304 (to Amendment No. 4301), to provide for the extension of dependent coverage under the Federal Employees Health Benefits Program. Subsequently, the Chair sustained a point of order against Cardin Amendment No. 4304 (to Amendment No. 4301), as being in violation of section 311 of the Congressional Budget Act of 1974, and the amendment thus fell. **Pages S4711, S4732–33**

By 57 yeas to 41 nays (Vote No. 181), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive all applicable budget points of order, with respect to Sessions/McCaskill Modified Amendment No. 4303 (to Amendment No. 4301), to establish 3-year discretionary spending caps. Subsequently, the Chair sustained a point of order against Sessions/McCaskill Modified Amendment No. 4303 (to

Amendment No. 4301), as being in violation of section 306 of the Congressional Budget Act of 1974, and the amendment thus fell.

Pages S4711, S4719, S4729–32, S4734–35

EPA Greenhouse Gases Resolution—Agreement: A unanimous-consent agreement was reached providing that on Thursday, June 10, 2010, following any Leader remarks, Senate begin consideration of the motion to proceed to consideration of S.J. Res. 26, disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act, and that the debate time on the motion to proceed be allotted in 30 minute alternating blocks, with Senator Murkowski controlling the first 30 minute block, and with the first block commencing at 9:45 a.m., on Thursday, June 10, 2010. **Page S4785**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the suspensions under section 902(a)(3) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 with respect to issuance of permanent munitions export licenses for exports to the People's Republic of China insofar as such restrictions pertain to the Light Scanner 32 System used for gene mutation genotyping for individualized cancer treatment; which was referred to the Committee on Foreign Relations. (PM–61) **Page S4744**

Nominations Received: Senate received the following nominations:

Mimi E. Alemayehou, Executive Vice President of the Overseas Private Investment Corporation, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2015.

Johnnie Carson, an Assistant Secretary of State (African Affairs), to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 27, 2015.

Edward W. Brehm, of Minnesota, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2011.

James Frederick Entwistle, of Virginia, to be Ambassador to the Democratic Republic of the Congo.

Mark Lloyd Ericks, of Washington, to be United States Marshal for the Western District of Washington for the term of four years.

Joseph Patrick Faughnan, Sr., of Connecticut, to be United States Marshal for the District of Connecticut for the term of four years.

Harold Michael Oglesby, of Arkansas, to be United States Marshal for the Western District of Arkansas for the term of four years.

Donald Martin O'Keefe, of California, to be United States Marshal for the Northern District of California for the term of four years.

Charles Thomas Weeks II, of Oklahoma, to be United States Marshal for the Western District of Oklahoma for the term of four years.

Kenneth James Runde, of Iowa, to be United States Marshal for the Northern District of Iowa for the term of four years.

Robert E. O'Neill, of Florida, to be United States Attorney for the Middle District of Florida for the term of four years. **Page S4786**

Messages from the House: **Page S4744**

Measures Referred: **Page S4744**

Measures Placed on the Calendar: **Page S4744**

Executive Reports of Committees: **Page S4744**

Additional Cosponsors: **Pages S4745–46**

Statements on Introduced Bills/Resolutions: **Pages S4746–53**

Additional Statements: **Pages S4742–43**

Amendments Submitted: **Pages S4753–84**

Authorities for Committees to Meet: **Page S4785**

Record Votes: Five record votes were taken today. (Total—183) **Pages S4733, S4735, S4738**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:48 p.m., until 9:30 a.m. on Thursday, June 10, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4786.)

Committee Meetings

(Committees not listed did not meet)

LIVABLE COMMUNITIES ACT

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine S. 1619, to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, after receiving testimony from Jackie Nytes, City-County Council of Indianapolis and Marion County, Indianapolis, Indiana, on behalf of the National League of Cities; Joe McKinney, Land-of-Sky Regional Council, Asheville, North Carolina, on behalf of the National Association of Development Organizations; Lyle D. Wray, Capitol Region Council of Governments,

Hartford, Connecticut, on behalf of the National Association of Regional Councils; and Julia W. Gouge, Carroll County Commissioner, Carroll County, Maryland, on behalf of the National Association of Counties.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. 3386, to protect consumers from certain aggressive sales tactics on the Internet, with an amendment in the nature of a substitute;

S. 1938, to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving, with an amendment in the nature of a substitute;

S. 3302, to amend title 49, United States Code, to establish new automobile safety standards, make better motor vehicle safety information available to the National Highway Traffic Safety Administration and the public, with an amendment in the nature of a substitute;

S. 3084, to increase the competitiveness of United States businesses, particularly small- and medium-sized manufacturing firms, in interstate and global commerce, foster job creation in the United States, and assist United States businesses in developing or expanding commercial activities in interstate and global commerce by expanding the ambit of the Hollings Manufacturing Extension Partnership program and the Technology Innovation Program to include projects that have potential for commercial exploitation in nondomestic markets, providing for an increase in related resources of the Department of Commerce, with an amendment in the nature of a substitute;

S. 2847, to regulate the volume of audio on commercials, with an amendment in the nature of a substitute;

S. 817, to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon;

S. 1748, to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter, with an amendment in the nature of a substitute;

The nomination of Carl Wieman, of Colorado, to be an Associate Director of the Office of Science and Technology Policy; and

A promotion list in the National Oceanic and Atmospheric Administration Commissioned Corps and the Coast Guard.

SAFETY MEASURES FOR ENERGY DEVELOPMENT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine issues related to the Department of the Interior's May 27th report entitled, Increased Safety Measures for Energy Development on the Outer Continental Shelf, including oversight of recent actions recommended by the Department to address the safety of offshore oil development, after receiving testimony from Ken Salazar, Secretary, Steve Black, Counselor to the Secretary, and David Hayes, Deputy Secretary, all of the Department of the Interior.

WATER POWER BILLS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 2891, to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, S. 2779 and H.R. 3671, bills to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin, S. 3387, to provide for the release of water from the marketable yield pool of water stored in the Ruedi Reservoir for the benefit of endangered fish habitat in the Colorado River, and for other purposes, S. 3404, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to take actions to improve environmental conditions in the vicinity of the Leadville Mine Drainage Tunnel in Lake County, Colorado, and H.R. 4252, to direct the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in the State of California, after receiving testimony from Senator Reid; Representative Baca; Timothy J. Meeks, Administrator, Western Area Power Administration, Department of Energy; Michael L. Connor, Commissioner, Bureau of Reclamation, Department of the Interior; Richard S. Walden, Arizona Power Authority (APA), Phoenix; Kenneth L. Olsen, Lake County Commissioner, Leadville, Colorado; Andrew A. Mueller, Colorado River Water Conservation District, Ouray; George M. Caan, Colorado River Commission of Nevada, Las Vegas; Phyllis Currie, Pasadena Water and Power, Pasadena, California; and Doug Peterson, Minnesota Farmers Union, St. Paul.

OIL POLLUTION BILLS

Committee on Environment and Public Works: Committee concluded a hearing to examine S. 3305, to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and S. 3461, to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, and to direct the Secretary of the Interior to renegotiate the terms of the lease known as "Mississippi Canyon 252" with respect to claims relating to the Deepwater Horizon

explosion and oil spill that exceed existing applicable economic liability limitations, after receiving testimony from D.T. Minich, St. Petersburg/Clearwater Area Convention & Visitors Bureau, Clearwater, Florida; Michael A. Frenette, Venice Charter Boat and Guide Association, Marrero, Louisiana; RJ Kopchak, Cordova District Fisherman United, Cordova, Arkansas; Kenneth M. Murchison, Louisiana State University Paul M. Hebert Law Center, Baton Rouge; Barry M. Hartman, K&L Gates LLP, Washington, D.C.; and Ron Baron, Willis, Houston, Texas.

NATIONAL SECURITY PERSONNEL SYSTEM

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine the National Security Personnel System and performance management in the Federal government, after receiving testimony from John H. James, Jr., Director, National Security Personnel System, Transition Office, Department of Defense; Charles D. Grimes III, Deputy Associate Director for Employee Services, U.S. Office of Personnel Management; Gregory J. Junemann, International Federation of Professional and Technical Engineers (IFPTE), Canadian Labour Congress (CLC), Washington, D.C., and Patricia Viers, Columbus, Ohio, both of the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO); and Patricia Niehaus, Federal Managers Association (FMA), Alexandria, Virginia.

ENFORCEMENT OF ANTITRUST LAWS

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded an oversight hearing to examine the enforcement of the antitrust laws, after receiving testimony from Christine A. Varney, Assistant Attorney General, Antitrust Division, Department of Justice; and Jon Leibowitz, Chairman, Federal Trade Commission.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 12 public bills, H.R. 5486–5497; and 2 resolutions, H. Res. 1428–1429 were introduced. **Page H4330**

Additional Cosponsors: **Pages H4330–31**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today. **Page H4249**

Bonneville Unit Clean Hydropower Facilitation Act: Agreed by unanimous consent that in the engrossment of H.R. 2008, the Clerk be directed to carry out the modification placed at the desk. **Page H4252**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Grid Reliability and Infrastructure Defense Act: H.R. 5026, amended, to amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States from cybersecurity and other threats and vulnerabilities; **Pages H4256–62**

Agreed to amend the title so as to read: ''To amend the Federal Power Act to protect the bulk-power system and electric infrastructure critical to the defense of the United States against cybersecurity and other threats and vulnerabilities.''. **Page H4262**

Recognizing June 8, 2010, as World Ocean Day: H. Res. 1330, amended, to recognize June 8, 2010, as World Ocean Day, by a ⅔ yea-and-nay vote of 369 yeas to 44 nays, Roll No. 344; **Pages H4262–66, H4297–98**

President Ronald W. Reagan Post Office Building Designation Act: H.R. 5278, to designate the facility of the United States Postal Service located at 405 West Second Street in Dixon, Illinois, as the ''President Ronald W. Reagan Post Office Building'', by a ⅔ recorded vote of 416 ayes with none voting ''no'', Roll No. 345; **Pages H4266–67, H4298–99**

Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building Designation Act: H.R. 5133, to designate the facility of the United States Postal Service located at 331 1st Street in Carlstadt, New Jersey, as the ''Staff Sergeant Frank T. Carvill and Lance Corporal Michael A. Schwarz Post Office Building'', by a ⅔ recorded vote of 409 ayes with none voting ''no'', Roll No. 346; **Pages H4267–69, H4299**

Recognizing the National Museum of American Jewish History: H. Res. 1381, to recognize the National Museum of American Jewish History, an affiliate of the Smithsonian Institution, as the only museum in the Nation dedicated exclusively to exploring and preserving the American Jewish experience; **Pages H4270–71**

Directing the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk: H. Res. 1178, amended, to direct the Clerk of the House of Representatives to compile the cost estimates prepared by the Congressional Budget Office which are included in reports filed by committees of the House on approved legislation and post such estimates on the official public Internet site of the Office of the Clerk, by a ⅔ yea-and-nay vote of 390 yeas to 22 nays, Roll No. 342; and **Pages H4271–74, H4288–89**

Agreed to amend the title so as to read: ''Directing the Clerk of the House of Representatives to ensure that cost estimates prepared by the Congressional Budget Office are available to the public.''. **Page H4289**

Honoring the life of John Robert Wooden: H. Res. 1427, to honor the life of John Robert Wooden. **Pages H4274–77**

Suspension—Failed: The House failed to agree to suspend the rules and agree to the following measure:

Expressing the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification: H. Res. 989, to express the sense of the House of Representatives that the United States should adopt national policies and pursue international agreements to prevent ocean acidification, to study the impacts of ocean acidification, and to address the effects of ocean acidification on marine ecosystems and coastal economies, by a ⅔ yea-and-nay vote of 241 yeas to 170 nays, Roll No. 341. **Pages H4252–56, H4287–88**

Suspension—Proceedings Postponed: The House debated the following measure under suspension of the rules. Further proceedings were postponed:

Congratulating Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries: H. Res. 1121, to congratulate Clinton County and the county seat of Wilmington, Ohio, on the occasion of their bicentennial anniversaries. **Pages H4269–70**

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in the armed forces and their families. **Page H4287**

Wall Street Reform and Consumer Protection Act—Motion to go to Conference: The House agreed to the Frank (MA) motion to disagree to the Senate amendments and agree to a conference on H.R. 4173, to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, and to regulate the over-the-counter derivatives markets. **Pages H4289, H4300–02**

Rejected the Bachus motion to instruct conferees on the bill by a yea-and-nay vote of 198 yeas to 217 nays, Roll No. 343. **Pages H4289–97**

Later, the Chair appointed the following conferees: From the Committee on Financial Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Representatives Frank (MA), Kanjorski, Waters, Maloney, Gutierrez, Watt, Meeks (NY), Moore (KS), Kilroy, Peters, Bachus, Royce, Biggert, Capito, Hensarling, and Garrett (NJ). **Page H4300**

From the Committee on Agriculture, for consideration of subtitles A and B of title I, secs. 1303, 1609, 1702, 1703, title III (except secs. 3301 and 3302), secs. 4205(c), 4804(b)(8)(B), 5008, and 7509 of the House bill, and sec. 102, subtitle A of title I, secs. 406, 604(h), title VII, title VIII, secs. 983, 989E, 1027(j), 1088(a)(8), 1098, and 1099 of the Senate amendment, and modifications committed to conference: Representatives Peterson, Boswell, and Lucas. **Page H4300**

From the Committee on Energy and Commerce, for consideration of secs. 3009, 3102(a)(2), 4001, 4002, 4101–4114, 4201, 4202, 4204–4210, 4301–4311, 4314, 4401–4403, 4410, 4501–4509, 4601–4606, 4815, 4901, and that portion of sec. 8002(a)(3) which adds a new sec. 313(d) to title 31, United States Code, of the House bill, and that portion of sec. 502(a)(3) which adds a new sec. 313(d) to title 31, United States Code, secs. 722(e), 1001, 1002, 1011–1018, 1021–1024, 1027–1029, 1031–1034, 1036, 1037, 1041, 1042, 1048, 1051–1058, 1061–1067, 1101, and 1105 of the Senate amendment, and modifications committed to conference: Representatives Waxman, Rush, and Barton (TX). **Page H4300**

From the Committee on the Judiciary, for consideration of secs. 1101(e)(2), 1103(e)(2), 1104(i)(5) and (i)(6), 1105(h) and (i), 1110(c) and (d), 1601, 1605, 1607, 1609, 1610, 1612(a), 3002(c)(3) and (c)(4), 3006, 3119, 3206, 4205(n), 4306(b), 4501–4509,

4603, 4804(b)(8)(A), 4901(c)(8)(D) and (e), 6003, 7203(a), 7205, 7207, 7209, 7210, 7213–7216, 7220, 7302, 7507, 7508, 9004, 9104, 9105, 9106(a), 9110(b), 9111, 9118, 9203(c), and 9403(b) of the House bill, and secs. 112(b)(5)(B), 113(h), 153(f), 201, 202, 205, 208–210, 211(a) and (b), 316, 502(a)(3), 712(c), 718(b), 723(a)(3), 724(b), 725(c), 728, 731, 733, 735(b), 744, 748, 753, 763(a), (c), and (i), 764, 767, 809(f), 922, 924, 929B, 932, 991(b)(5), (c)(2)(G) and (c)(3)(H), 1023(c)(7), and (c)(8), 1024(c)(3)(B), 1027(e), 1042, 1044(a), 1046(a), 1047, 1051–1058, 1063, 1088(a)(7)(A), 1090, 1095, 1096, 1098, 1104, 1151(b), and 1156(c) of the Senate amendment, and modifications committed to conference: Representatives Conyers, Berman, and Smith (TX). **Page H4300**

From the Committee on Oversight and Government Reform, for consideration of secs. 1000A, 1007, 1101(e)(3), 1203(d), 1212, 1217, 1254(c), 1609(h)(8)(B), 1611(d), 3301, 3302, 3304, 4106(b)(2) and (g)(4)(D), 4604, 4801, 4802, 5004, 7203(a), 7409, and 8002(a)(3) of the House bill, and secs. 111(g), (i) and (j), 152(d)(2), (g) and (k), 210(h)(8), 319, 322, 404, 502(a)(3), 723(a)(3), 748, 763(a), 809(g), 922(a), 988, 989B, 989C, 989D, 989E, 1013(a), 1022(c)(6), 1064, 1152, and 1159(a) and (b) of the Senate amendment, and modifications committed to conference: Representatives Towns, Cummings, and Issa. **Page H4300**

From the Committee on Small Business, for consideration of secs. 1071 and 1104 of the Senate amendment, and modifications committed to conference: Representatives Velázquez, Shuler, and Graves. **Page H4300**

FHA Reform Act of 2010: The House began consideration of H.R. 5072, to improve the financial safety and soundness of the FHA mortgage insurance program. Consideration is expected to resume tomorrow, June 10th. **Page H4277**

H. Res. 1424, the rule providing for consideration of the bill, was agreed to by a recorded vote of 239 ayes to 172 noes, Roll No. 340, after the previous question was ordered by a yea-and-nay vote of 230 yeas to 180 nays, Roll No. 339. **Pages H4277–87**

Presidential Message: Read a message from the President wherein he notified Congress that it is in the national interest of the United States to terminate the suspensions under the Foreign Relations Authorization Act (Public Law 101–246) with respect to the issuance of permanent munitions export licenses for exports to the People's Republic of China insofar as such restrictions pertain to the LightScanner 32 System used for gene mutation genotyping for individualized cancer treatment—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–120). **Page H4314**

Senate Message: Message received from the Senate today appears on page H4314.

Senate Referrals: S. 3473 was held at the desk. **Page H4314**

Quorum Calls—Votes: Five yea-and-nay votes and three recorded votes developed during the proceedings of today and appear on pages H4286, H4286–87, H4287–88, H4288, H4296–97, H4297, H4298–99, H4299. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:33 p.m.

Committee Meetings

FARM BILL ENERGY TITLE IMPLEMENTATION

Committee on Agriculture: Subcommittee on Conservation, Credit, Energy, and Research held a hearing to review the implementation of the 2008 Farm bill energy title. Testimony was heard from the following officials of the USDA: Cheryl Cook, Under Secretary, Rural Development; Jonathan Coppess, Administrator, Farm Service Agency; and Carmela Bailey, National Program Leader, Biobased Products and Bioenergy, National Institute of Food and Agriculture.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Financial Services and General Government held a hearing on FY 2011 Budget Request for the FCC. Testimony was heard from Julius Genachowski, Chairman, FCC.

INTERAGENCY NATIONAL SECURITY REFORM

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on Interagency National Security Reform: Pragmatic Steps Towards a More Integrated Future. Testimony was heard from John H. Pendleton, Director, Force Structure and Defense Planning Issues, Defense Capabilities and Management Team, GAO; and public witnesses.

STATE OF THE ECONOMY

Committee on the Budget: Held a hearing on the State of the Economy: View from the Federal Reserve. Testimony was heard from Benjamin S. Bernanke, Chairman, Board of Governors, Federal Reserve System.

ANTIBIOTIC DEVELOPMENT AND USE

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Promoting the Development of Antibiotics and Ensuring Judicious Use in Humans." Testimony was heard from the following officials of the Department of Health and Human Services: Janet Woodcock, M.D., Director, Center for Drug Evaluation and Research, FDA; and Robin Robinson, Director, Biomedical Advanced Research and Development Authority; and public witnesses.

WOMEN IN POLITICS AND CIVIL SOCIETY

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights and Oversight held a hearing on Women as Agents of Change: Advancing the Role of Women in Politics and Civil Society. Testimony was heard from the following officials of the Department of State: Melanne Verveer, Ambassador-at-Large for Global Women's Issues, Office of Global Women's Issues; and Esther Brimmer, Assistant Secretary, Bureau of International Organization Affairs; Swanee Hunt, former U.S. Ambassador to Austria; and public witnesses.

CONVICTS REENTERING SOCIETY BARRIERS

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on Collateral Consequences of Criminal Convictions: Barriers to Reentry for the Formerly Incarcerated. Testimony was heard from public witnesses.

INTERIOR TRIBAL SELF-GOVERNANCE ACT OF 2009

Committee on Natural Resources; Held a hearing on H.R. 4347, Department of the Interior Tribal Self-Governance Act of 2009. Testimony was heard from Laura Davis, Associate Deputy Assistant Secretary, Department of the Interior; and public witnesses.

STRENGTHENING THE NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives held a hearing entitled "Strengthening the National Historical Publications and Records Commission." Testimony was heard from Representative Larson, a member of the National Historical Publications and Records Commission; and the following officials of the National Historical Publications and Records Commission, National Archives and Records Administration: David S. Ferriero, Archivist of the United States; and Chairman of the Commission; and Kathleen M. Williams, Executive Director of the Commission.

OIL SPILL CLEANUP TECHNOLOGY AND RESEARCH

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on Deluge of Oil Highlights Research and Technology Needs for Effective Cleanup of Oil Spills. Testimony was heard from Douglas Helton, Incident Operations Coordinator, Office of Response and Restoration, National Ocean Service, NOAA, Department of Commerce; CAPT Anthony Lloyd, USCG, Chief, Office of Incident Management and Preparedness, U.S. Coast Guard, Department of Homeland Security; Sharon Buffington, Chief, Engineering and Research Branch, Offshore Energy, Minerals Management Service, Department of the Interior; Albert Venosa, Director, Land Remediation and Pollution Control Division, National Risk Management Research Laboratory, Office of Research and Development, EPA; and public witnesses.

OIL SPILL LIABILITY/FINANCIAL OBLIGATIONS

Committee on Transportation and Infrastructure: Held a hearing on Liability and Financial Responsibility for Oil Spills under the Oil Pollution Act of 1990 and Related Statutes. Testimony was heard from Representatives Holt, Castor of Florida, and Jackson Lee of Texas; Tom Perrelli, Associate Attorney General, Department of Justice; Bob Abbey, Acting Director, Minerals Management Service, Department of the Interior; and public witnesses.

VA INSPECTOR GENERAL'S RECOMMENDATIONS

Committee on Veterans' Affairs: Held a hearing on the U.S. Department of Veterans Affairs Office of Inspector General's Open Recommendations: Are We Fixing the Problems? Testimony was heard from the following officials of the Department of Veterans Affairs: Richard J. Griffin, Deputy Inspector General, and Robert A. Petzel, M.D., Under Secretary, Health, Veterans Health Administration.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence met in executive session to receive a briefing on Hot Spots. The Subcommittee was briefed by departmental witnesses.

Joint Meetings

JOURNALISTS AND INDEPENDENT MEDIA IN OSCE REGION

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine the significant challenges faced by journalists and independent

media throughout the Organization for Security and Co-operation in Europe (OSCE) region, focusing on physical threats and violence targeting journalists, including the murder of scores of investigative reporters, after receiving testimony from Dunja Mijatovic, Organization for Security and Co-operation in Europe Representative on Freedom of the Media, Vienna, Austria; Sam Patten, Freedom House, Washington, D.C.; and Muzaffar Suleymanov, Committee to Protect Journalists, New York, New York.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D629)*

H.R. 5128, to designate the United States Department of the Interior Building in Washington, District of Columbia, as the "Stewart Lee Udall Department of the Interior Building". Signed on June 8, 2010. (Public Law 111–176)

H.R. 5139, to provide for the International Organizations Immunities Act to be extended to the Office of the High Representative in Bosnia and Herzegovina and the International Civilian Office in Kosovo. Signed on June 8, 2010. (Public Law 111–177)

COMMITTEE MEETINGS FOR THURSDAY, JUNE 10, 2010

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold hearings to examine the nomination of John S. Pistole, of Virginia, to be Assistant Secretary of Homeland Security, 10 a.m., SR–253.

Committee on Finance: to hold hearings to examine the United States-China economic relationship, focusing on a new approach for a new China, 10 a.m., SD–215.

Committee on Foreign Relations: to resume hearings to examine Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol (Treaty Doc. 111–05), 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment and Workplace Safety, to hold hearings to examine production over protections, focusing on a review of process safety management in the oil and gas industry, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration, to hold hearings to examine assessing the effects of the Deepwater Horizon oil spill on states, localities and the private sector, 10 a.m., SD–342.

Full Committee, to hold hearings to examine the nomination of Dennis J. Toner, of Delaware, to be a Governor of the United States Postal Service, 2:30 p.m., SD–342.

Committee on Indian Affairs: business meeting to consider S. 2802, to settle land claims within the Fort Hall Reservation, S. 2906, to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes, S. 1448, to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land, and the nominations of Tracie Stevens, of Washington, to be Chairman of the National Indian Gaming Commission, and JoAnn Lynn Balzer, of New Mexico, and Cynthia Chavez Lamar, of New Mexico, both to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development, 3 p.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 193, to create and extend certain temporary district court judgeships, H.R. 1933, 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, H.R. 908, to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program, S. 258, to amend the Controlled Substances Act to provide enhanced penalties for marketing controlled substances to minors, and the nominations of Robert Neil Chatigny, of Connecticut, to be United States Circuit Judge for the Second Circuit, Scott M. Matheson, Jr., of Utah, to be United States Circuit Judge for the Tenth Circuit, John J. McConnell, Jr., to be United States District Judge for the District of Rhode Island, James Kelleher Bredar, and Ellen Lipton Hollander, both to be a United States District Judge for the District of Maryland, Susan Richard Nelson, to be United States District Judge for the District of Minnesota, and Thomas Edward Delahanty II, to be United States Attorney for the District of Maine, Wendy J. Olson, to be United States Attorney for the District of Idaho, Kevin Charles Harrison, and Donald J. Cazayoux, Jr., both to be United States Marshal for the Middle District of Louisiana, Henry Lee Whitehorn, Sr., to be United States Marshal for the Western District of Louisiana, James A. Lewis, to be United States Attorney for the Central District of Illinois, and Charles Gillen Dunne, to be United States Marshal for the Eastern District of New York, all of the Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to consider certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Energy and Commerce, Subcommittee on Communications, Technology, and the Internet, hearing on H.R. 3101, Twenty-First Century Communications and Video Accessibility Act of 2009, 10 a.m., 2123 Rayburn.

Subcommittee on Energy and Environment, hearing entitled "The BP Oil Spill: Human Exposure and Environmental Fate," 2 p.m., 2123 Rayburn.

Committee on Foreign Affairs, hearing on Human Rights and Democracy Assistance: Increasing the Effectiveness of U.S. Foreign Aid, 9:30 a.m., 2172 Rayburn.

Subcommittee on Asia, the Pacific, and the Global Environment, hearing on Thailand: The Path Toward Reconciliation, 2:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on H.R. 3721, Protecting Older Workers Against Discrimination Act, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Insular Affairs, Oceans and Wildlife, oversight hearing on the Deepwater Horizon oil spill in the Gulf of Mexico, with emphasis on Our Natural Resources at Risk: The Short and Long Term Impact of the Deepwater Horizon Oil Spill," 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 3785, Chattahoochee River National Recreation Area Boundary Study Act of 2009; H.R. 4823, Sedona-Red Rock National Scenic Area Act of 2010; H.R. 5009, Wasatch Wilderness and Watershed Protection Act of 2010; H.R. 5110, Casa Grande Ruins National Monument Boundary Modification Act of 2010; H.R. 5131, Coltsville National Historical Park Act; H.R. 5152, Kennesaw Mountain National Battlefield Park Boundary Adjustment Act of 2010; and H.R. 5194, Mt. Andrea Lawrence Designation Act of 2010, 10 a.m., 1334 Longworth.

Committee on Science and Technology, Subcommittee on Research and Science Education, hearing on From the Lab Bench to the Marketplace: Improving Technology Transfer, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Using Practical Design and Context-Sensitive Solutions in Developing Surface Transportation Projects, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on the following bills: H.R. 114, Veterans Entrepreneurial Transition Business Benefit Act; H.R. 3685, To require the Secretary of Veterans Affairs to include on the main page of the Internet Web site of the Department of Veterans Affairs a hyperlink to the VetSuccess Internet Web site and to publicize such Internet Web site; H.R. 4319, Specially Adapted Housing Assistance Enhancement Act of 2009; H.R. 4635, Foreclosure Mandatory Mediation Act of 2010; H.R. 4664, To amend the Servicemembers Civil Relief Act to provide for a one-year moratorium on the sale or foreclosure of property owned by surviving spouses of servicemembers killed in Operation Iraqi Freedom or Operation Enduring Freedom; H.R. 4765, To amend title 38, United States Code, to authorize individuals who are pursuing programs of rehabilitation, education, or training under laws administered by the Secretary of Veterans Affairs to receive work-study allowances for certain outreach services provided through congressional offices, and for other purposes; H.R. 5360, Blinded Veterans Adaptive Housing Improvement Act of 2010; and draft legislation, 1 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Income Security and Family Support, hearing on possible policy responses to long-term unemployment, 9:30 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence, executive, briefing on Transportation Security Administration, 10 a.m. 304–HVC.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, June 10

Senate Chamber

Program for Thursday: Senate will begin consideration of the motion to proceed to consideration of S.J. Res. 26, disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act, and after a period of debate, vote on the motion to proceed to consideration thereon at approximately 3:45 p.m., and if the motion is agreed to, vote on adoption of the joint resolution.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, June 10

House Chamber

Program for Thursday: Complete consideration of H.R. 5072—FHA Reform Act of 2010.

Extensions of Remarks, as inserted in this issue

HOUSE

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