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No. 7

## House of Representatives

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

### PRAYER

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

Almighty God, true humility will not automatically come to us when we choose to bow our heads in prayer or when we acknowledge our sins or shortcomings. More often, we are most humbled when overwhelming circumstances far exceed our control or natural disasters or human events surprise us.

Lord, the horrific tragedy of biblical proportions in Haiti has deeply touched us all. At the same time, this island community has called forth from the contemporary world a flood of compassionate prayer and created a mighty force of coordinating resources, personal generosity and heroic action.

Grant wisdom, prudence, and fortitude to rescue workers, medical teams and caretakers who deliver aid and supplies.

Your mighty presence is known, Lord, when true poverty casts a fresh light on another's wealth, when the weakness of some brings forth greater strength from the rest. Sickness leans on the healthy. The dead are lifted up and buried to protect the living.

How noble is this great sacrifice of the living and the dead. The human proportions of such love cannot be measured. We watch and say, "Amen."

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Ms. KAPTUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

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

### MESSAGE FROM THE SENATE

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

H. Con. Res. 228. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

### ANNOUNCEMENT BY THE SPEAKER

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

### KEEP THE GOVERNMENT OUT OF THE DOCTOR'S OFFICE

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

Mr. POE of Texas. Mr. Speaker, most of the American people oppose the government plan to take over health care. It costs too much; it borrows too much; it taxes rates too much; it's inefficient; and it gives government bureaucrats the control of our personal medical decisions. We should just fix what's broken.

People should be able to buy health insurance across State lines to get competitive rates. Small businesses should be able to pool together to get better rates through larger risk pools. Businesses that help take care of their employees should get tax breaks rather than tax increases. People should own

their own health insurance policies—and that's real portability.

If anybody loses or leaves their jobs, they don't lose their insurance. People should not be cancelled for having pre-existing conditions, and we should figure out a way to provide for catastrophic illness, catastrophic injury and affordability.

These are things that most Members agree on. These things don't cost billions of dollars. These things help keep government out of the doctor's office. We should fix what the American people want us to fix and keep the government from destroying America's health.

And that's just the way it is.

### BOBBY SALCEDO

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

Ms. CHU. Mr. Speaker, today I am introducing a resolution decrying the shocking violence of the Mexican drug cartels, and I am urging the Mexican Government to bring to justice those responsible for the killing of Bobby Salcedo and of countless innocent bystanders.

This past New Year's Eve, Bobby Salcedo, a young elected official and rising star from my district in El Monte, California, was brutally executed in Gomez Palacio, Durango, Mexico. Despite having no connection to the Mexican drug trade, Mr. Salcedo's death is part of a recent and pervasive surge in violence against innocent bystanders. Bobby's death reminds us that the violence of the Mexican drug cartels is not in some faraway land but that it affects us here in the United States as well.

This violence must be stopped. Bobby's killers must be brought to justice. That is why I encourage my colleagues to support this resolution in urging the United States and Mexico to bring an

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



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end to the gruesome violence of the Mexican drug cartels.

□ 1015

#### HONORING THE LIFE OF TECHNICAL SERGEANT ANTHONY C. CAMPBELL

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

Mr. DAVIS of Kentucky. Mr. Speaker, I rise to honor the life of Technical Sergeant Anthony C. Campbell, an Air Force Reservist and Cincinnati police officer from Florence, Kentucky. Sergeant Campbell made the ultimate sacrifice in service to our Nation on December 15, 2009, in Afghanistan while serving with the 932nd Civil Engineer Squadron.

Tony Campbell was a model citizen and patriot. His dream was to serve in the military and in law enforcement. After graduating from Boone County High School in 1992, he joined the U.S. Air Force. After active duty, he spent 10 years working as a pipefitter and Air Force Reservist before fulfilling his dream to become a Cincinnati police officer. Tony was recalled to active duty and deployed to Afghanistan in October of 2009.

Today, as we honor the service of this exceptional Kentuckian, my heartfelt prayers are with Tony's wife, Emily, their children, Jordan, Ryker and Devin, and his loving parents. We are all indebted to Tony for his bravery, dedication, and willingness to answer the Nation's call to defend freedom.

#### HUMAN RIGHTS ABUSES IN EGYPT

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

Mr. SIRES. Mr. Speaker, I rise today to share my concerns and outrage over human rights abuses in Egypt.

The Egyptian Government must uphold the rights of all religious communities by ending discrimination and harassment of these groups and prosecuting those that do harm to these groups.

An attack that happened 2 weeks ago starkly illustrates the need for change in Egypt. On January 6, the night before Coptic Christmas, a drive-by shooting killed six Coptic Christians. While the United States and the human rights community have been vocal in condemning this attack and other human rights abuses, the Egyptian Government has yet to recognize the full significance of the violent act or the overreaching issue of intolerance in the country.

Violence in the name of religion is unacceptable, but when governments do not sufficiently address such behavior, the violence is far more troubling. Religion is a fundamental freedom that must be upheld and respected in every

nation and in every community. I urge my colleagues and the House to join me in calling for religious freedom and basic rights for all people.

#### MILITARY TRIBUNALS FOR TERRORISTS ACT

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

Mr. BUCHANAN. Mr. Speaker, this week, I introduced legislation that requires terrorists to be tried in military courts. The American people are outraged that foreign terrorists that are waging war against the United States are being treated as common criminals. The al Qaeda-trained Nigerian terrorist accused of trying to blow up Flight 253 on Christmas Day—I was in Detroit that day—is only the latest example of this misguided policy.

The mastermind behind the 9/11 attacks is going on trial in New York City, just blocks from Ground Zero. Even the New York Democratic Governor disagrees with this approach.

Putting terrorists on trial before military tribunals has many benefits, including the fact that sensitive U.S. intelligence sources and methods will be protected. I urge all my colleagues on both sides of the aisle to support and cosponsor the Military Tribunal for Terrorists Act.

#### EXPRESSING THANKS TO THE VOLUNTEERS IN IOWA

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

Mr. LOEBSACK. Mr. Speaker, I want to express my sincere appreciation and thanks to the volunteers who have worked and continue to work in the flood-ravaged community of Cedar Rapids and all throughout Iowa.

On Monday, Martin Luther King Day, we observed a national day of service and volunteerism. I had the honor of working alongside a number of volunteers in Cedar Rapids, Iowa. It is the efforts, dedication, and a sense of shared community like I experienced on Monday that is the heart and soul of Iowa, and indeed our great Nation.

While I have been able to work with Congress to provide supplemental disaster assistance toward flood recovery, it is the volunteers from not only Iowa, but all over the country who have offered their hearts and time and made a truly monumental impact in our State. Thank you again, volunteers, for all you do.

#### INTERNATIONAL CHILD ABDUCTION PREVENTION ACT

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

Mr. OLSON. Mr. Speaker, my constituent, Deana Hebert, last saw her

then 18-month-old daughter, Bianca Lozano, on April 7, 1995. Bianca's father, Juan Lozano, took her for a scheduled child custody visit and then abducted her to Mexico. That was almost 15 years ago.

I was shocked to learn that there are over 950 open reports of U.S. citizen children being taken into Mexico by a parent. No parent should ever go through Deana's nightmare. That is why I have been working with all levels of government to urge cooperation with Mexico and allow this mother to see her child again.

Congress should pass H.R. 3240, the International Child Abduction Prevention Act of 2009, which would establish an Office on International Child Abductions within the State Department. I am a proud cosponsor of this legislation, which would strengthen the tools we have available to ensure that children like Bianca Lozano know they have a mother who loves them and come home.

#### THE LONG VIEW ON JOB CREATION

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

Mrs. MALONEY. Mr. Speaker, as we consider new job initiatives to create more jobs for unemployed Americans, the Joint Economic Committee will be producing a series of charts over the next few weeks to help us better understand the economic missteps that led and contributed to this great recession.

This chart goes back to 1992, the year that President Clinton was elected. It shows that during his time there was very robust job creation in the private sector, and then during the Bush years it fell dramatically. This dark line is the job creation, going up during the Clinton years, falling dramatically under the Bush administration. It also shows that Democrats have been considerably more effective at creating private-sector jobs.

Economic reality was actually even worse than this chart shows. As Nobel Prize-winning economist Joseph Stiglitz has pointed out, job creation during the Bush administration was fueled by a bubble that inflated housing prices and spurred consumption and hiring, and when that bubble burst, the bottom fell out.

We owe it to the millions of unemployed who fell victim to the failed economic policies of the past to invest in Democratic job creation policies that have actually put people back to work in the private sector.

#### THE LONG VIEW ON JOB CREATION

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

Mr. REHBERG. Mr. Speaker, while efforts to tax energy production have failed because of overwhelming public

opposition, the Environmental Protection Agency quietly perpetrated one of the largest power grabs ever.

A little-noticed decision last year expanded the definition of “air pollutant” in the Clean Air Act to include greenhouse gases. This means the Federal Government now has the authority to regulate everything from carbon dioxide to water vapor. As a result, every living person is now a source of pollution from exhaling CO<sub>2</sub> and water vapor. Every breath you take, every word you utter is now subject to EPA regulations.

The American people need room to breathe; so I have sponsored H.R. 391 to do just that. I hope my colleagues will join me because the hot air that comes out of this Chamber would qualify us as a Superfund site.

#### HONORING NGUOI-VIET DAILY NEWS FOR ITS 31 YEARS OF SERVICE IN LITTLE SAIGON

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to honor Nguoi-Viet Daily News for its 31 years of media service in Orange County, California. Nguoi-Viet Daily News was the first and the largest daily newspaper published in Vietnamese in the United States, and it was founded by Mr. Do Ngoc Yen in 1978.

While its first 4-page issue, dated back on December 15, 1978, was printed in Mr. Do's garage, today he has more than 60 employees and a daily circulation of 18,000, and Nguoi-Viet online edition is among the most widely read services with 1.5 million hits a month.

Nguoi-Viet News has provided the Vietnamese community with appealing editorials and local and international news stories that highlight community service and activism while bringing the community together. I applaud Nguoi-Viet News for those important achievements for 31 years, and I look forward to its contribution in the next 31 years.

#### IN DEFENSE OF OUR WARFIGHTERS

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

Ms. GRANGER. Mr. Speaker, soon courts-martial of the three Navy SEALs accused of beating a suspected terrorist will begin. These trials and the outcomes are being followed closely by our servicemembers. There is broad concern that political correctness may be impacting the decision to accuse servicemembers of crimes stemming from the treatment of terrorists and accused terrorists. This is not acceptable. Our soldiers must be able to carry out their missions without considering the sensitivities of the ACLU.

There is another group that is also following these courts-martial, the ter-

rorists. In fact, the al Qaeda handbook specifically directs any operative who is detained to immediately claim he is tortured and mistreated. We cannot stand by and allow our warfighters to be manipulated by the enemy.

When these charges are brought, many of our servicemembers elect to have civilian defense counsel, based on their level of experience and expertise, at their own expense. Even when acquitted or the charges are dropped, these servicemembers are left with significant debt. This is also unacceptable.

The people who so willingly defend this country deserve the very best defense and should be acquitted or the charges dropped. It is the responsibility of our government to pay these costs. Today I am introducing a resolution to address this inequity. I will continue to fight for our soldiers, sailors, airmen, and marines, and I urge all Members of Congress to do the same.

#### AMERICA IS TOO BIG TO FAIL

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

Ms. SPEIER. Mr. Speaker, Americans' thirst for real change did not end with the election in 2008. Across this country, people are mad, mad that the rampant speculation in our financial markets which led to the current economic meltdown and the double-digit unemployment have not yet been addressed.

I want to thank President Obama for his announcement this morning acknowledging what former Fed Chairman Paul Volcker has been saying for months: It's time to reinstate the institutional protections that safeguarded our country for more than half a century, the Glass-Steagall Act, ironically repealed in 1999 at the behest of the financial services industry.

The only thing in America that can ever be deemed too big to fail is America itself. It is time for those of us in Congress to grow a backbone, to have the courage of our convictions and stand up to the big banks. No longer can we allow the greed of a few to put the entire Nation at risk.

Just as we are united in our effort to combat threats from abroad, we must be vigilant to those very real threats from within. We were sent here by the voters to take care of them, the taxpayers and the consumers. The banks can take care of themselves.

#### MR. OBAMA, PULL DOWN THAT HEALTH CARE BILL

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

Mr. HALL of Texas. Mr. Speaker, as we approach President Ronald Reagan's birthday, I remember very well 22 years ago when he thought our country was threatened by Russia and the fu-

ture of our children and their children was in danger of being imperiled. He stood at the Brandenburg Gate in Germany, shook his fist at Russia and said, “Mr. Gorbachev, tear down this wall.”

We honor in a few days in my Fourth Congressional District and all across the land the man who said, Tear down this wall. Today I say to the leader of another country, our country, Mr. Obama, your health bill and your 34 czars: Tear down that wall that separates you from the American people. Pull down your health bill and start over. The people have spoken. We need jobs, not bribes and broken promises. Pull down that bill. Pull down that bill. Pull down that bill. Pull down that broken health bill.

#### HONORING CATHOLIC SCHOOLS

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

Mr. PERLMUTTER. Mr. Speaker, I rise today to honor Catholic schools in my district and across the country for their contributions to their students and communities.

January 31 through February 6, 2010, has been designated as Catholic Schools Week by the National Catholic Education Association and the United States Conference of Catholic Bishops.

I have a number of Catholic schools in my district, including St. Therese, Our Lady of Fatima—where a number of our neighborhood kids go—Saint Anne's, Saint Bernadette, Saint Joan of Arc, Saint Pius X, and Saints Peter and Paul. Each of these schools is advancing strong academic goals in the classroom, and each is developing well-rounded young adults in our communities.

I congratulate these Catholic schools in the Seventh Congressional District, as well as the students, parents, and teachers for their ongoing dedication to a quality education. Receiving a quality education is key to our children's success, and as a parent of three, I am well aware of this.

In closing, I extend my best wishes to the students who attend the Catholic schools in the Seventh Congressional District and wish every student in Colorado the best of luck in this school year.

□ 1030

#### PRESIDENT'S DEFICIT-CUTTING COMMISSION

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

Mr. PENCE. If you are concerned about runaway Federal spending and a rising national debt, you won't find a lot of comfort in today's headlines.

After passing a government takeover of health care costing over \$1 trillion

and a budget that will triple the national debt in the next 10 years, Democrat leaders are now talking about actually bringing legislation that will raise our debt limit by \$1.9 trillion. But we are told by the same Democratic leadership that they are going to get serious in 2010 about fiscal discipline.

I guess, along those lines, President Obama is expected to announce a bipartisan commission that will look for ways to reduce deficits in the future. Sounds like an appealing idea, but the devil is always in the details in Washington, D.C.

The President's commission on close examination actually looks like a guard dog with no bite. It looks like fiscal discipline, but it could be easily ignored by Congress.

Remarkably, the President's proposal, as I have heard about it, is prohibited from recommending cuts in any discretionary spending. That will be about \$1.4 trillion. And the bridge to nowhere, that is completely off-limits. And, as many of us know, with the partisan bias and the structure of it, as reported, it is likely this commission will just be an excuse to raise taxes.

The American people don't want more government, more taxes, and more political posturing about spending. They want this Congress to show the character and the strength to make the hard choices to put our fiscal house in order.

#### SUPPORT H.R. 2829 and H.R. 3053

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

Mr. CARSON of Indiana. Mr. Speaker, each year tens of thousands of ex-offenders are released from prison back into our communities. Many of them return to our neighborhoods with few prospects and no way to provide for themselves and their families.

Unfortunately, months of waiting for benefits often push these ex-offenders back into criminal activity. Without an income to purchase health care and food, many see it as the only way to survive.

Today, I believe this Congress has the responsibility to address this clear danger to the public. That is why I introduced two bills last year, H.R. 2829 and H.R. 3053, which will ensure that former inmates have access to TANF, Medicaid, Social Security disability, and other benefits upon their release from prison.

By removing months of waiting, we can help these individuals successfully reenter society and avoid returning to a life of crime. I hope that all of my colleagues will consider cosponsoring these important bills, both for the future of ex-offenders and for the safety of our communities.

#### NATURAL GAS DRILLING

(Mr. ARCURI asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, I want to take this opportunity to talk about an issue that has taken root in my district and across Upstate New York, and that is the concern over natural gas drilling prospects in a procedure called "hydraulic fracturing."

Natural gas is a great natural resource for this country to cultivate to use for heat and energy. However, in Upstate New York we have another natural resource that is critical to our survival and prosperity, and that is our water.

Our water supply is precious, and we are so fortunate in Upstate New York to have an abundance of water resources that I never want to take for granted and will always fight to protect.

Now, I don't want to oppose natural gas drilling in Upstate New York because there is a definite opportunity for gas drilling that has a positive impact, and I think that that's an important thing if we are going to address energy costs and local jobs in the region. But I don't want to sacrifice the purity of our water resources by rushing to drill before the infrastructure is in place in New York to regulate it in the way that it needs to be regulated.

I will stand with the people in my district who could be affected by natural gas drilling to ensure that their water is protected.

#### HEALTH CARE

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

Mr. BURTON of Indiana. Mr. Speaker, some people just don't get it.

I was reading the Wall Street Journal this morning. And when the Democrat Senators met, one of the aides was asked by a reporter what was going on; and the aide to one of the Democrat Senators said this: "People are hysterical right now."

Hysterical? Because the American people realize that this health care bill is an absolute disgrace and a tragedy, and they didn't want it and they overwhelmingly voted against it in Massachusetts, they are hysterical?

I would just like to say to that young man and any of my colleagues who really haven't gotten the message from Massachusetts and Virginia and New Jersey: the American people don't like the direction this country is heading in. They don't like the big spending. They don't like all these new socialistic programs. And they don't want the government coming between them and their doctor. And I hope my colleagues will get that message so we can work together to solve these problems facing the Nation regarding health care.

#### TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the

bill (H.R. 3254) to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to House Resolution 1017, the bill is considered read.

The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

#### H.R. 3254

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Taos Pueblo Indian Water Rights Settlement Act".

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

Sec. 1. *Short title; table of contents.*

Sec. 2. *Purpose.*

Sec. 3. *Definitions.*

Sec. 4. *Pueblo rights.*

Sec. 5. *Pueblo water infrastructure and watershed enhancement.*

Sec. 6. *Taos Pueblo Water Development Fund.*

Sec. 7. *Marketing.*

Sec. 8. *Mutual-Benefit Projects.*

Sec. 9. *San Juan-Chama Project contracts.*

Sec. 10. *Authorizations, ratifications, confirmations, and conditions precedent.*

Sec. 11. *Waivers and releases.*

Sec. 12. *Interpretation and enforcement.*

Sec. 13. *Disclaimer.*

#### SEC. 2. PURPOSE.

*The purposes of this Act are—*

(1) *to approve, ratify, and confirm the Taos Pueblo Indian Water Rights Settlement Agreement;*

(2) *to authorize and direct the Secretary to execute the Settlement Agreement and to perform all obligations of the Secretary under the Settlement Agreement and this Act; and*

(3) *to authorize all actions and appropriations necessary for the United States to meet its obligations under the Settlement Agreement and this Act.*

#### SEC. 3. DEFINITIONS.

*In this Act:*

(1) *ELIGIBLE NON-PUEBLO ENTITIES.*—The term "Eligible Non-Pueblo Entities" means the Town of Taos, El Prado Water and Sanitation District ("EPWSD"), and the New Mexico Department of Finance and Administration Local Government Division on behalf of the Acequia Madre del Rio Lucero y del Arroyo Seco, the Acequia Madre del Prado, the Acequia del Monte, the Acequia Madre del Rio Chiquito, the Upper Ranchitos Mutual Domestic Water Consumers Association, the Upper Arroyo Hondo Mutual Domestic Water Consumers Association, and the Llano Quemado Mutual Domestic Water Consumers Association.

(2) *ENFORCEMENT DATE.*—The term "Enforcement Date" means the date upon which the Secretary publishes the notice required by section 10(f)(1).

(3) *MUTUAL-BENEFIT PROJECTS.*—The term "Mutual-Benefit Projects" means the projects described and identified in articles 6 and 10.1 of the Settlement Agreement.

(4) *PARTIAL FINAL DECREE.*—The term "Partial Final Decree" means the Decree entered in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896-BB (U.S.6 D.N.M.) and 7939-BB (U.S. D.N.M.) (consolidated), for the resolution of the Pueblo's water right claims and which is substantially in the form agreed to by the Parties and attached to the Settlement Agreement as Attachment 5.

(5) **PARTIES.**—The term “Parties” means the Parties to the Settlement Agreement, as identified in article 1 of the Settlement Agreement.

(6) **PUEBLO.**—The term “Pueblo” means the Taos Pueblo, a sovereign Indian tribe duly recognized by the United States of America.

(7) **PUEBLO LANDS.**—The term “Pueblo lands” means those lands located within the Taos Valley to which the Pueblo, or the United States in its capacity as trustee for the Pueblo, holds title subject to Federal law limitations on alienation. Such lands include Tracts A, B, and C, the Pueblo’s land grant, the Blue Lake Wilderness Area, and the Tenorio and Karavas Tracts and are generally depicted in Attachment 2 to the Settlement Agreement.

(8) **SAN JUAN-CHAMA PROJECT.**—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the contract dated March 31, 2006, between and among—

(A) the United States, acting solely in its capacity as trustee for Taos Pueblo;

(B) the Taos Pueblo, on its own behalf;

(C) the State of New Mexico;

(D) the Taos Valley Acequia Association and its 55 member ditches (“TVAA”);

(E) the Town of Taos;

(F) EPWSD; and

(G) the 12 Taos area Mutual Domestic Water Consumers Associations (“MDWCAs”), as amended to conform with this Act.

(11) **STATE ENGINEER.**—The term “State Engineer” means the New Mexico State Engineer.

(12) **TAOS VALLEY.**—The term “Taos Valley” means the geographic area depicted in Attachment 4 of the Settlement Agreement.

#### SEC. 4. PUEBLO RIGHTS.

(a) **IN GENERAL.**—Those rights to which the Pueblo is entitled under the Partial Final Decree shall be held in trust by the United States on behalf of the Pueblo and shall not be subject to forfeiture, abandonment, or permanent alienation.

(b) **SUBSEQUENT ACT OF CONGRESS.**—The Pueblo shall not be denied all or any part of its rights held in trust absent its consent unless such rights are explicitly abrogated by an Act of Congress hereafter enacted.

#### SEC. 5. PUEBLO WATER INFRASTRUCTURE AND WATERSHED ENHANCEMENT.

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner of Reclamation, shall provide grants and technical assistance to the Pueblo on a nonreimbursable basis to—

(1) plan, permit, design, engineer, construct, reconstruct, replace, or rehabilitate water production, treatment, and delivery infrastructure;

(2) restore, preserve, and protect the environment associated with the Buffalo Pasture area; and

(3) protect and enhance watershed conditions.

(b) **AVAILABILITY OF GRANTS.**—Upon the Enforcement Date, all amounts appropriated pursuant to section 10(c)(1) or made available from other authorized sources, shall be available in grants to the Pueblo after the requirements of subsection (c) have been met.

(c) **PLAN.**—The Secretary shall provide financial assistance pursuant to subsection (a) upon the Pueblo’s submittal of a plan that identifies the projects to be implemented consistent with the purposes of this section and describes how such projects are consistent with the Settlement Agreement.

(d) **EARLY FUNDS.**—Notwithstanding subsection (b), \$10,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(1)—

(1) shall be made available in grants to the Pueblo by the Secretary upon appropriation or availability of the funds from other authorized sources; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice, a Tribal Council resolution that describes the purposes under subsection (a) for which the monies will be used, and a plan under subsection (c) for this portion of the funding.

#### SEC. 6. TAOS PUEBLO WATER DEVELOPMENT FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a fund to be known as the “Taos Pueblo Water Development Fund” (hereinafter, “Fund”) to be used to pay or reimburse costs incurred by the Pueblo for—

(1) acquiring water rights;

(2) planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment or delivery infrastructure, on-farm improvements, or wastewater infrastructure;

(3) restoring, preserving and protecting the Buffalo Pasture, including planning, permitting, designing, engineering, constructing, operating, managing and replacing the Buffalo Pasture Recharge Project;

(4) administering the Pueblo’s water rights acquisition program and water management and administration system; and

(5) for watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs related to the negotiation, authorization, and implementation of the Settlement Agreement.

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make monies available from the Fund for distribution to the Pueblo consistent with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001, et seq.) (hereinafter, “Trust Fund Reform Act”), this Act, and the Settlement Agreement.

(c) **INVESTMENT OF THE FUND.**—Upon the Enforcement Date, the Secretary shall invest amounts in the Fund in accordance with—

(1) the Act of April 1, 1880 (21 Stat. 70, ch. 41, 25 U.S.C. 161);

(2) the first section of the Act of June 24, 1938 (52 Stat. 1037, ch. 648, 25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(d) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—Upon the Enforcement Date, all monies deposited in the Fund pursuant to section 10(c)(2) or made available from other authorized sources shall be available to the Pueblo for expenditure or withdrawal after the requirements of subsection (e) have been met.

(e) **EXPENDITURES AND WITHDRAWAL.**

(1) **TRIBAL MANAGEMENT PLAN.**

(A) **IN GENERAL.**—The Pueblo may withdraw all or part of the Fund on approval by the Secretary of a tribal management plan as described in the Trust Fund Reform Act.

(B) **REQUIREMENTS.**—In addition to the requirements under the Trust Fund Reform Act, the tribal management plan shall require that the Pueblo spend any funds in accordance with the purposes described in subsection (a).

(2) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the requirement that monies withdrawn from the Fund are used for the purposes specified in subsection (a).

(3) **LIABILITY.**—If the Pueblo exercises the right to withdraw monies from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the monies withdrawn.

(4) **EXPENDITURE PLAN.**

(A) **IN GENERAL.**—The Pueblo shall submit to the Secretary for approval an expenditure plan for any portions of the funds made available under this Act that the Pueblo does not withdraw under paragraph (1)(A).

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes

for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act.

(5) **ANNUAL REPORT.**—The Pueblo shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(f) **FUNDS AVAILABLE UPON APPROPRIATION.**—Notwithstanding subsection (d), \$15,000,000 of the monies authorized to be appropriated pursuant to section 10(c)(2)—

(1) shall be available upon appropriation or made available from other authorized sources for the Pueblo’s acquisition of water rights pursuant to Article 5.1.1.2.3 of the Settlement Agreement, the Buffalo Pasture Recharge Project, implementation of the Pueblo’s water rights acquisition program and water management and administration system, the design, planning, and permitting of water or wastewater infrastructure eligible for funding under sections 5 or 6, or costs related to the negotiation, authorization, and implementation of the Settlement Agreement; and

(2) shall be distributed by the Secretary to the Pueblo on receipt by the Secretary from the Pueblo of a written notice and a Tribal Council resolution that describes the purposes under paragraph (1) for which the monies will be used.

(g) **NO PER CAPITA DISTRIBUTIONS.**—No part of the Fund shall be distributed on a per capita basis to members of the Pueblo.

#### SEC. 7. MARKETING.

(a) **PUEBLO WATER RIGHTS.**—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may market water rights secured to it under the Settlement Agreement and Partial Final Decree, provided that such marketing is in accordance with this section.

(b) **PUEBLO CONTRACT RIGHTS TO SAN JUAN-CHAMA PROJECT WATER.**—Subject to the approval of the Secretary in accordance with subsection (e), the Pueblo may subcontract water made available to the Pueblo under the contract authorized under section 9(b)(1)(A) to third parties to supply water for use within or without the Taos Valley, provided that the delivery obligations under such subcontract are not inconsistent with the Secretary’s existing San Juan-Chama Project obligations and such subcontract is in accordance with this section.

(c) **LIMITATION.**

(1) **IN GENERAL.**—Diversion or use of water off Pueblo lands pursuant to Pueblo water rights or Pueblo contract rights to San Juan-Chama Project water shall be subject to and not inconsistent with the same requirements and conditions of State law, any applicable Federal law, and any applicable interstate compact as apply to the exercise of water rights or contract rights to San Juan-Chama Project water held by non-Federal, non-Indian entities, including all applicable State Engineer permitting and reporting requirements.

(2) **EFFECT ON WATER RIGHTS.**—Such diversion or use off Pueblo lands under paragraph (1) shall not impair water rights or increase surface water depletions within the Taos Valley.

(d) **MAXIMUM TERM.**

(1) **IN GENERAL.**—The maximum term of any water use lease or subcontract, including all renewals, shall not exceed 99 years in duration.

(2) **ALIENATION OF RIGHTS.**—The Pueblo shall not permanently alienate any rights it has under the Settlement Agreement, the Partial Final Decree, and this Act.

(e) **APPROVAL OF SECRETARY.**—The Secretary shall approve or disapprove any lease or subcontract submitted by the Pueblo for approval not later than—

(1) 180 days after submission; or

(2) 60 days after compliance, if required, with section 102(2)(C) of the National Environmental

Policy Act of 1969 (42 U.S.C. 4332(2)(C)), or any other requirement of Federal law, whichever is later, provided that no Secretarial approval shall be required for any water use lease with a term of less than 7 years.

(f) **NO FORFEITURE OR ABANDONMENT.**—The nonuse by a lessee or subcontractor of the Pueblo of any right to which the Pueblo is entitled under the Partial Final Decree shall in no event result in a forfeiture, abandonment, relinquishment, or other loss of all or any part of those rights.

(g) **NO PREEMPTION.**—

(1) **IN GENERAL.**—The approval authority of the Secretary provided under subsection (e) shall not amend, construe, supersede, or preempt any State or Federal law, interstate compact, or international treaty that pertains to the Colorado River, the Rio Grande, or any of their tributaries, including the appropriation, use, development, storage, regulation, allocation, conservation, exportation, or quantity of those waters.

(2) **APPLICABLE LAW.**—The provisions of section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any water made available under the Settlement Agreement.

(h) **NO PREJUDICE.**—Nothing in this Act shall be construed to establish, address, prejudice, or prevent any party from litigating whether or to what extent any applicable State law, Federal law, or interstate compact does or does not permit, govern, or apply to the use of the Pueblo's water outside of New Mexico.

#### **SEC. 8. MUTUAL-BENEFIT PROJECTS.**

(a) **IN GENERAL.**—Upon the Enforcement Date, the Secretary, acting through the Commissioner of Reclamation, shall provide financial assistance in the form of grants on a nonreimbursable basis to Eligible Non-Pueblo Entities to plan, permit, design, engineer, and construct the Mutual-Benefit Projects in accordance with the Settlement Agreement—

(1) to minimize adverse impacts on the Pueblo's water resources by moving future non-Indian ground water pumping away from the Pueblo's Buffalo Pasture; and

(2) to implement the resolution of a dispute over the allocation of certain surface water flows between the Pueblo and non-Indian irrigation water right owners in the community of Arroyo Seco Arriba.

(b) **COST-SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects authorized in subsection (a) shall be 75 percent and shall be nonreimbursable.

(2) **NON-FEDERAL SHARE.**—The non-Federal share of the total cost of planning, designing, and constructing the Mutual-Benefit Projects shall be 25 percent and may be in the form of in-kind contributions, including the contribution of any valuable asset or service that the Secretary determines would substantially contribute to completing the Mutual-Benefit Projects.

#### **SEC. 9. SAN JUAN-CHAMA PROJECT CONTRACTS.**

(a) **IN GENERAL.**—Contracts issued under this section shall be in accordance with this Act and the Settlement Agreement.

(b) **CONTRACTS FOR SAN JUAN-CHAMA PROJECT WATER.**—

(1) **IN GENERAL.**—The Secretary shall enter into 3 repayment contracts by not later than 180 days after the date of enactment of this Act, for the delivery of San Juan-Chama Project water in the following amounts:

(A) 2,215 acre-feet/annum to the Pueblo.

(B) 366 acre-feet/annum to the Town of Taos.

(C) 40 acre-feet/annum to EPWSD.

(2) **REQUIREMENTS.**—Each such contract shall provide that if the conditions precedent set forth in section 10(f)(2) have not been fulfilled by December 31, 2016, the contract shall expire on that date.

(3) **APPLICABLE LAW.**—Public Law 87-483 (76 Stat. 97) applies to the contracts entered into

under paragraph (1) and no preference shall be applied as a result of section 4(a) with regard to the delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(c) **WAIVER.**—With respect to the contract authorized and required by subsection (b)(1)(A) and notwithstanding the provisions of Public Law 87-483 (76 Stat. 96) or any other provision of law—

(1) the Secretary shall waive the entirety of the Pueblo's share of the construction costs, both principal and the interest, for the San Juan-Chama Project and pursuant to that waiver, the Pueblo's share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest shall be nonreimbursable; and

(2) the Secretary's waiver of the Pueblo's share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior.

#### **SEC. 10. AUTHORIZATIONS, RATIFICATIONS, CONFIRMATIONS, AND CONDITIONS PRECEDENT.**

(a) **RATIFICATION.**—

(1) **IN GENERAL.**—Except to the extent that any provision of the Settlement Agreement conflicts with any provision of this Act, the Settlement Agreement is authorized, ratified, and confirmed.

(2) **AMENDMENTS.**—To the extent amendments are executed to make the Settlement Agreement consistent with this Act, such amendments are also authorized, ratified, and confirmed.

(b) **EXECUTION OF SETTLEMENT AGREEMENT.**—To the extent that the Settlement Agreement does not conflict with this Act, the Secretary shall execute the Settlement Agreement, including all exhibits to the Settlement Agreement requiring the signature of the Secretary and any amendments necessary to make the Settlement Agreement consistent with this Act, after the Pueblo has executed the Settlement Agreement and any such amendments.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **TAOS PUEBLO INFRASTRUCTURE AND WATER-SHED FUND.**—There is authorized to be appropriated to the Secretary to provide grants pursuant to section 5, \$30,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(2) **TAOS PUEBLO WATER DEVELOPMENT FUND.**—There is authorized to be appropriated to the Taos Pueblo Water Development Fund, established at section 6(a), \$58,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(3) **MUTUAL-BENEFIT PROJECTS FUNDING.**—There is further authorized to be appropriated to the Secretary to provide grants pursuant to section 8, a total of \$33,000,000, as adjusted under paragraph (4), for the period of fiscal years 2010 through 2016.

(4) **ADJUSTMENTS TO AMOUNTS AUTHORIZED.**—The amounts authorized to be appropriated under paragraphs (1) through (3) shall be adjusted by such amounts as may be required by reason of changes since April 1, 2007, in construction costs, as indicated by engineering cost indices applicable to the types of construction or rehabilitation involved.

(5) **DEPOSIT IN FUND.**—Except for the funds to be provided to the Pueblo pursuant to section 5(d), the Secretary shall deposit the funds made available pursuant to paragraphs (1) and (3) into a Taos Settlement Fund to be established within the Treasury of the United States so that such funds may be made available to the Pueblo and the Eligible Non-Pueblo Entities upon the Enforcement Date as set forth in sections 5(b) and 8(a).

(d) **AUTHORITY OF THE SECRETARY.**—The Secretary is authorized to enter into such agree-

ments and to take such measures as the Secretary may deem necessary or appropriate to fulfill the intent of the Settlement Agreement and this Act.

(e) **ENVIRONMENTAL COMPLIANCE.**—

(1) **EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.**—The Secretary's execution of the Settlement Agreement shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **COMPLIANCE WITH ENVIRONMENTAL LAWS.**—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(f) **CONDITIONS PRECEDENT AND SECRETARIAL FINDING.**—

(1) **IN GENERAL.**—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register a statement of finding that the conditions have been fulfilled.

(2) **CONDITIONS.**—The conditions precedent referred to in paragraph (1) are the following:

(A) The President has signed into law the Taos Pueblo Indian Water Rights Settlement Act.

(B) To the extent that the Settlement Agreement conflicts with this Act, the Settlement Agreement has been revised to conform with this Act.

(C) The Settlement Agreement, so revised, including waivers and releases pursuant to section 11, has been executed by the Parties and the Secretary prior to the Parties' motion for entry of the Partial Final Decree.

(D) Congress has fully appropriated or the Secretary has provided from other authorized sources all funds authorized by paragraphs (1) through (3) of subsection (c) so that the entire amounts so authorized have been previously provided to the Pueblo pursuant to sections 5 and 6, or placed in the Taos Pueblo Water Development Fund or the Taos Settlement Fund as directed in subsection (c).

(E) The Legislature of the State of New Mexico has fully appropriated the funds for the State contributions as specified in the Settlement Agreement, and those funds have been deposited in appropriate accounts.

(F) The State of New Mexico has enacted legislation that amends NMSA 1978, section 72-6-3 to state that a water use due under a water right secured to the Pueblo under the Settlement Agreement or the Partial Final Decree may be leased for a term, including all renewals, not to exceed 99 years, provided that this condition shall not be construed to require that said amendment state that any State law based water rights acquired by the Pueblo or by the United States on behalf of the Pueblo may be leased for said term.

(G) A Partial Final Decree that sets forth the water rights and contract rights to water to which the Pueblo is entitled under the Settlement Agreement and this Act and that substantially conforms to the Settlement Agreement and Attachment 5 thereto has been approved by the Court and has become final and nonappealable.

(g) **ENFORCEMENT DATE.**—The Settlement Agreement shall become enforceable, and the waivers and releases executed pursuant to section 11 and the limited waiver of sovereign immunity set forth in section 12(a) shall become effective, as of the date that the Secretary publishes the notice required by subsection (f)(1).

(h) **EXPIRATION DATE.**—

(1) **IN GENERAL.**—If all of the conditions precedent described in section (f)(2) have not been fulfilled by December 31, 2016, the Settlement Agreement shall be null and void, the waivers and releases executed pursuant to section 11 and the sovereign immunity waivers in section

12(a) shall not become effective, and any unexpended Federal funds, together with any income earned thereon, and title to any property acquired or constructed with expended Federal funds, shall be returned to the Federal Government, unless otherwise agreed to by the Parties in writing and approved by Congress.

(2) **EXCEPTION.**—Notwithstanding subsection (h)(1) or any other provision of law, any unexpended Federal funds, together with any income earned thereon, made available under sections 5(d) and 6(f) and title to any property acquired or constructed with expended Federal funds made available under sections 5(d) and 6(f) shall be retained by the Pueblo.

(3) **RIGHT TO SET-OFF.**—In the event the conditions precedent set forth in subsection (f)(2) have not been fulfilled by December 31, 2016, the United States shall be entitled to set off any funds expended or withdrawn from the amount appropriated pursuant to paragraphs (1) and (2) of subsection (c) or made available from other authorized sources, together with any interest accrued, against any claims asserted by the Pueblo against the United States relating to water rights in the Taos Valley.

#### **SEC. 11. WAIVERS AND RELEASES.**

(a) **CLAIMS BY THE PUEBLO AND THE UNITED STATES.**—In return for recognition of the Pueblo's water rights and other benefits, including but not limited to the commitments by non-Pueblo parties, as set forth in the Settlement Agreement and this Act, the Pueblo, on behalf of itself and its members, and the United States acting in its capacity as trustee for the Pueblo are authorized to execute a waiver and release of claims against the parties to New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated) from—

(1) all claims for water rights in the Taos Valley that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated), up to and including the Enforcement Date, except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(2) all claims for water rights, whether for consumptive or nonconsumptive use, in the Rio Grande mainstream or its tributaries that the Pueblo, or the United States acting in its capacity as trustee for the Pueblo, asserted or could assert in any water rights adjudication proceedings except those claims based on Pueblo or United States ownership of lands or water rights acquired after the Enforcement Date, provided that nothing in this paragraph shall prevent the Pueblo or the United States from fully participating in the inter se phase of any such water rights adjudication proceedings;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking) in the Rio Grande mainstream or its tributaries or for lands within the Taos Valley that accrued at any time up to and including the Enforcement Date; and

(4) all claims against the State of New Mexico, its agencies, or employees relating to the negotiation or the adoption of the Settlement Agreement.

(b) **CLAIMS BY THE PUEBLO AGAINST THE UNITED STATES.**—The Pueblo, on behalf of itself and its members, is authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees relating to claims for water rights in or water of the Taos Valley that the United States acting in its capacity as trustee for the Pueblo asserted, or could have asserted, in any proceeding, including but not limited to in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated);

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including but not limited to damages, losses or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion or taking of water or water rights, or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) in the Rio Grande mainstream or its tributaries or within the Taos Valley that first accrued at any time up to and including the Enforcement Date;

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by the Act of March 4, 1929 (45 Stat. 1562), the Act of March 4, 1931 (46 Stat. 1552), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblo's water rights in New Mexico v. Abeyta and New Mexico v. Arellano, Civil Nos. 7896–BB (U.S.6 D.N.M.) and 7939–BB (U.S. D.N.M.) (consolidated); and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Final Decree, or this Act.

(c) **RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.**—Notwithstanding the waivers and releases authorized in this Act, the Pueblo on behalf of itself and its members and the United States acting in its capacity as trustee for the Pueblo retain—

(1) all claims for enforcement of the Settlement Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblo and the United States, or this Act;

(2) all claims against persons other than the Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water rights (including but not limited to claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) within the Taos Valley arising out of activities occurring outside the Taos Valley or the Taos Valley Stream System;

(3) all rights to use and protect water rights acquired after the date of enactment of this Act;

(4) all rights to use and protect water rights acquired pursuant to State law, to the extent not inconsistent with the Partial Final Decree and the Settlement Agreement (including water rights for the land the Pueblo owns in Questa, New Mexico);

(5) all claims relating to activities affecting the quality of water including but not limited to any claims the Pueblo might have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (including but not limited to claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those Acts;

(6) all claims relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including but not limited to hunting, fishing, gathering, or cultural rights); and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this Act and the Settlement Agreement.

(d) **EFFECT OF SECTION.**—Nothing in the Settlement Agreement or this Act—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including but not limited to any laws relating to health, safety, or the environment, including but not limited to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing such Acts;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee;

(3) confers jurisdiction on any State court to—  
(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action; or

(4) waives any claim of a member of the Pueblo in an individual capacity that does not derive from a right of the Pueblo.

(e) **TOLLING OF CLAIMS.**—

(1) **IN GENERAL.**—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) December 31, 2016; or

(B) the Enforcement Date.

(2) **EFFECT OF SUBSECTION.**—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) **LIMITATION.**—Nothing in this subsection precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

#### **SEC. 12. INTERPRETATION AND ENFORCEMENT.**

(a) **LIMITED WAIVER OF SOVEREIGN IMMUNITY.**—Upon and after the Enforcement Date, if any Party to the Settlement Agreement brings an action in any court of competent jurisdiction over the subject matter relating only and directly to the interpretation or enforcement of the Settlement Agreement or this Act, and names the United States or the Pueblo as a party, then the United States, the Pueblo, or both may be added as a party to any such action, and any claim by the United States or the Pueblo to sovereign immunity from the action is waived, but only for the limited and sole purpose of such interpretation or enforcement, and no waiver of sovereign immunity is made for any action against the United States or the Pueblo that seeks money damages.

(b) **SUBJECT MATTER JURISDICTION NOT AFFECTED.**—Nothing in this Act shall be deemed as conferring, restricting, enlarging, or determining the subject matter jurisdiction of any court, including the jurisdiction of the court that enters the Partial Final Decree adjudicating the Pueblo's water rights.

(c) **REGULATORY AUTHORITY NOT AFFECTED.**—Nothing in this Act shall be deemed to determine or limit any authority of the State or the Pueblo to regulate or administer waters or water rights now or in the future.

#### **SEC. 13. DISCLAIMER.**

Nothing in the Settlement Agreement or this Act shall be construed in any way to quantify or otherwise adversely affect the land and water rights, claims, or entitlements to water of any other Indian tribe.

The **SPEAKER** pro tempore. After 1 hour of debate on the bill, as amended,

it shall be in order to consider the amendment printed in part A of House Report 111-399 if offered by the gentleman from California (Mr. MCCLINTOCK) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3254.

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

There was no objection.

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

Today, the Committee on Natural Resources is bringing before this body for consideration three bills which would provide for the settlement of the legitimate water claims of several Indian tribes.

Many Americans rarely give a thought to having clean, potable water in their homes. We turn on the taps in our kitchens, and we take it for granted that water will flow forth. But that, unfortunately, is not the case in all places.

There is no scarcity of water in my home State of West Virginia. We are rich in water. It flows freely.

Yet, today we continue to work to ensure that all of our citizens have access to clean, potable water, as well as to be served by sanitary wastewater systems; and I have and will continue to fight this fight every day of my tenure in this body. So it is with understanding and with compassion that I bring these three measures to the floor today.

The pending measure, and I give him full credit for his leadership and bringing it to our attention, sponsored by the gentleman from New Mexico, BEN RAY LUJÁN, would adjudicate the water rights of the Pueblo of Taos and end 40 years of active litigation by ratifying a settlement agreement.

Forty years, my colleagues, 40 years of litigation: that is what the pending legislation would end. And I cannot commend enough Mr. LUJÁN and Mr. HEINRICH, the other gentleman from New Mexico and member of our Committee on Natural Resources, for their efforts in this matter.

Similarly, I commend the chairwoman on the Subcommittee on Water and Power, the gentlewoman from California, GRACE NAPOLITANO, for the hearings and all of her hard work on the measures that we are considering today.

This legislation implements a settlement agreement that was signed in

May of 2006 by the Pueblo of Taos, the State of New Mexico, 55 community ditch associations, the town of Taos, El Prado Water and Sanitation District, and the 12 Taos-area Mutual Domestic Water Consumer Associations. Collectively, the parties to the agreement represent the majority of water users in the Taos Valley.

Let me emphasize that point. This settlement provides water certainty to both tribal and non-tribal communities.

Under this settlement agreement, funds would be authorized for the Taos Settlement Fund, the Taos Infrastructure and Watershed Fund, and for various projects that are mutually beneficial to the pueblo and non-pueblo parties.

I would note that the Taos Pueblo has settled for a water right that is far less than what the claims asserted in litigation by the United States and the pueblo. This potential value is much more than the amount that is authorized to be appropriated in H.R. 3254, a clear financial benefit to all taxpayers.

Yet we will hear from some on the other side of the aisle that they are just not sure whether or not this settlement agreement is a good deal. They just do not know, they will say.

Well, all the parties which finally came together to settle 40 years of litigation, I remind you, believe that this is a good settlement. The gentleman from New Mexico who represents these people in this body believes it is a good deal. The gentlewoman from California, GRACE NAPOLITANO, who held hearings on this bill and worked with all the concerned parties, believes it is a good settlement. And the Committee on Natural Resources, which approved a pending measure, thought it was a good enough settlement to send to the full House.

Let me be clear: Both the Departments of the Interior and Justice were involved in this settlement agreement. Rather than engage in protracted litigation, both Republican and Democrat administrations for over the last 20 years believe that negotiated Indian water rights settlements are the preferred course of action.

In testimony before the Water and Power Subcommittee, the Commissioner of the Bureau of Reclamation stated: "Settlements improve water management by providing certainty not just as to the quantification of a tribe's water rights but also as to the rights of all water users."

He added further: "Indian water rights settlements are consistent with the Federal trust responsibility to Native Americans and with a policy of promoting Indian self-determination and economic self-sufficiency."

We do indeed have a trust responsibility to Indian country, and fulfilling that responsibility is at the heart of what we are doing today. The Taos Pueblo has had to fight for its water rights against Spanish settlers, with Mexico, and then as part of the United

States. Let us today end this long fight and provide certainty to all the water users in the Taos Valley.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to reluctantly oppose this and the two other claimed settlement bills that are being considered on the House floor today.

As a Member from the western part of the United States, I am well aware of how important these settlements can be to tribal and non-tribal communities. In general, Indian water rights settlements are instruments to reduce litigation and bring water supply certainty to communities in the western part of the United States. When done right, they provide not only certainty to all parties, but they also benefit the American taxpayer, who could end up paying much more if the litigation went forward.

It is indeed Congress' statutory role to consider and approve these settlements when these settlements are complete. The Congress should have all the information it needs to conduct a proper review and pass judgment on the merits of approving these settlements. Yet we do not have all such information on these three bills today. The most critical missing element is a clear, direct answer from the Department of Justice, through the Attorney General, on whether these settlements represent a fair resolution to the taxpayer.

As I mentioned during committee consideration of these bills, it is appropriate that these agreements are largely worked out by the people at the local level, but taxpayers from across the country have to pay for such agreements.

So, Mr. Speaker, in that context, while I applaud the idea that local groups are working it out in their best interests, which I think is a positive statement, these do have to be paid for by the American taxpayers. So we must be able to answer this question: Is this the best deal that can be reached and is it in the interest of the parties to the settlement, as well as to the taxpayers of this country?

The three bills that the House will consider today total over \$500 million in potential Federal expenditure. Before Congress spends over one-half billion dollars, we certainly should know whether the taxpayers are getting fair treatment.

□ 1045

The American people are highly concerned about the spending that's gone on in this Congress. Whether it's the stimulus spending that has failed to create the promised jobs or the government takeover of health care with a price tag of well over a trillion dollars, the spending in this Congress is out of control. Congress needs to get serious about the record debt being run up during President Obama's first year in office. This means not only stopping the



megaspending bills, but also taking a hard look at the smaller bills, such as the \$500 million bills that are represented under these three bills. We need the Attorney General to provide us with a clear, direct answer.

The ranking Republican of the Water and Power Subcommittee, Mr. MCCLINTOCK of California, has been working to elicit such answers. Months ago, in September and October of last year, he wrote to the Attorney General asking direct questions. No response was received until 2 days ago, just as these bills were headed to the floor of this House for a vote. Regrettably, this bill does not provide the direct answer to the questions asked. They finally replied at the 11th hour with ambiguity and generalities, but not with a clear answer that this Congress and the American taxpayers deserve.

So, Mr. Speaker, let me repeat again, while I support the concept of the settlement bills because, by definition, these are people, local people on the ground making decisions in their best interest, and the possibility that these three bills merit passage by the House, without a clear answer, as I talked about earlier, from the Department of Justice on whether taxpayers are getting a fair deal, I cannot support this legislation. So, therefore, I urge my colleagues to oppose all three of these bills.

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

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the lead sponsor of this bill, whom I referenced in my opening remarks, the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. I rise today in support of H.R. 3254, the Taos Pueblo Water Rights Settlement Act. Before I begin, I would like to thank Chairman RAHALL and Chairwoman NAPOLITANO for the stewardship of all three settlement bills we are considering on the House floor today, which are such an important part in meeting the water needs of the people in my district.

Mr. Speaker, it's taken nearly three decades of work by so many New Mexicans for me to be able to stand here today and address this body about the critical issue of water management and water security in my State. I'd like to thank all the tribal leaders and community members who have repeatedly traveled from Taos to Washington, across New Mexico, to work on this legislation throughout the years. Generation after generation, Mr. Speaker, people have been coming together to try to find resolution to benefit the community, to save taxpayers money, to prevent costly litigation from moving forward through the Federal court system.

As we consider these water settlements today, we should remember that behind this legislative language, the procedural necessities, and the committee reports, these bills are about the basic human need and water. These

settlements are the fulfillment of a promise made by the United States. Let me repeat that, Mr. Speaker. These settlements are the fulfillment of a promise made by the United States to its people, tribal and nontribal alike, that their water needs would be met. The preservation of the ancient culture of the Taos Pueblo as well as the future of the modern Taos community depend upon the passage of this legislation.

Let me give you a little history about this settlement and why it's so important to pass this legislation today. The legal proceedings that led to the Taos Pueblo Indian Water Rights Settlement, also known by my constituents as the Abeyta settlement, began in 1969 by the New Mexico State Engineer. The State Engineer's office in New Mexico is charged with the distribution and management of water resources in our State. The litigation continued until 1989, when the negotiations of the Abeyta settlement began. It has taken until today for these negotiations to reach a point where it could be possible to enact this settlement into law to resolve the water allocation between tribal and nontribal community members in the Taos area.

This legislation will bring to a close decades of litigation and uncertainty with regard to water resources for the people of my district. The passage of this legislation will bring security to water users in Taos by making water available for future generations and ensure that this valuable resource is protected. H.R. 3254 quantifies and protects Taos Pueblo's water and provides further security for water users of the town of Taos and many other non-Indian water users, including existing individual domestic wells. They are all provided safeguards for their use of water under this agreement.

The work that has been done between all the settlement parties and the Federal Government is truly a testament to the necessity of passing this legislation and the willingness of people to come together to protect the water resources that are so valuable to this community. Without this settlement, the future water availability for the people of Taos and Taos Pueblo will be uncertain and possibly disastrous.

Mr. Speaker, as we come today and we hear some of the concerns about moving this legislation forward, the uncertainty that will exist with Federal litigation and the possible costs and problems that could be passed on to taxpayers is something that this litigation will not only add to, but that this settlement will help resolve. I certainly hope that my colleagues from both sides of the aisle, that Members of this Chamber truly see the importance of us working together and making sure that we support people coming together to prevent costly and expensive litigation from moving forward, to do what is right, especially when it comes to the basic necessity and the valuable resource of water.

I urge you to support this bill, and I ask that we help protect the water re-

sources of the people of the Third Congressional District.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

As has been pointed out, this and the two bills that follow ratify out-of-court settlements that arise from decades-old litigation filed by various Indian tribes against the United States Government. They apportion water rights, among the three of them, to over 110,000 acre feet of water, and they draw more than half a billion dollars from the taxpayers of the United States, mainly for the development of those water resources.

From the outset, I believe that the controlling issue in approving any of these claims is simply this: Is it cheaper to settle out of court or to go to trial? To answer that question, we must turn to the Attorney General.

The Attorney General is presumably involved in these negotiations. He commands the legal expertise to judge the soundness or weakness of the government's case, and he is the official of our government directly responsible for representing the people of the United States in this litigation. Yet, when these bills were brought to us last fall, the Attorney General's office was completely silent on that question. In fact, the administration expressed many reservations about the technical aspects of these bills, which leads me to believe that these are not settlements negotiated by the Attorney General with the tribes and then presented to Congress, but rather they're settlements written by Congress itself, which Congress is neither designed nor is competent to do.

Most importantly, we were absolutely unable to get a straight answer to the most important question at issue, and that is: Do these settlements exceed the likely liability of the government if these claims went to trial? If we were a corporate board of directors making a decision on an out-of-court settlement and we agreed to that settlement without consulting with our legal counsel, we'd be guilty of breaching our fiduciary responsibility to our stockholders. How can we do any less as the Congress of the United States?

I'm new around here, but I spent 22 years in the California Legislature, many of them on the relevant committees that heard settlement bills. The central testimony in all of these settlements was from the attorney general's office as the State's legal counsel. They'd appear before us and they'd testify that in their professional legal judgment the settlements were justified under current law and that the State's liability and legal costs would likely exceed the settlement if the matter went to trial.

I'm told that's the way it used to work around here. The Attorney General would negotiate the best possible settlement on behalf of the United States and then submit that settlement to Congress. Congress would then approve or reject it. Now it seems to be working in precisely the opposite manner. Congress now does the negotiating and then presents the bill to the Attorney General. Mr. Speaker, that is not going to end well.

I wrote to the Attorney General's office in September and again in October asking for their legal assessment of the cases involved. This is hardly unprecedented. For example, in 1994, the Department of Justice testified before Congress on a similar water settlement in the Colville case. There, Peter Steenland, a Clinton Justice Department official, testified, "The Federal Government is not that well postured for a victory on this claim which has been pending for over 40 years. Absent the settlement, we could well litigate it for another 10 years and the outcome could easily be a significant cost to the taxpayers and the public." Well, if the Clinton administration could give Congress a straight answer on an Indian water settlement bill, then I felt there was no reason why the current one shouldn't also be straight with the Congress.

There's a simple word for this. It's called "transparency." We've been assured that's a guiding principle of this administration. We truly need some transparency in these cases if we're to do our job competently and to do justice to both sides in these claims, yet the administration remained completely untransparent on this issue. That's why I submitted a simple amendment to all three bills. The amendment would require that before the settlements take effect, the Department of Justice has to certify that settling out of court would be preferable to going to court.

I'd like to thank the members of the Rules Committee who granted the rule allowing these amendments to be presented today. But as the gentleman from Washington has said, a funny thing happened after the Rules Committee voted that rule out on Tuesday night. Two hours after the Rules Committee, 7:45 in the evening, our office received a letter from the administration responding to my requests made way back in September and October of last year, and in it the Departments of Justice and Interior finally are prepared to state, although somewhat ambiguously and circuitously, that "settlement would be preferable to litigation of these claims."

I certainly hope this is not going to be their pattern. We have many more Indian water settlements pending for substantial amounts of money, and the Congress should not have to wait for months to get a straight answer out of the administration for each settlement. The Congress should not be forced to choose a funding amount in

the dark and without an informed legal opinion from our Attorney General at the outset. These matters should not have to wait until the eve of a congressional vote.

Mr. Speaker, since the administration has responded to the question raised by the amendments that I'm prepared to offer, I'm not going to introduce them to these bills today. But it is hard to square their assurances of this week with the Department of the Interior's letter to the subcommittee chairman of November 10 with respect to the White Mountain Apache settlement, that says: "Given the benefits being obtained by the tribe under this settlement, the administration would consider the approximately \$109 million of additional funding for a development fund authorized under this bill to be excessive if it were viewed as settlement consideration."

I'd also point to concerns raised by the administration—again, this is unique to the White Mountain Apache settlement upcoming in the same letter—objecting to language "which waives the sovereign immunity of the United States." They warn, "This provision will engender additional litigation—and likely in competing State and Federal forums—rather than resolving the water rights disputes underlying adjudication."

Obviously, this administration has a lot of work to do before future water settlements are considered. I believe Congress needs to demand that the administration be candid and forthcoming in all future water settlements and that Congress insist that before it begins deliberating on a settlement, that the Attorney General has conducted and completed the negotiations, has determined all of the details, has certified that the settlement is within the legal liability of the government, and only then submit that settlement for consideration and approval by the Congress.

□ 1100

We need to make this happen in committee, not the night before a bill is sent to the House floor. And I believe that a growing number of us will have a problem agreeing to the advancement of future water settlements without these reforms. Anything less is breaching the fiduciary responsibility that we hold to the people of the United States. And I want to dwell on that term for just a moment. Congress' fiduciary responsibility, that sounds laughable today, but to the Framers of our Constitution, the term "Congress' fiduciary responsibility" wasn't a punch line. It was a bedrock principle. It's high time we restored and respected that principle.

Mr. RAHALL. Mr. Speaker, it's my honor to now yield such time as he may consume to the gentleman from New Mexico, MARTIN HEINRICH, another cosponsor of this legislation and a valued member of our Committee on Natural Resources.

Mr. HEINRICH. I thank the chairman for yielding.

Mr. Speaker, the Taos Pueblo Indian Water Rights Settlement Act is critically important to the Taos Pueblo and all of northern New Mexico. I want to thank my colleague BEN RAY LUJÁN for his leadership on this important issue. I also want to thank Chairman RAHALL and Chairwoman NAPOLITANO for their support of this bill during the committee process.

This bill is the result of many, many long years of negotiation among the parties to find a fair and equitable resolution to this conflict. Like the other longstanding water rights cases, this case has been in Federal court for 40 years. More than a decade ago, community leaders realized that litigation would not solve this problem but negotiation might. I want to commend the hard work and cooperation of all the stakeholders. This outcome demonstrates a real compromise by all the parties involved.

Taos Pueblo is the only living Native American community registered as a National Historic Landmark, and it has been continuously inhabited for over 1,000 years. Under New Mexico State law, that long history gives Taos Pueblo senior water rights and reinforces our duty to help protect their water resources while providing certainty to both Indian and non-Indian water users in the Taos Valley. This settlement also protects one of the pueblo's most sacred sites, the buffalo pasture. The pueblo has agreed to give up some of its water rights in exchange for protecting the groundwater that feeds the buffalo pasture.

A settlement agreement was signed in May of 2006 by Taos Pueblo, the State of New Mexico, and many affected non-Indian water users and acequia associations in the Taos Valley. But this settlement still needs ratification and approval by the United States Government, and that's what this bill will do. This settlement will bring much-needed certainty to the Taos Valley and New Mexico water users.

As anyone from a Western State knows, water is the lifeblood of our communities. Whether you live in downtown Albuquerque, on a ranch, or at a pueblo, every New Mexican depends on their community's right to clean, reliable water. This settlement is a historic step in ensuring that New Mexico communities have clear and reliable water rights to the water that they need.

I would urge my colleagues to vote "yes" on this bill.

Mr. HASTINGS of Washington. Mr. Speaker, can I inquire of my friend, the distinguished chairman, if he has any more speakers on this bill?

Mr. RAHALL. I am prepared to close, Mr. Speaker.

Mr. HASTINGS of Washington. If that's the case then, Mr. Speaker, I know that Mr. MCCLINTOCK is not going to offer his amendment. So with that, I yield myself the balance of my time.

Mr. Speaker, hopefully we've made it very clear in this debate that the agreement and the settlement of the claims is preferable to litigation when fair resolutions are met. I think most people would agree with that. We certainly do on this side of the aisle. That it is better for those to be worked out at the local level, rather than resorting to expensive lawyer fees and years of fighting. And these bills have had a long time of years of fighting, we know that.

Yet we, as Representatives, owe it to our constituents to make certain that settlements are not being made that overly compensate or benefit one community or locality while ultimately being paid out of the pockets of the taxpayers. Settlements must be fair to claimants, the effected community and to taxpayers. Despite several months of efforts to get a clear, direct answer from the Attorney General on the question of whether these settlements are in the interest of taxpayers, they responded, unfortunately, at the very last minute with a short and vague letter that leaves the question largely unanswered.

These three bills, as I mentioned, Mr. Speaker, spend over \$500 million. Taxpayers deserve a transparent and straightforward reply. Because that has not been forthcoming, as I mentioned, I must oppose all three bills. But, Mr. Speaker, in the future, I would hope that the Democrat majority would be put on notice that we expect to hear directly from the Justice Department on the merits of the proposed settlements while this is being considered in the Natural Resources Committee. With hundreds of millions of dollars being spent, these settlements need to be fully vetted and explained in a fully transparent manner with clear answers from the Justice Department. Until that happens, these types of bills should not be advanced to the House floor, as these three bills were advanced to the House floor.

So with that, Mr. Speaker, I urge a "no" vote on this bill.

I yield back the balance of my time.

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

Let me conclude by noting that in a letter dated January 19 from the Department of the Interior and the Department of Justice, they noted, "Both rancor and uncertainty can have substantial economic consequences. The existence of unquantified water rights claims casts a shadow over all water users in a water basin, as no other water user in the basin can ever be certain when these rights may be used and how this will impact other users." The pending bill solves this problem. It provides badly needed certainty.

And before finally concluding, I would note to my colleagues, and I did not really want to do this for fear of scaring off support from my side of the aisle, but I will note that a third of these bills have a cosponsorship of the gentleman from Arizona (Mr. FLAKE),

not an individual known around here for his prolific spending habits. So I do that, again, with the trepidation of scaring off support from my side of the aisle for the pending measure. I will conclude, Mr. Speaker, by asking all Members to support this measure.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate on the bill has expired.

The Chair understands that the amendment will not be offered.

Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. RAHALL. 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, further proceedings on this question will be postponed.

#### AAMODT LITIGATION SETTLEMENT ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 3342) to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the bill is considered read.

The amendment in the nature of a substitute printed in the bill is adopted.

The text of the bill, as amended, is as follows:

H.R. 3342

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Aamodt Litigation Settlement Act".

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

#### TITLE I—POJOAQUE BASIN REGIONAL WATER SYSTEM

Sec. 101. Authorization of Regional Water System.

Sec. 102. Operating Agreement.

Sec. 103. Acquisition of Pueblo water supply for the Regional Water System.

Sec. 104. Delivery and allocation of Regional Water System capacity and water.

Sec. 105. Aamodt Settlement Pueblos' Fund.

Sec. 106. Environmental compliance.

Sec. 107. Authorization of appropriations.

#### TITLE II—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT

Sec. 201. Settlement Agreement and contract approval.

Sec. 202. Environmental compliance.

Sec. 203. Conditions precedent and enforcement date.

Sec. 204. Waivers and releases.

Sec. 205. Effect.

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) *AAMODT CASE.*—The term "Aamodt Case" means the civil action entitled *State of New Mexico, ex rel. State Engineer and United States of America, Pueblo de Nambe, Pueblo de Pojoaque, Pueblo de San Ildefonso, and Pueblo de Tesuque v. R. Lee Aamodt, et al.*, No. 66 CV 6639 MV/LCS (D.N.M.).

(2) *ACRE-FEET.*—The term "acre-feet" means acre-feet of water per year.

(3) *AUTHORITY.*—The term "Authority" means the Pojoaque Basin Regional Water Authority described in section 9.5 of the Settlement Agreement or an alternate entity acceptable to the Pueblos and the County to operate and maintain the diversion and treatment facilities, certain transmission pipelines, and other facilities of the Regional Water System.

(4) *CITY.*—The term "City" means the city of Santa Fe, New Mexico.

(5) *COST-SHARING AND SYSTEM INTEGRATION AGREEMENT.*—The term "Cost-Sharing and System Integration Agreement" means the agreement to be executed by the United States, the State, the Pueblos, the County, and the City that—

(A) describes the location, capacity, and management (including the distribution of water to customers) of the Regional Water System; and

(B) allocates the costs of the Regional Water System with respect to—

(i) the construction, operation, maintenance, and repair of the Regional Water System;

(ii) rights-of-way for the Regional Water System; and

(iii) the acquisition of water rights.

(6) *COUNTY.*—The term "County" means Santa Fe County, New Mexico.

(7) *COUNTY DISTRIBUTION SYSTEM.*—The term "County Distribution System" means the portion of the Regional Water System that serves water customers on non-Pueblo land in the Pojoaque Basin.

(8) *COUNTY WATER UTILITY.*—The term "County Water Utility" means the water utility organized by the County to—

(A) receive water distributed by the Authority; and

(B) provide the water received under subparagraph (A) to customers on non-Pueblo land in the Pojoaque Basin.

(9) *ENGINEERING REPORT.*—The term "Engineering Report" means the report entitled "Pojoaque Regional Water System Engineering Report" dated September 2008 and any amendments thereto, including any modifications which may be required by section 101(d)(2).

(10) *FUND.*—The term "Fund" means the Aamodt Settlement Pueblos' Fund established by section 105(a).

(11) *OPERATING AGREEMENT.*—The term "Operating Agreement" means the agreement between the Pueblos and the County executed under section 102(a).

(12) *OPERATIONS, MAINTENANCE, AND REPLACEMENT COSTS.*—

(A) *IN GENERAL.*—The term "operations, maintenance, and replacement costs" means all costs for the operation of the Regional Water System that are necessary for the safe, efficient, and continued functioning of the Regional Water System to produce the benefits described in the Settlement Agreement.

(B) *EXCLUSION.*—The term "operations, maintenance, and replacement costs" does not include construction costs or costs related to construction design and planning.

(13) **POJOAQUE BASIN.**—

(A) **IN GENERAL.**—The term “Pojoaque Basin” means the geographic area limited by a surface water divide (which can be drawn on a topographic map), within which area rainfall and runoff flow into arroyos, drainages, and named tributaries that eventually drain to—

- (i) the Rio Pojoaque; or
- (ii) the 2 unnamed arroyos immediately south; and
- (iii) 2 arroyos (including the Arroyo Alamo) that are north of the confluence of the Rio Pojoaque and the Rio Grande.

(B) **INCLUSION.**—The term “Pojoaque Basin” includes the San Ildefonso Eastern Reservation recognized by section 8 of Public Law 87–231 (75 Stat. 505).

(14) **PUEBLO.**—The term “Pueblo” means each of the pueblos of Nambe, Pojoaque, San Ildefonso, or Tesuque.

(15) **PUEBLOS.**—The term “Pueblos” means collectively the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

(16) **PUEBLO LAND.**—The term “Pueblo land” means any real property that is—

(A) held by the United States in trust for a Pueblo within the Pojoaque Basin;

(B)(i) owned by a Pueblo within the Pojoaque Basin before the date on which a court approves the Settlement Agreement; or

(ii) acquired by a Pueblo on or after the date on which a court approves the Settlement Agreement, if the real property is located—

(I) within the exterior boundaries of the Pueblo, as recognized and conformed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(II) within the exterior boundaries of any territory set aside for the Pueblo by law, executive order, or court decree;

(C) owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Pojoaque Basin that is located within the exterior boundaries of the Pueblo as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(D) within the exterior boundaries of any real property located outside the Pojoaque Basin set aside for a Pueblo by law, executive order, or court decree, if the land is within or contiguous to land held by the United States in trust for the Pueblo as of January 1, 2005.

(17) **PUEBLO WATER FACILITY.**—

(A) **IN GENERAL.**—The term “Pueblo Water Facility” means—

(i) a portion of the Regional Water System that serves only water customers on Pueblo land; and

(ii) portions of a Pueblo water system in existence on the date of enactment of this Act that serve water customers on non-Pueblo land, also in existence on the date of enactment of this Act, or their successors, that are—

(I) depicted in the final project design, as modified by the drawings reflecting the completed Regional Water System; and

(II) described in the Operating Agreement.

(B) **INCLUSIONS.**—The term “Pueblo Water Facility” includes—

(i) the barrier dam and infiltration project on the Rio Pojoaque described in the Engineering Report; and

(ii) the Tesuque Pueblo infiltration pond described in the Engineering Report.

(18) **REGIONAL WATER SYSTEM.**—

(A) **IN GENERAL.**—The term “Regional Water System” means the Regional Water System described in section 101(a).

(B) **EXCLUSIONS.**—The term “Regional Water System” does not include the County or Pueblo water supply delivered through the Regional Water System.

(19) **SAN JUAN-CHAMA PROJECT.**—The term “San Juan-Chama Project” means the Project authorized by section 8 of the Act of June 13, 1962 (76 Stat. 96, 97), and the Act of April 11, 1956 (70 Stat. 105).

(20) **SAN JUAN-CHAMA PROJECT ACT.**—The term “San Juan-Chama Project Act” means sections 8 through 18 of the Act of June 13, 1962 (76 Stat. 96, 97).

(21) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(22) **SETTLEMENT AGREEMENT.**—The term “Settlement Agreement” means the stipulated and binding agreement among the State, the Pueblos, the United States, the County, and the City dated January 19, 2006, and signed by all of the government parties to the Settlement Agreement (other than the United States) on May 3, 2006, and as amended in conformity with this Act.

(23) **STATE.**—The term “State” means the State of New Mexico.

#### **TITLE I—POJOAQUE BASIN REGIONAL WATER SYSTEM**

##### **SEC. 101. AUTHORIZATION OF REGIONAL WATER SYSTEM.**

(a) **IN GENERAL.**—The Secretary, acting through the Commissioner of Reclamation, shall plan, design, and construct a regional water system in accordance with the Settlement Agreement, to be known as the “Regional Water System”—

(1) to divert and distribute water to the Pueblos and to the County Water Utility, in accordance with the Engineering Report; and

(2) that consists of—

(A) surface water diversion facilities at San Ildefonso Pueblo on the Rio Grande; and

(B) any treatment, transmission, storage and distribution facilities and wellfields for the County Distribution System and Pueblo Water Facilities that are necessary to supply 4,000 acre-feet of water within the Pojoaque Basin, unless modified in accordance with subsection (d)(2).

(b) **FINAL PROJECT DESIGN.**—The Secretary shall issue a final project design within 90 days of completion of the environmental compliance described in section 106 for the Regional Water System that—

(1) is consistent with the Engineering Report; and

(2) includes a description of any Pueblo Water Facilities.

(c) **ACQUISITION OF LAND; WATER RIGHTS.**—

(1) **ACQUISITION OF LAND.**—Upon request, and in exchange for the funding which shall be provided in section 107(c), the Pueblos shall consent to the grant of such easements and rights-of-way as may be necessary for the construction of the Regional Water System at no cost to the Secretary. To the extent that the State or County own easements or rights-of-way that may be used for construction of the Regional Water System, the State or County shall provide that land or interest in land as necessary for construction at no cost to the Secretary. The Secretary shall acquire any other land or interest in land that is necessary for the construction of the Regional Water System.

(2) **WATER RIGHTS.**—The Secretary shall not condemn water rights for purposes of the Regional Water System.

(d) **CONDITIONS FOR CONSTRUCTION.**—

(1) **IN GENERAL.**—The Secretary shall not begin construction of the Regional Water System facilities until the date on which—

(A) the Secretary executes—

(i) the Settlement Agreement; and

(ii) the Cost-Sharing and System Integration Agreement; and

(B) the State and the County have entered into an agreement with the Secretary to contribute the non-Federal share of the costs of the construction in accordance with the Cost-Sharing and System Integration Agreement.

(2) **MODIFICATIONS TO REGIONAL WATER SYSTEM.**—

(A) **IN GENERAL.**—The State and the County, in agreement with the Pueblos, the City, and other signatories to the Cost-Sharing and System Integration Agreement, may modify the extent, size, and capacity of the County Distribu-

tion System as set forth in the Cost-Sharing and System Integration Agreement.

(B) **EFFECT.**—A modification under subparagraph (A)—

(i) shall not affect implementation of the Settlement Agreement so long as the provisions in section 203 are satisfied; and

(ii) may result in an adjustment of the State and County cost-share allocation as set forth in the Cost-Sharing and System Integration Agreement.

(e) **APPLICABLE LAW.**—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) shall not apply to the design and construction of the Regional Water System.

(f) **CONSTRUCTION COSTS.**—

(1) **PUEBLO WATER FACILITIES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the expenditures of the Secretary to construct the Pueblo Water Facilities under this section shall not exceed \$106,400,000.

(B) **EXCEPTION.**—The amount described in subparagraph (A) shall be increased or decreased, as appropriate, based on ordinary fluctuations in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

(2) **COSTS TO PUEBLO.**—The costs incurred by the Secretary in carrying out activities to construct the Pueblo Water Facilities under this section shall not be reimbursable to the United States.

(3) **COUNTY DISTRIBUTION SYSTEM.**—The costs of constructing the County Distribution System shall be at State and local expense.

(g) **STATE AND LOCAL CAPITAL OBLIGATIONS.**—The State and local capital obligations for the Regional Water System described in the Cost-Sharing and System Integration Agreement shall be satisfied on the payment of the State and local capital obligations described in the Cost-Sharing and System Integration Agreement.

(h) **CONVEYANCE OF REGIONAL WATER SYSTEM FACILITIES.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on completion of the construction of the Regional Water System, the Secretary, in accordance with the Operating Agreement, shall convey to—

(A) each Pueblo the portion of any Pueblo Water Facility that is located within the boundaries of the Pueblo, including any land or interest in land located within the boundaries of the Pueblo that is acquired by the United States for the construction of the Pueblo Water Facility;

(B) the County the County Distribution System, including any land or interest in land acquired by the United States for the construction of the County Distribution System; and

(C) the Authority any portions of the Regional Water System that remain after making the conveyances under subparagraphs (A) and (B), including any land or interest in land acquired by the United States for the construction of the portions of the Regional Water System.

(2) **CONDITIONS FOR CONVEYANCE.**—The Secretary shall not convey any portion of the Regional Water System facilities under paragraph (1) until the date on which—

(A) construction of the Regional Water System is complete; and

(B) the Operating Agreement is executed in accordance with section 102.

(3) **SUBSEQUENT CONVEYANCE.**—On conveyance by the Secretary under paragraph (1), the Pueblos, the County, and the Authority shall not reconvey any portion of the Regional Water System conveyed to the Pueblos, the County, and the Authority, respectively, unless the reconveyance is authorized by an Act of Congress enacted after the date of enactment of this Act.

(4) **INTEREST OF THE UNITED STATES.**—On conveyance of a portion of the Regional Water System under paragraph (1), the United States shall have no further right, title, or interest in and to the portion of the Regional Water System conveyed.

(5) **ADDITIONAL CONSTRUCTION.**—On conveyance of a portion of the Regional Water System

under paragraph (1), the Pueblos, County, or the Authority, as applicable, may, at the expense of the Pueblos, County, or the Authority, construct any additional infrastructure that is necessary to fully use the water delivered by the Regional Water System.

(6) **LIABILITY.**—

(A) **IN GENERAL.**—Effective on the date of conveyance of any land or facility under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the land and facilities conveyed, other than damages caused by acts of negligence by the United States, or by employees or agents of the United States, prior to the date of conveyance.

(B) **TORT CLAIMS.**—Nothing in this section increases the liability of the United States beyond the liability provided in chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”).

(7) **EFFECT.**—Nothing in any transfer of ownership provided or any conveyance thereto as provided in this section shall extinguish the right of any Pueblo, the County, or the Regional Water Authority to the continuous use and benefit of each easement or right of way for the use, operation, maintenance, repair, and replacement of Pueblo Water Facilities, the County Distribution System or the Regional Water System or for wastewater purposes as provided in the Cost-Sharing and System Integration Agreement.

**SEC. 102. OPERATING AGREEMENT.**

(a) **IN GENERAL.**—The Pueblos and the County shall submit to the Secretary an executed Operating Agreement for the Regional Water System that is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement not later than 180 days after the later of—

(1) the date of completion of environmental compliance and permitting; or

(2) the date of issuance of a final project design for the Regional Water System under section 101(b).

(b) **APPROVAL.**—Not later than 180 days after receipt of the operating agreement described in subsection (a), the Secretary shall approve the Operating Agreement upon determination that the Operating Agreement is consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(c) **CONTENTS.**—The Operating Agreement shall include—

(1) provisions consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement and necessary to implement the intended benefits of the Regional Water System described in those documents;

(2) provisions for—

(A) the distribution of water conveyed through the Regional Water System, including a delineation of—

(i) distribution lines for the County Distribution System;

(ii) distribution lines for the Pueblo Water Facilities; and

(iii) distribution lines that serve both—

(I) the County Distribution System; and

(II) the Pueblo Water Facilities;

(B) the allocation of the Regional Water System capacity;

(C) the terms of use of unused water capacity in the Regional Water System;

(D) the construction of additional infrastructure and the acquisition of associated rights-of-way or easements necessary to enable any of the Pueblos or the County to fully use water allocated to the Pueblos or the County from the Regional Water System, including provisions addressing when the construction of such additional infrastructure requires approval by the Authority;

(E) the allocation and payment of annual operation, maintenance, and replacement costs for the Regional Water System, including the por-

tions of the Regional Water System that are used to treat, transmit, and distribute water to both the Pueblo Water Facilities and the County Water Utility;

(F) the operation of wellfields located on Pueblo land;

(G) the transfer of any water rights necessary to provide the Pueblo water supply described in section 103(a);

(H) the operation of the Regional Water System with respect to the water supply, including the allocation of the water supply in accordance with section 3.1.8.4.2 of the Settlement Agreement so that, in the event of a shortage of supply to the Regional Water System, the supply to each of the Pueblos’ and to the County’s distribution system shall be reduced on a prorata basis, in proportion to each distribution system’s most current annual use; and

(I) dispute resolution; and

(3) provisions for operating and maintaining the Regional Water System facilities before and after conveyance under section 101(h), including provisions to—

(A) ensure that—

(i) the operation of, and the diversion and conveyance of water by, the Regional Water System is in accordance with the Settlement Agreement;

(ii) the wells in the Regional Water System are used in conjunction with the surface water supply of the Regional Water System to ensure a reliable firm supply of water to all users of the Regional Water System, consistent with the intent of the Settlement Agreement that surface supplies will be used to the maximum extent feasible;

(iii) the respective obligations regarding delivery, payment, operation, and management are enforceable; and

(iv) the County has the right to serve any new water users located on non-Pueblo land in the Pojoaque Basin; and

(B) allow for any aquifer storage and recovery projects that are approved by the Office of the New Mexico State Engineer.

(d) **EFFECT.**—Nothing in this Act precludes the Operating Agreement from authorizing phased or interim operations if the Regional Water System is constructed in phases.

**SEC. 103. ACQUISITION OF PUEBLO WATER SUPPLY FOR THE REGIONAL WATER SYSTEM.**

(a) **IN GENERAL.**—For the purpose of providing a reliable firm supply of water from the Regional Water System for the Pueblos in accordance with the Settlement Agreement, the Secretary, on behalf of the Pueblos, shall—

(1) acquire water rights to—

(A) 302 acre-feet of Nambé reserved water described in section 2.6.2 of the Settlement Agreement pursuant to section 107(c)(1)(C); and

(B) 1141 acre-feet from water acquired by the County for water rights commonly referred to as “Top of the World” rights in the Aamodt Case;

(2) enter into a contract with the Pueblos for 1,079 acre-feet in accordance with section 11 of the San Juan-Chama Project Act; and

(3) by application to the State Engineer, seek approval to divert the water acquired and made available under paragraphs (1) and (2) at the points of diversion for the Regional Water System, consistent with the Settlement Agreement and the Cost-Sharing and System Integration Agreement.

(b) **FORFEITURE.**—The nonuse of the water supply secured by the Secretary for the Pueblos under subsection (a) shall in no event result in forfeiture, abandonment, relinquishment, or other loss thereof.

(c) **TRUST.**—The Pueblo water supply secured under subsection (a) shall be held by the United States in trust for the Pueblos.

(d) **APPLICABLE LAW.**—The water supply made available pursuant to subsection (a)(2) shall be subject to the San Juan-Chama Project Act, and no preference shall be provided to the Pueblos as a result of subsection (c) with regard to the

delivery or distribution of San Juan-Chama Project water or the management or operation of the San Juan-Chama Project.

(e) **CONTRACT FOR SAN JUAN-CHAMA PROJECT WATER SUPPLY.**—With respect to the contract for the water supply required by subsection (a)(2), such San Juan-Chama Project contract shall be pursuant to the following terms:

(1) **WAIVERS.**—Notwithstanding the provisions of the San Juan-Chama Project Act, or any other provision of law—

(A) the Secretary shall waive the entirety of the Pueblos’ share of the construction costs for the San Juan-Chama Project, and pursuant to that waiver, the Pueblos’ share of all construction costs for the San Juan-Chama Project, inclusive of both principal and interest, due from 1972 to the execution of the contract required by subsection (a)(2), shall be nonreimbursable;

(B) the Secretary’s waiver of each Pueblo’s share of the construction costs for the San Juan-Chama Project will not result in an increase in the pro rata shares of other San Juan-Chama Project water contractors, but such costs shall be absorbed by the United States Treasury or otherwise appropriated to the Department of the Interior; and

(C) the costs associated with any water made available from the San Juan-Chama Project which were determined nonreimbursable and nonreturnable pursuant to Public Law No. 88–293, 78 Stat. 171 (March 26, 1964), shall remain nonreimbursable and nonreturnable.

(2) **TERMINATION.**—The contract shall provide that it shall terminate only upon the following conditions—

(A) failure of the United States District Court for the District of New Mexico to enter a final decree for the Aamodt Case by December 15, 2012, or within the time period of any extension of that deadline granted by the court; or

(B) entry of an order by the United States District Court for the District of New Mexico voiding the final decree and Settlement Agreement for the Aamodt Case pursuant to section 10.3 of the Settlement Agreement.

(f) **LIMITATION.**—The Secretary shall use the water supply secured under subsection (a) only for the purposes described in the Settlement Agreement.

(g) **FULFILLMENT OF WATER SUPPLY ACQUISITION OBLIGATIONS.**—Compliance with subsections (a) through (f) shall satisfy any and all obligations of the Secretary to acquire or secure a water supply for the Pueblos pursuant to the Settlement Agreement.

(h) **RIGHTS OF PUEBLOS IN SETTLEMENT AGREEMENT UNAFFECTED.**—Notwithstanding the provisions of subsections (a) through (g), the Pueblos, the County or the Regional Water Authority may acquire any additional water rights to ensure all parties to the Settlement Agreement receive the full allocation of water provided by the Settlement Agreement and nothing in this Act amends or modifies the quantities of water allocated to the Pueblos thereunder.

**SEC. 104. DELIVERY AND ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY AND WATER.**

(a) **ALLOCATION OF REGIONAL WATER SYSTEM CAPACITY.**—

(1) **IN GENERAL.**—The Regional Water System shall have the capacity to divert from the Rio Grande a quantity of water sufficient to provide—

(A) up to 4,000 acre-feet of consumptive use of water; and

(B) the requisite peaking capacity described in—

(i) the Engineering Report; and

(ii) the final project design.

(2) **ALLOCATION TO THE PUEBLOS AND COUNTY WATER UTILITY.**—Of the capacity described in paragraph (1)—

(A) there shall be allocated to the Pueblos—

(i) sufficient capacity for the conveyance of 2,500 acre-feet consumptive use; and

(ii) the requisite peaking capacity for the quantity of water described in clause (i); and

(B) there shall be allocated to the County Water Utility—

- (i) sufficient capacity for the conveyance of up to 1,500 acre-feet consumptive use; and
- (ii) the requisite peaking capacity for the quantity of water described in clause (i).

(3) **APPLICABLE LAW.**—Water shall be allocated to the Pueblos and the County Water Utility under this subsection in accordance with—

- (A) this title;
  - (B) the Settlement Agreement; and
  - (C) the Operating Agreement.
- (b) **DELIVERY OF REGIONAL WATER SYSTEM WATER.**—The Authority shall deliver water from the Regional Water System—

(1) to the Pueblos water in a quantity sufficient to allow full consumptive use of up to 2,500 acre-feet per year of water rights by the Pueblos in accordance with—

- (A) the Settlement Agreement;
  - (B) the Operating Agreement; and
  - (C) this title; and
- (2) to the County water in a quantity sufficient to allow full consumptive use of up to 1,500 acre-feet per year of water rights by the County Water Utility in accordance with—

- (A) the Settlement Agreement;
- (B) the Operating Agreement; and
- (C) this title.

(c) **ADDITIONAL USE OF ALLOCATION QUANTITY AND UNUSED CAPACITY.**—The Regional Water System may be used to—

(1) provide for use of return flow credits to allow for full consumptive use of the water allocated in the Settlement Agreement to each of the Pueblos and to the County; and

(2) convey water allocated to one of the Pueblos or the County Water Utility for the benefit of another Pueblo or the County Water Utility or allow use of unused capacity by each other through the Regional Water System in accordance with an intergovernmental agreement between the Pueblos, or between a Pueblo and County Water Utility, as applicable, if—

(A) such intergovernmental agreements are consistent with the Operating Agreement, the Settlement Agreement, and this Act;

(B) capacity is available without reducing water delivery to any Pueblo or the County Water Utility in accordance with the Settlement Agreement, unless the County Water Utility or Pueblo contracts for a reduction in water delivery or Regional Water System capacity;

(C) the Pueblo or County Water Utility contracting for use of the unused capacity or water has the right to use the water under applicable law; and

(D) any agreement for the use of unused capacity or water provides for payment of the operation, maintenance, and replacement costs associated with the use of capacity or water.

#### **SEC. 105. AAMODT SETTLEMENT PUEBLOS' FUND.**

(a) **ESTABLISHMENT OF THE AAMODT SETTLEMENT PUEBLOS' FUND.**—There is established in the Treasury of the United States a fund, to be known as the "Aamodt Settlement Pueblos' Fund," consisting of—

(1) such amounts as are made available to the Fund under section 107(c) or other authorized sources; and

(2) any interest earned from investment of amounts in the Fund under subsection (b).

(b) **MANAGEMENT OF THE FUND.**—The Secretary shall manage the Fund, invest amounts in the Fund, and make amounts available from the Fund for distribution to the Pueblos in accordance with—

(1) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(2) this Act.

(c) **INVESTMENT OF THE FUND.**—On the date set forth in section 203(a)(1), the Secretary shall invest amounts in the Fund in accordance with—

- (1) the Act of April 1, 1880 (25 U.S.C. 161);
- (2) the first section of the Act of June 24, 1938 (25 U.S.C. 162a); and

(3) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

#### (d) **TRIBAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—A Pueblo may withdraw all or part of the Pueblo's portion of the Fund on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(2) **REQUIREMENTS.**—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the tribal management plan shall require that a Pueblo spend any amounts withdrawn from the Fund in accordance with the purposes described in section 107(c).

(3) **ENFORCEMENT.**—The Secretary may take judicial or administrative action to enforce the provisions of any tribal management plan to ensure that any amounts withdrawn from the Fund under an approved tribal management plan are used in accordance with this title.

(4) **LIABILITY.**—If a Pueblo or the Pueblos exercise the right to withdraw amounts from the Fund, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts withdrawn.

#### (5) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Pueblos shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Fund that the Pueblos do not withdraw under this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, amounts remaining in the Fund will be used.

(C) **APPROVAL.**—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act, the Settlement Agreement, and the Cost-Sharing and System Integration Agreement.

(D) **ANNUAL REPORT.**—The Pueblos shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(6) **NO PER CAPITA PAYMENTS.**—No part of the principal of the Fund, or the interest or income accruing on the principal shall be distributed to any member of a Pueblo on a per capita basis.

#### (7) **AVAILABILITY OF AMOUNTS FROM THE FUND.**—

(A) **APPROVAL OF SETTLEMENT AGREEMENT.**—Amounts made available under subparagraphs (A) and (C) of section 107(c)(1) or from other authorized sources shall be available for expenditure or withdrawal only after the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) **COMPLETION OF CERTAIN PORTIONS OF REGIONAL WATER SYSTEM.**—Amounts made available under section 107(c)(1)(B) or from other authorized sources shall be available for expenditure or withdrawal only after those portions of the Regional Water System described in section 1.5.24 of the Settlement Agreement have been declared substantially complete by the Secretary.

(C) **FAILURE TO FULFILL CONDITIONS PRECEDENT.**—If the conditions precedent in section 203 have not been fulfilled by September 15, 2017, the United States shall be entitled to set off any funds expended or withdrawn from the amounts appropriated pursuant to section 107(c), together with any interest accrued, against any claims asserted by the Pueblos against the United States relating to the water rights in the Pojoaque Basin.

#### **SEC. 106. ENVIRONMENTAL COMPLIANCE.**

(a) **IN GENERAL.**—In carrying out this title, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

- (1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(b) **NATIONAL ENVIRONMENTAL POLICY ACT.**—Nothing in this Act affects the outcome of any analysis conducted by the Secretary or any other Federal official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

#### **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

##### (a) **REGIONAL WATER SYSTEM.**—

(1) **IN GENERAL.**—Subject to paragraph (4), there is authorized to be appropriated to the Secretary for the planning, design, and construction of the Regional Water System and the conduct of environmental compliance activities under section 106 an amount not to exceed \$106,400,000, as adjusted under paragraph (3), for the period of fiscal years 2010 through 2022, to remain available until expended.

(2) **PRIORITY OF FUNDING.**—Of the amounts authorized under paragraph (1), the Secretary shall give priority to funding—

(A) the construction of the San Ildefonso portion of the Regional Water System, consisting of—

(i) the surface water diversion, treatment, and transmission facilities at San Ildefonso Pueblo; and

(ii) the San Ildefonso Pueblo portion of the Pueblo Water Facilities; and

(B) that part of the Regional Water System providing 475 acre-feet to Pojoaque Pueblo pursuant to section 2.2 of the Settlement Agreement.

(3) **ADJUSTMENT.**—The amount authorized under paragraph (1) shall be adjusted annually to account for increases in construction costs since October 1, 2006, as determined using applicable engineering cost indices.

##### (4) **LIMITATIONS.**—

(A) **IN GENERAL.**—No amounts shall be made available under paragraph (1) for the construction of the Regional Water System until the date on which the United States District Court for the District of New Mexico issues an order approving the Settlement Agreement.

(B) **RECORD OF DECISION.**—No amounts made available under paragraph (1) shall be expended unless the record of decision issued by the Secretary after completion of an environmental impact statement provides for a preferred alternative that is in substantial compliance with the proposed Regional Water System, as defined in the Engineering Report.

(b) **ACQUISITION OF WATER RIGHTS.**—There is authorized to be appropriated to the Secretary funds for the acquisition of the water rights under section 103(a)(1)(B)—

(1) in the amount of \$5,400,000.00 if such acquisition is completed by December 31, 2010; and

(2) the amount authorized under paragraph (b)(1) shall be adjusted according to the CPI Urban Index commencing January 1, 2011.

##### (c) **AAMODT SETTLEMENT PUEBLOS' FUND.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Fund the following amounts for the period of fiscal years 2010 through 2022:

(A) \$15,000,000, which shall be allocated to the Pueblos, in accordance with section 2.7.1 of the Settlement Agreement, for the rehabilitation, improvement, operation, maintenance, and replacement of the agricultural delivery facilities, waste water systems, and other water-related infrastructure of the applicable Pueblo. The amount authorized herein shall be adjusted according to the CPI Urban Index commencing October 1, 2006.

(B) \$37,500,000, which shall be allocated to an account, to be established not later than January 1, 2016, to assist the Pueblos in paying the Pueblos' share of the cost of operating, maintaining, and replacing the Pueblo Water Facilities and the Regional Water System.

(C) \$5,000,000 and any interest thereon, which shall be allocated to the Pueblo of Nambe for the acquisition of the Nambe reserved water rights in accordance with section 103(a)(1)(A). The amount authorized herein shall be adjusted according to the CPI Urban Index commencing

January 1, 2011. The funds provided under this section may be used by the Pueblo of Nambe only for the acquisition of land, other real property interests, or economic development.

(2) OPERATION, MAINTENANCE, AND REPLACEMENT COSTS.—

(A) IN GENERAL.—Prior to conveyance of the Regional Water System pursuant to section 101, the Secretary is authorized to and shall pay any operation, maintenance or replacement costs associated with the Pueblo Water Facilities or the Regional Water System up to an amount that does not exceed \$5,000,000, which is authorized to be appropriated to the Secretary.

(B) OBLIGATION OF FEDERAL GOVERNMENT AFTER COMPLETION.—The amount authorized under subparagraph (A) shall expire after the date on which construction of the Regional Water System is completed and the amounts required to be deposited in the account have been deposited under this section by the Federal Government.

## TITLE II—POJOAQUE BASIN INDIAN WATER RIGHTS SETTLEMENT

### SEC. 201. SETTLEMENT AGREEMENT AND CONTRACT APPROVAL.

(a) APPROVAL.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this Act, the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments to the Settlement Agreement and the Cost-Sharing and System Integration Agreement that are executed to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this Act) are authorized, ratified, and confirmed.

(b) EXECUTION.—To the extent the Settlement Agreement and the Cost-Sharing and System Integration Agreement do not conflict with this Act, the Secretary shall execute the Settlement Agreement and the Cost-Sharing and System Integration Agreement (including any amendments that are necessary to make the Settlement Agreement or the Cost-Sharing and System Integration Agreement consistent with this Act).

(c) AUTHORITIES OF THE PUEBLOS.—

(1) IN GENERAL.—Each of the Pueblos may enter into contracts to lease or exchange water rights or to forbear undertaking new or expanded water uses for water rights recognized in section 2.1 of the Settlement Agreement for use within the Pojoaque Basin in accordance with the other limitations of section 2.1.5 of the Settlement Agreement provided that section 2.1.5 is amended accordingly.

(2) EXECUTION.—The Secretary shall not execute the Settlement Agreement until such amendment is accomplished under paragraph (1).

(3) APPROVAL BY SECRETARY.—Consistent with the Settlement Agreement as amended under paragraph (1), the Secretary shall approve or disapprove a lease entered into under paragraph (1).

(4) PROHIBITION ON PERMANENT ALIENATION.—No lease or contract under paragraph (1) shall be for a term exceeding 99 years, nor shall any such lease or contract provide for permanent alienation of any portion of the water rights made available to the Pueblos under the Settlement Agreement.

(5) APPLICABLE LAW.—Section 2116 of the Revised Statutes (25 U.S.C. 177) shall not apply to any lease or contract entered into under paragraph (1).

(6) LEASING OR MARKETING OF WATER SUPPLY.—The water supply provided on behalf of the Pueblos pursuant to section 103(a)(1) may only be leased or marketed by any of the Pueblos pursuant to the intergovernmental agreements described in section 104(c)(2).

(d) AMENDMENTS TO CONTRACTS.—The Secretary shall amend the contracts relating to the Nambe Falls Dam and Reservoir that are necessary to use water supplied from the Nambe

Falls Dam and Reservoir in accordance with the Settlement Agreement.

### SEC. 202. ENVIRONMENTAL COMPLIANCE.

(a) EFFECT OF EXECUTION OF SETTLEMENT AGREEMENT.—The execution of the Settlement Agreement under section 201(b) shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) COMPLIANCE WITH ENVIRONMENTAL LAWS.—In carrying out this Act, the Secretary shall comply with each law of the Federal Government relating to the protection of the environment, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

### SEC. 203. CONDITIONS PRECEDENT AND ENFORCEMENT DATE.

(a) CONDITIONS PRECEDENT.—

(1) IN GENERAL.—Upon the fulfillment of the conditions precedent described in paragraph (2), the Secretary shall publish in the Federal Register by September 15, 2017, a statement of finding that the conditions have been fulfilled.

(2) REQUIREMENTS.—The conditions precedent referred to in paragraph (1) are the conditions that—

(A) to the extent that the Settlement Agreement conflicts with this title, the Settlement Agreement has been revised to conform with this title;

(B) the Settlement Agreement, so revised, including waivers and releases pursuant to section 204, has been executed by the appropriate parties and the Secretary;

(C) Congress has fully appropriated, or the Secretary has provided from other authorized sources, all funds authorized by section 107, with the exception of subsection (a)(1) of that section, by December 15, 2016;

(D) the Secretary has acquired and entered into appropriate contracts for the water rights described in section 103(a);

(E) for purposes of section 103(a), permits have been issued by the New Mexico State Engineer to the Regional Water Authority to change the points of diversion to the mainstem of the Rio Grande for the diversion and consumptive use of at least 2,381 acre-feet by the Pueblos as part of the water supply for the Regional Water System, subject to the conditions that—

(i) the permits shall be free of any condition that materially adversely affects the ability of the Pueblos or the Regional Water Authority to divert or use the Pueblo water supply described in section 103(a), including water rights acquired in addition to those described in section 103(a), in accordance with section 103(g); and

(ii) the Settlement Agreement shall establish the means to address any permit conditions to ensure the ability of the Pueblos to fully divert and consume at least 2,381 acre-feet as part of the water supply for the Regional Water System, including defining the conditions that will not constitute a material adverse affect;

(F) the State has enacted any necessary legislation and provided any funding that may be required under the Settlement Agreement;

(G) a partial final decree that sets forth the water rights and other rights to water to which the Pueblos are entitled under the Settlement Agreement and this title and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico; and

(H) a final decree that sets forth the water rights for all parties to the Aamodt Case and that substantially conforms to the Settlement Agreement has been approved by the United States District Court for the District of New Mexico by June 15, 2017.

(b) EXPIRATION DATE.—If all the conditions precedent described in subsection (a)(2) have not been fulfilled by September 15, 2017—

(1) the Settlement Agreement and this Act including waivers described in those documents shall no longer be effective; and

(2) any funds that have been appropriated under this Act but not expended shall immediately revert to the general fund of the United States Treasury.

(c) ENFORCEMENT DATE.—The Settlement Agreement shall become enforceable as of the date that the United States District Court for the District of New Mexico enters a partial final decree pursuant to subsection (a)(2)(E) and an Interim Administrative Order consistent with the Settlement Agreement.

(d) EFFECTIVENESS OF WAIVERS.—The waivers and releases executed pursuant to section 204 shall become effective as of the date that the Secretary publishes the notice required by subsection (a)(1).

(e) REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE REGIONAL WATER SYSTEM.—

(1) CRITERIA FOR SUBSTANTIAL COMPLETION OF REGIONAL WATER SYSTEM.—Subject to the provisions in section 101(d) concerning the extent, size, and capacity of the County Distribution System, the Regional Water System shall be determined to be substantially completed if the infrastructure has been constructed capable of—

(A) diverting, treating, transmitting, and distributing a supply of 2,500 acre-feet of water to the Pueblos; and

(B) diverting, treating, and transmitting the quantity of water specified in the Engineering Report to the County Distribution System.

(2) CONSULTATION.—On or after June 30, 2021, at the request of 1 or more of the Pueblos, the Secretary shall consult with the Pueblos and confer with the County and the State on whether the criteria in paragraph (1) for substantial completion of the Regional Water System have been met or will be met by June 30, 2024.

(3) WRITTEN DETERMINATION BY SECRETARY.—Not earlier than June 30, 2021, at the request of 1 or more of the Pueblos and after the consultation required by paragraph (2), the Secretary shall—

(A) determine whether the Regional Water System has been substantially completed based on the criteria described in paragraph (1); and

(B) submit a written notice of the determination under subparagraph (A) to—

- (i) the Pueblos;
- (ii) the County; and
- (iii) the State.

(4) RIGHT TO REVIEW.—

(A) IN GENERAL.—A determination by the Secretary under paragraph (3)(A) shall be considered to be a final agency action subject to judicial review by the Decree Court under sections 701 through 706 of title 5, United States Code.

(B) FAILURE TO MAKE TIMELY DETERMINATION.—

(i) IN GENERAL.—If a Pueblo requests a written determination under paragraph (3) and the Secretary fails to make such a written determination by the date described in clause (ii), there shall be a rebuttable presumption that the failure constitutes agency action unlawfully withheld or unreasonably delayed under section 706 of title 5, United States Code.

(ii) DATE.—The date referred to in clause (i) is the date that is the later of—

(I) the date that is 180 days after the date of receipt by the Secretary of the request by the Pueblo; and

(II) June 30, 2023.

(C) EFFECT OF ACT.—Nothing in this Act gives any Pueblo or Settlement Party the right to judicial review of a determination of the Secretary regarding whether the Regional Water System has been substantially completed except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the “Administrative Procedure Act”).

(5) RIGHT TO VOID FINAL DECREE.—

(A) IN GENERAL.—Not later than June 30, 2024, on a determination by the Secretary, after consultation with the Pueblos, that the Regional Water System is not substantially complete, 1 or more of the Pueblos, or the United States acting

on behalf of a Pueblo, shall have the right to notify the Decree Court of the determination.

(B) EFFECT.—The Final Decree shall have no force or effect on a finding by the Decree Court that a Pueblo, or the United States acting on behalf of a Pueblo, has submitted proper notification under subparagraph (A).

(f) VOIDING OF WAIVERS.—If the Final Decree is void under subsection (e)(5)—

(1) the Settlement Agreement shall no longer be effective;

(2) the waivers and releases executed pursuant to section 204 shall no longer be effective; and

(3) any unexpended Federal funds, together with any interest earned on those funds, and title to any property acquired or constructed with expended Federal funds shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress.

#### SEC. 204. WAIVERS AND RELEASES.

(a) CLAIMS BY THE PUEBLOS AND THE UNITED STATES.—In return for recognition of the Pueblos' water rights and other benefits, including waivers and releases by non-Pueblo parties, as set forth in the Settlement Agreement and this Act, the Pueblos, on behalf of themselves and their members, and the United States acting in its capacity as trustee for the Pueblos are authorized to execute a waiver and release of—

(1) all claims for water rights in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, asserted, or could have asserted, in any proceeding, including the Aamodt Case, up to and including the waiver effectiveness date identified in section 203(d), except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(2) all claims for water rights for lands in the Pojoaque Basin and for rights to use water in the Pojoaque Basin that the Pueblos, or the United States acting in its capacity as trustee for the Pueblos, might be able to otherwise assert in any proceeding not initiated on or before the date of enactment of this title, except to the extent that such rights are recognized in the Settlement Agreement or this Act;

(3) all claims for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking) for land within the Pojoaque Basin that accrued at any time up to and including the waiver effectiveness date identified in section 203(d);

(4) their defenses in the Aamodt Case to the claims previously asserted therein by other parties to the Settlement Agreement;

(5) all pending and future inter se challenges to the quantification and priority of water rights of non-Pueblo wells in the Pojoaque Basin, except as provided by section 2.8 of the Settlement Agreement;

(6) all pending and future inter se challenges against other parties to the Settlement Agreement;

(7) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water) attributable to City of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin, provided that this waiver shall not be effective by the Pueblo of Tesuque unless there is a water resources agreement executed between the Pueblo of Tesuque and the City of Santa Fe; and

(8) all claims for damages, losses, or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or

taking of water) attributable to County of Santa Fe pumping of groundwater that has effects on the ground and surface water supplies of the Pojoaque Basin.

(b) CLAIMS BY THE PUEBLOS AGAINST THE UNITED STATES.—The Pueblos, on behalf of themselves and their members, are authorized to execute a waiver and release of—

(1) all claims against the United States, its agencies, or employees, relating to claims for water rights in or water of the Pojoaque Basin or for rights to use water in the Pojoaque Basin that the United States acting in its capacity as trustee for the Pueblos asserted, or could have asserted, in any proceeding, including the Aamodt Case;

(2) all claims against the United States, its agencies, or employees relating to damages, losses, or injuries to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses or injuries to hunting, fishing, gathering or cultural rights due to loss of water or water rights; claims relating to interference with, diversion or taking of water or water rights; or claims relating to failure to protect, acquire, replace, or develop water, water rights or water infrastructure) within the Pojoaque Basin that first accrued at any time up to and including the waiver effectiveness date identified in section 203(d);

(3) all claims against the United States, its agencies, or employees for an accounting of funds appropriated by Acts, including the Act of December 22, 1927 (45 Stat. 2), the Act of March 4, 1929 (45 Stat. 1562), the Act of March 26, 1930 (46 Stat. 90), the Act of February 14, 1931 (46 Stat. 1115), the Act of March 4, 1931 (46 Stat. 1552), the Act of July 1, 1932 (47 Stat. 525), the Act of June 22, 1936 (49 Stat. 1757), the Act of August 9, 1937 (50 Stat. 564), and the Act of May 9, 1938 (52 Stat. 291), as authorized by the Pueblo Lands Act of June 7, 1924 (43 Stat. 636), and the Pueblo Lands Act of May 31, 1933 (48 Stat. 108), and for breach of Trust relating to funds for water replacement appropriated by said Acts that first accrued before the date of enactment of this Act;

(4) all claims against the United States, its agencies, or employees relating to the pending litigation of claims relating to the Pueblos' water rights in the Aamodt Case; and

(5) all claims against the United States, its agencies, or employees relating to the negotiation, Execution or the adoption of the Settlement Agreement, exhibits thereto, the Partial Final Decree, the Final Decree, or this Act.

(c) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases authorized in this Act, the Pueblos on behalf of themselves and their members and the United States acting in its capacity as trustee for the Pueblos retain.—

(1) all claims for enforcement of the Settlement Agreement, the Cost-Sharing and System Integration Agreement, the Final Decree, including the Partial Final Decree, the San Juan-Chama Project contract between the Pueblos and the United States or this Act;

(2) all rights to use and protect water rights acquired after the date of enactment of this Act;

(3) all rights to use and protect water rights acquired pursuant to state law to the extent not inconsistent with the Partial Final Decree, Final Decree, and the Settlement Agreement;

(4) all claims against persons other than Parties to the Settlement Agreement for damages, losses or injuries to water rights or claims of interference with, diversion or taking of water (including claims for injury to lands resulting from such damages, losses, injuries, interference with, diversion, or taking of water) within the Pojoaque Basin arising out of activities occurring outside the Pojoaque Basin;

(5) all claims relating to activities affecting the quality of water including any claims the Pueblos may have under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (in-

cluding claims for damages to natural resources), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and the regulations implementing those laws;

(6) all claims against the United States relating to damages, losses, or injuries to land or natural resources not due to loss of water or water rights (including hunting, fishing, gathering or cultural rights);

(7) all claims for water rights from water sources outside the Pojoaque Basin for land outside the Pojoaque Basin owned by a Pueblo or held by the United States for the benefit of any of the Pueblos; and

(8) all rights, remedies, privileges, immunities, powers and claims not specifically waived and released pursuant to this Act or the Settlement Agreement.

(d) EFFECT OF SECTION.—Nothing in the Settlement Agreement or this Act—

(1) affects the ability of the United States acting in its sovereign capacity to take actions authorized by law, including any laws relating to health, safety, or the environment, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Safe Drinking Water Act (42 U.S.C. 300f et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), and the regulations implementing those laws;

(2) affects the ability of the United States to take actions acting in its capacity as trustee for any other Indian tribe or allottee; or

(3) confers jurisdiction on any State court to—

(A) interpret Federal law regarding health, safety, or the environment or determine the duties of the United States or other parties pursuant to such Federal law; or

(B) conduct judicial review of Federal agency action;

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on June 30, 2021.

(2) EFFECT OF SUBPARAGRAPH.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

#### SEC. 205. EFFECT.

Nothing in this Act or the Settlement Agreement affects the land and water rights, claims, or entitlements to water of any Indian tribe, pueblo, or community other than the Pueblos.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in part B of House Report 111-399 if offered by the gentleman from California (Mr. MCCLINTOCK) or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

#### GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members



may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 3342.

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

There was no objection.

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

We are now proceeding with the second of three bills to implement Indian water rights settlement agreements being considered by this body today. The pending measure, like the previous bill, is sponsored by our colleague BEN RAY LUJÁN of New Mexico and cosponsored by MARTIN HEINRICH of that State.

This legislation would settle the water rights of four pueblos in New Mexico under an agreement with the State of New Mexico, Santa Fe County, the city of Santa Fe, and individual water users. It would end 44 years of active litigation involving over 2,500 defendants by ratifying the settlement agreement and funding a regional water system for all water users in the valley.

The previous bill we considered would end 40 years of litigation. The one we are currently considering would end 44 years of litigation. I would say to my colleagues that today we are making history. The American people want certainty. During these tough economic times, we all want to have certainty in our lives. But for many, a long-year certainty with respect to water has not been the case in the Rio Grande watershed. Today we can provide that certainty.

The pending measure would secure water to meet the current and future needs of the pueblos involved, protect water users that make the region unique, preserve irrigation in the area, and provide water for all the region's residents. As in the case of H.R. 3342, water rights settlements improve water management by providing certainty not just to the quantification of a tribe's water rights but also to the water rights of all users. Certainty provides opportunities for economic development, for Indian and non-Indians alike. Where Indian water rights are unquantified, there is often tension and conflict between tribes and their neighbors. The best settlements, like the ones before us today, replace tension with collaboration, mutual interdependence, and trust.

I commend the team of LUJÁN and HEINRICH for their hard work on this matter. I again would acknowledge the long hours of work that have been put into this measure by the distinguished gentlewoman from California, GRACE NAPOLITANO, in her position as chairwoman for our Subcommittee on Water and Power. She has gone through countless hours of hearings and discussions and meetings on these bills. I thank the four pueblos and their settlement partners for their hard work and dedication.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

The arguments that I made on the previous bill are exactly applicable to this bill. So let me simply summarize. To summarize, I believe, and we believe on this side, that settlement agreements are in the best interests for all parties involved. But there is an element that needs to be highlighted because settlement agreements generally at the end cost money, and the missing part of these agreements on these three bills that we are considering today is, What is the cost to the taxpayer?

We need to have transparency when we make that decision, and that decision, unfortunately, was not afforded to us in committee, and at the last minute, it was afforded to us in a very ambiguous way. So it's for that reason, while I support the claims settlements as a general principle, not having all the information, I must oppose this bill, as I did the last bill. And with the next bill coming up, I will say essentially the same thing.

So with that, Mr. Speaker, I reserve the balance of my time.

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Mr. RAHALL. Mr. Speaker, I am happy to yield such time as she may consume to the distinguished gentlewoman from California (Mrs. NAPOLITANO), the chairlady of our Water and Power Subcommittee.

Mrs. NAPOLITANO. Thank you, Chairman RAHALL and Ranking Member HASTINGS.

You have heard about the three bills. We are here today on these three pieces of legislation that would settle the water rights of six Native American nations in New Mexico and Arizona. The people on these reservations inhabit the same sacred lands as their fathers, their grandfathers, and many generations before. These three bills would provide them with the water that their ancestors were entitled to but never received.

We often take for granted the most basic of our resources, water. The people of the pueblos and the high country of Arizona never have. They understand the value of water and its importance in their cultures and well-being. Water is the lifeblood of these individuals, and when they were assigned reservations of land, their assumption was that they would also have access to the water they needed to survive. They were not, and hence for the last 140-plus years, these individual Americans have been fighting for the right to this most basic of resources, water. It is time today for us to do something about this for these six native nations.

Mr. Chairman, you mentioned Charlie Dorame in your statement as an example of the type of dedication that has been made for these water rights settlements and the subsequent legislation. Leaders in each tribe and pueblo have invested many decades in trying to acquire water rights that for genera-

tions came without legal restrictions but instead were part of their homeland.

For many years these tribes have been treated as second-class citizens of our great country, America. We have taken their lands. We have taken their resources, and we have even taken their water. But instead of complaining, these pueblos and tribes have worked with the Federal Government and the local governments to legally, and I might add very costly, attempt to acquire access to something that always has been part of their lives, water.

Members of these tribes across the country today continue to work to support their sovereign nations. They work with the States and work with the local partners who see the benefit of the settlement not just for the tribal communities but for the entire region.

Mr. Speaker, I would like to say that I have Colorado River Water Users Association's 2010 resolutions, the Western States Water Council, and the National Congress of American Indians here in support of this legislation, people looking for local and regional solutions, just as we have been directing them to do.

Mr. Speaker, I have brought with me these resolutions so we can understand that they have wide support, not only from the Native American areas but also from their neighbors and their friends within the area. Each of these organizations supports the settlement of Indian reserved water rights by negotiation or agreement. They realize in order to plan for the future and for their economy, we need to provide certainty to a basic human right, water.

These resolutions are consistent with the administration's views of supporting collaborative negotiations as an inherent responsibility to Federal trustees to Indian tribes and their members. Most importantly, we can not, we must not forget that we are talking about Americans, Native Americans, human beings. These tribes and pueblos have done everything that we have asked of them and have taken the long walk to walk with the Federal Government's legal restraints and now are in sight of securing for their people a basic human right, water.

After decades, these people have made huge efforts to play by the government rules to acquire rightful access to water that traditionally came with the land that they lived on. The price for these people has been high, the walk long and filled with many disappointments and many empty promises.

I ask that you support this legislation today. Support it because these Native Americans have followed all of the rules, procedures, and hurdles that our government has laid out. Support the legislation because it is the right thing to do and because it is supported by all local community and regional water managers; and, most importantly, because it is time to provide

certainty to the tribes and the pueblos and the people of New Mexico and Arizona that we can do right by them. At the end of the day for this one precious resource, water, we can sit down and appreciate doing the right thing for them.

Water, Mr. Speaker, which you are drinking, is running short in the U.S. We need to preserve it and take care of it, and none other more than our Native Americans love the Earth and what Mother Nature gives us. Help us pass this bill.

2010 RESOLUTIONS ADOPTED BY THE RESOLUTIONS COMMITTEE OF THE COLORADO RIVER WATER USERS ASSOCIATION, DECEMBER 9, 2009

\* \* \* \* \*

\* \* \* production. The federal government should pay for replacement power due to operational changes for recreation, fishery or the environment.

5. Reclamation-constructed and maintained water storage and conveyance systems situated throughout the Colorado River Basin are critically important to the economies, the quality of life and the survival of the people who depend upon waters from the Basin. In order to avoid huge financial impacts associated with performing maintenance that was deferred or making future repairs on an emergency basis, Congress should recognize and appropriate requisite funding to maintain aging, critically important water project infrastructure in the Colorado River Basin and across the West.

6. Reclamation should immediately commence and fully implement the measures identified in its Managing for Excellence action plan, issued in response to the National Research Council's Managing Construction and Infrastructure in the 21st Century Bureau of Reclamation report, including transfer of operation and maintenance responsibility to project sponsors when they are capable and willing to take over such responsibility.

RESOLUTION NO. 2010-4—COLORADO RIVER SALINITY CONTROL

The CRWUA urges continued funding and implementation of measures to control the salinity of the Colorado River. The Administration should request and Congress should provide sufficient funding for the Colorado River Basin Salinity Control Program.

RESOLUTION NO. 2010-5—SETTLEMENT OF INDIAN RESERVED RIGHTS

The CRWUA supports the settlement of Indian reserved water rights by negotiation or agreement, recognizing that:

1. Settlements should result in the least possible disruption of existing water uses and the economies based on those uses, while at the same time providing the affected tribes with the firm water supplies required to meet the long-term needs of the reservation inhabitants and to establish lasting tribal economies.

2. The achievement of these objectives requires federally funded water projects designed to ensure that all of the tribal water needs in the subject basin or watershed are met.

3. Appropriate participation of the Federal, State, local governmental and Tribal entities, and non-Indian water users in the settlement process is required for the success of any negotiated settlement.

4. Any water rights settlements that have been approved by the respective parties should be immediately and fully funded to implement their terms within the specified timeframes. The Federal Government must

take advantage of existing funding authorizations, such as Title VI, Emergency Fund for Indian Safety and Health, of P.L. 110-293, by complying in a timely manner with Congressional mandates and budgeting funds, while continuing to explore and develop new creative solutions to fund Indian water rights settlements.

RESOLUTION OF THE WESTERN STATES WATER COUNCIL IN SUPPORT OF INDIAN WATER RIGHTS SETTLEMENTS, OCTOBER 17, 2008

WHEREAS, the Western States Water Council, an organization of eighteen western states, and adjunct to the Western Governors' Association has consistently supported negotiated settlement of Indian water rights disputes; and

WHEREAS, the public interest and sound public policy require the resolution of Indian water rights claims in a manner that is least disruptive to existing uses of water; and

WHEREAS, negotiated quantification of Indian water rights claims is a highly desirable process which can achieve quantifications fairly, efficiently, and with the least cost; and

WHEREAS, the advantages of negotiated settlements include: (i) the ability to be flexible and to tailor solutions to the unique circumstances of each situation; (ii) the ability to promote conservation and sound water management practices; and (iii) the ability to establish the basis for cooperative partnerships between Indian and non-Indian communities; and

WHEREAS, the successful resolution of certain claims may require "physical solutions," such as development of federal water projects and improved water delivery and application techniques; and

WHEREAS, the United States has developed many major water projects that compete for use of waters claimed by Indians and non-Indians, and has a responsibility to both to assist in resolving such conflicts; and

WHEREAS, the settlement of Native American water claims, and land claims, is one of the most important aspects of the United States' trust obligation to Native Americans and is of vital importance to the country as a whole; and

WHEREAS, current budgetary policy makes it difficult for the Administration, the states and the tribes to negotiate settlements knowing that the settlements may not be funded because funding must be offset by a corresponding reduction in some other tribe or essential Interior Department program.

NOW, THEREFORE, BE IT RESOLVED, that the Western States Water Council reiterates its support for the policy of encouraging negotiated settlements of Indian water rights disputes as the best solution to a critical problem that affects almost all of the Western States; and

BE IT FURTHER RESOLVED, that the Western States Water Council urges the Administration to support its stated policy in favor of Indian land and water settlements with a strong fiscal commitment for meaningful federal contributions to these settlements that recognizes the trust obligations of the United States government; and

BE IT FURTHER RESOLVED, that Congress should explore opportunities to provide funding for the Bureau of Reclamation to undertake project construction related to settlements from revenues accruing to the Reclamation Fund, recognizing the existence of other legitimate needs that may be financed by these reserves.

BE IT FURTHER RESOLVED, that steps be taken to change current budgetary policy to ensure that any land or water settlement, once authorized by the Congress and ap-

proved by the President, will be funded without a corresponding offset to some other tribe or essential Interior Department program.

THE NATIONAL CONGRESS OF AMERICAN INDIANS RESOLUTION NO. DEN-07-069—USE OF THE RECLAMATION FUND FOR INDIAN WATER RIGHTS SETTLEMENTS

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the settlement of Indian water rights claims is one of the most important aspects of the United States' trust obligations to Native Americans and is of vital importance to the country as a whole; and

WHEREAS, despite the Department of the Interior's (DOI's) long-standing policy favoring the settlement of Indian water rights claims, the Administration has taken an increasingly narrow and restrictive view of its responsibility to fund Indian water rights settlements; and

WHEREAS, under current budgetary policy of the Administration, funding of Indian water rights settlements must be offset by a corresponding reduction in some other discretionary component of the DOI's budget, putting Indian tribes in the untenable position of having to seek funding of these settlements at the expense of some other tribe or essential DOI program; and

WHEREAS, there are currently three Indian water rights settlements affecting six tribes already signed and completed in New Mexico for which federal funding is necessary, including the Aamodt settlement, to which the Pueblo of Tesuque is a signatory; and

WHEREAS, nationwide many other tribes are working on water settlements for which federal funding is necessary; and

WHEREAS, under the Reclamation Act of June 17, 1902, the Reclamation Fund was envisioned as the principal source of funds to finance water development in the seventeen western states, with revenues accruing from project water and power sales, project repayments and receipts from public land sales, federal oil and mineral-related royalties, and other related sources; and

WHEREAS, the unobligated balance in the Reclamation Fund has grown annually in recent years and should serve as a source of funding for Indian water rights settlements.

NOW THEREFORE BE IT RESOLVED, that the NCAI does hereby support the policy of encouraging negotiated settlements of Indian water rights disputes as the best solution to a critical problem that affects almost all of the western states of the United States; and

BE IT FURTHER RESOLVED, that the NCAI urges the Administration to support its stated policy in favor of Indian water rights settlements with a strong fiscal commitment for meaningful federal contributions to these settlements that recognizes

the trust obligations of the United States government; and

BE IT FURTHER RESOLVED, that the NCAI supports changing the current budgetary policy to ensure that any Indian water rights settlement, once authorized by the Congress and approved by the President, will be funded without a corresponding offset to some other tribe or essential DOI program; and

BE IT FURTHER RESOLVED, that the NCAI supports allocation of sources of revenue for the Reclamation Fund to be used to fund Indian water rights settlements and respectfully requests that Congress and the Administration support allocation of monies from the Reclamation Fund or sources paid into it to fund Indian water rights settlements; and

BE IT FURTHER RESOLVED, that the NCAI commits to advocate to the Administration, including the Office of Management and Budget, and Congress that the Reclamation Fund be used to fund Indian water rights settlements; and

BE IT FURTHER RESOLVED, that within four months the NCAI will convene a special water rights meeting with affected tribes and invite key federal agencies to participate. After the initial meeting, NCAI will convene a special water rights meeting at least annually, and report progress to tribal leaders on this resolution at every regular meeting; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

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

Mr. RAHALL. Mr. Speaker, it is my pleasure to yield to the lead sponsor of this legislation, Mr. BEN RAY LUJÁN.

Mr. LUJÁN. Mr. Speaker, I rise today in support of H.R. 3342, the Aamodt Litigation Settlement Act. Before I begin, I would like to thank my colleagues on the Resource Committee: Chairman RAHALL; Chairwoman Napolitano; my colleague from New Mexico, Mr. HEINRICH; and Ranking Member HASTINGS.

I also want to thank the Tesuque Acequia Association; David Ortiz and the Rio Pojoaque Acequia and Well Water Association; D.L. Sanders and the office of the New Mexico State Engineer; Santa Fe County, the city of Santa Fe; and the tribal leaders from Nambe, Pojoaque, Tesuque and San Ildefonso. Thank you for your hard work over the past decade to reach these settlements.

The testimony of the settlement parties and tough negotiations and debate has made the consideration of these bills possible today. The parties to this settlement have worked for a very long time to come up with solutions that are equitable and fair to all water users in the Pojoaque Valley, including tribal and non-tribal residents alike.

Our water resources are precious in New Mexico. Without a reliable water supply, we cannot improve human health, protect our cultures and traditions, or grow our economies. This settlement will protect water resources, advance the implementation of effective water management, and ensure future access to water resources for all

residents encompassed by the settlement. That is what makes H.R. 3342, the Aamodt Litigation Settlement Act of 2009, so important.

I would like to submit for the RECORD letters I have received from the State of New Mexico, the County of Santa Fe, the Rio Pojoaque Acequia and Well Water Association, the Tesuque Acequia Association and others who have asked Congress to take a serious look at the importance of approving these settlements because this piece of legislation is so vital to the prolonged existence of culture and agriculture in my district.

It has taken over 40 years, countless court proceedings, congressional hearings and mediations before this bill arrived at this point. The people of the Pojoaque Valley and surrounding communities have debated and negotiated this water settlement since the 1960s. Parties have informed me, Mr. Speaker, if legislative action does not move forward, the Federal Court is prepared to resume legal proceedings on the underlying Aamodt lawsuit. This litigation would have dire effects upon all non-water rights holders in the basin and incur tremendous court costs and legal fees on American taxpayers. The cost to the government of continued litigation would, and probably will, exceed the cost of the settlement itself.

We heard today, Mr. Speaker, that we did hear from the Attorney General's office saying that they did prefer this course of action to litigation. Senators BINGAMAN and UDALL of New Mexico introduced legislation in the 110th Congress to enshrine this settlement and conducted hearings before the House Resources Committee and the Senate Committee on Indian Affairs. In the 111th Congress, New Mexico's Senators and I reintroduced this bill with my colleague, MARTIN HEINRICH from New Mexico, with improved revisions that took the considerations of the settlement parties into account; and in doing so, we improved the settlement.

In September, additional hearings were held on this bill, and H.R. 3254 was supported at markup in the Natural Resources Committee by unanimous and bipartisan support. This settlement is about people and the quality of life in small rural communities. The future of this community depends on the availability and dependability of a water supply. This settlement ensures just that.

Rather than continuing a course of costly litigation that could tear a community apart, I ask my colleagues to join me in voting to enact these settlements. Thank you again for the leadership to the members of the Subcommittee on Water and Power and the members of the Natural Resources Committee for their support.

You know, Mr. Speaker, as we talk about water settlements going forward, I know that Democrats and Republicans from this side of the aisle and from the other side of the aisle, we all

have the honor of representing constituencies that include Native Americans and tribal communities. In New Mexico there was a school project. They asked the kids to draw pictures where they get their water from. Most kids in school districts across New Mexico drew pictures of water faucets going into water bottles, things of that nature. There were children from Native American communities who drew pictures of their mother and fathers, brothers and sisters carrying water jugs to get water into their homes. They drew pictures of their fathers driving pickup trucks with large water containers like you would to provide water to animals out on the range.

I hope we don't lose sight, Mr. Speaker, of the fact that water is a very precious resource and there are still many people across this great Nation of ours who don't have access to it.

COUNTY OF SANTA FE,  
STATE OF NEW MEXICO,  
Santa Fe, NM, January 14, 2010.

Re Support for Aamodt Litigation Settlement Legislation.

Hon. BEN RAY LUJÁN,  
Andrew Jones, Legislative Director, Cannon  
House Office Bldg., House of Representatives,  
Washington, DC.

DEAR CONGRESSMAN LUJÁN: On behalf of Santa Fe County, I want to affirm the County's strong support for the Aamodt Litigation Settlement Act (H.R. 3342). Santa Fe County expresses its great appreciation to you for your continued support of the settlement and urges your help in securing passage of this very important legislation.

As I testified this past session before the House Subcommittee on Water and Power, the settlement will achieve a fair and equitable resolution of the difficult and entrenched water disputes that have plagued the Pojoaque Valley for so many years. Rather than defining winners and losers, the settlement protects existing uses and allows for future growth by careful management of available water resources. At the same time, it recognizes and safeguards time immemorial and senior use priorities of Pueblos and early Spanish acequias. The settlement also creates a reliable supply to more recent domestic and commercial uses, and is flexible enough to account for changing uses in the future. Without settlement, I am certain valley residents will be subjected to intractable and divisive litigation for many years, fostering regional conflict and leaving junior water users at great risk of curtailment.

Also, as I have previously testified, I recognize that some of my non-Pueblo constituents continue to be dissatisfied with the settlement. Consequently, the County will be conducting a series of community outreach and settlement focus meetings in the coming months. We will do this even if the legislation is first enacted into law. The County has contracted with the adjudication ombudsman program at the University of New Mexico to facilitate the community outreach program. The purpose of the meetings will be to hear public concerns and to provide information about the settlement. Ultimately, the settlement must be accepted by the community to succeed.

On behalf of Santa Fe County, I greatly appreciate your help with this matter.

Sincerely,

HARRY B. MONTOYA,  
Santa Fe County Commissioner.

RIO DE TESUQUE ACEQUIA ASSOCIATION,

*Santa Fe, NM, January 18, 2010.*

DEAR CONGRESSMEN LUJÁN, TEAGUE AND HEINRICH: As president of the board of directors of the Rio De Tesuque Acequia Association, I have been asked to reiterate our support for the proposed settlement agreement of the long standing Aamodt water rights litigation, as per H.R. 3342.

We represent 5 acequias and over 150 irrigation users (parciantes). We have worked with our neighbors at the Tesuque Pueblo for several decades now and we all feel that the settlement represents a good solution for both parties.

The settlement assures all parties a good and reliable water supply for both the acequias and the domestic users. As irrigators, we know the importance of this and know that we cannot be serious about agriculture unless we know we have a reliable source of water.

We appreciate your support and look forward to your vote in support of legislation that will enable the settlement.

Sincerely,

MARGO CUTLER,  
*President.*

*Santa Fe, NM, January 18, 2010.*

Re H.R. 3342, The Aamodt Litigation Settlement Act.

Hon. BEN RAY LUJÁN,  
*Cannon House Office Building,  
Washington, DC.*

DEAR REPRESENTATIVE LUJÁN: I write in strong support of H.R. 3342, The Aamodt Litigation Settlement Act. As you know, my Administration has been instrumental in bringing the interested parties together to reach a settlement and potential closure to this matter. I have witnessed the extraordinary effort that all of the parties have exerted to successfully resolve some of the most contentious issues related to the Aamodt litigation. The parties' commitment to resolution is commendable and should be recognized. Should Congress not pass this Act, it will not only be disappointing to all involved but could also open all of the parties up to more litigation and costly delay.

For its part, New Mexico stands ready to meet its obligations under any settlement. Through legislation that I supported and ultimately signed into law, the State has already committed in statute \$1.0 million in bonding authority as part of the State's share of any settlement. As such, the State is ready to assist in the implementation of any settlement achieved through the passage of H.R. 3342.

Passage of this bill would not only end more than forty years of contentious litigation, but would render a conclusion that is amendable to many. I urge you and your colleagues to pass H.R. 332 and I offer any support that you may need to achieve this worthy goal.

Sincerely,

BILL RICHARDSON,  
*Governor.*

RIO POJOAQUE ACEQUIA  
AND WATER WELL USERS ASSOCIATION,  
*January 14, 2010.*

Hon. BEN RAY LUJÁN,  
*Attention Andrew Jones, Legislative Director,  
House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE LUJÁN: On behalf of the Rio Pojoaque Acequia and Water Well Users Association, I am writing to you to reiterate our strong support for the Aamodt Litigation Settlement Act (H.R. 3342), legislation you introduced in July 2009 and favorably reported by the Committee on Natural Resources on January 12, 2010.

I understand the House of Representatives will consider this important legislation when

it resumes legislative business during the week of January 18, 2010. As you know well, this legislation would ratify the settlement of a Federal lawsuit that was filed in 1966. The settlement itself subject to years of intense negotiations by the State of New Mexico, the City and County of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque and others and was signed by these parties in 2006.

In addition to resolving the water claims of the Four Pueblos and providing certainty in terms of long-term water supplies in the region, the centerpiece of H.R. 3342 is the construction of a regional water system that will provide water for residential, municipal, agricultural, and business uses and will serve the Pueblo and non-Pueblo residents in the Pojoaque Basin. I feel compelled to remind you that in the absence of congressional action on H.R. 3342, the parties would return to court and, given the priority of the Pueblos' water rights, the resulting ruling would likely be far more detrimental to the other water users in the Basin.

Thank you for your commitment to settling the Aamodt litigation and your strong support for the citizens of the Pojoaque Basin.

Sincerely,

MEADE P. MARTIN,  
*Vice President, Rio Pojoaque Acequia  
and Water Well Users Association.*

POJOAQUE VALLEY  
IRRIGATION DISTRICT,  
*Santa Fe, NM, January 14, 2010.*

Hon. BEN RAY LUJÁN,  
*Attention Andrew Jones, Legislative Director,  
House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE LUJÁN: On behalf of the 18 acequia associations and over 700 water users that comprise the Pojoaque Valley Irrigation District, I am writing to you to reiterate our strong support for the Aamodt Litigation Settlement Act (H.R. 3342), legislation you introduced in July 2009 and favorably reported by the Committee on Natural Resources on January 12, 2010.

I understand the House of Representatives will consider this important legislation when it resumes legislative business during the week of January 18, 2010. As you know well, this legislation would ratify the settlement of a Federal lawsuit that was filed in 1966. The settlement itself subject to years of intense negotiations by the State of New Mexico, the City and County of Santa Fe, the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque and others and was signed by these parties in 2006.

In addition to resolving the water claims of the Four Pueblos and providing certainty in terms of long-term water supplies in the region, the centerpiece of H.R.3342 is the construction of a regional water system that will provide water for residential, municipal, agricultural, and business uses and will serve the Pueblo and non-Pueblo residents in the Pojoaque Basin. I feel compelled to remind you that in the absence of congressional action on H.R. 3342, the parties would return to court and, given the priority of the Pueblos' water rights, the resulting ruling would likely be far more detrimental to the other water users in the Basin.

Thank you for your commitment to settling the Aamodt litigation and your strong support for the citizens of the Pojoaque Basin.

Sincerely,

DAVID ORTIZ,  
*Chairman,  
Pojoaque Valley Irrigation.*

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the issue that we are debating here is not the settlement claims per se. I think we all in this House agree that if you can get agreement with parties involved in litigation and come to agreement amongst them, that is good policy. That has very well been explained by my friends on the other side of the aisle. But what is at issue here is the third part, and that is: Is this claim going to be beneficial to the taxpayers by not costing the taxpayers more than if they went through litigation? That is what the issue is. It is very clear.

Now, the gentleman from New Mexico just a moment ago said something to the effect that this would save the taxpayers money by not going through litigation. I would like to ask the gentleman, and I will yield to the gentleman if he can provide me documents as to that fact. I would be more than happy to yield to the gentleman if he can provide that to me.

Mr. LUJÁN. I appreciate the ranking member from the Natural Resources Committee yielding to me.

Mr. Speaker, what we have here is clear language on the dockets of the State of New Mexico that has been expressed by many of the parties which encouraged them to go to litigation, that very much do hold—that senior water rights holders in the State of New Mexico, which these tribal communities are, do hold senior water rights.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, the question I asked the gentleman was about a statement that he made that it would be more costly to go through litigation than to settlement. I asked the gentleman very specifically if he has documentation to that effect. And so I hope that the gentleman would respond to me on that point because that is the difference in this debate on this bill and the last bill.

I would be more than happy to yield to the gentleman if he has that documentation.

Mr. LUJÁN. Mr. Speaker, as we are talking about the importance of how we can achieve cost savings to taxpayers across the country, it is important that we understand the laws and the protections that are held to those individuals that are senior water rights users, which clearly is the reason why so many people could be impacted. And as litigation continues, the cost of litigation adds additional cost to the taxpayers of the country.

Mr. HASTINGS of Washington. Mr. Speaker, I want to interrupt.

Do you have documentation to that point? We asked the Department of Justice specifically on that point, and they have not responded. Do you have documentation on that point? Listen, if this saves the taxpayer money, I am totally in favor of it. All we are asking is for that documentation. If the gentleman has it, please provide it. Does the gentleman have it?

I yield to the gentleman from New Mexico.

Mr. LUJÁN. Mr. Speaker, it is clear that I don't have the response that my ranking member colleague may be looking for. But his counsel may inform him as well as our counsel has informed us that some of that documentation is not public record at this time. With that, I tried to answer the question, but I apologize to the ranking member that we are not able to provide the answer that the ranking member may be looking for.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, I just want to emphasize, this is the core point. The gentleman just said he doesn't have it, and yet we are being asked here, Members of the U.S. House, representing everybody in this country, taxpayers who may not be involved with this, to pass judgment and support this settlement agreement when we don't know if the cost is beneficial or not. That's the issue.

I would hope, as I said in my closing remarks on the first bill, when we have future settlements coming forward we can have this information, full transparency, Mr. Speaker, in committee so we don't have to go through this drill on the floor and go back and forth and then unfortunately have somebody say we don't have this documentation.

Mr. Speaker, that's the issue here. We are not arguing about the benefits of the claims. I am sure that they are very good. There have been long negotiations.

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

Mr. RAHALL. Mr. Speaker, I am happy once again to yield such time as he may consume to the cosponsor of this litigation, the gentleman from New Mexico (Mr. HEINRICH).

Mr. HEINRICH. Mr. Speaker, I am very pleased to stand in solidarity with my colleague, Representative BEN RAY LUJÁN, in bringing this very challenging chapter in New Mexico history to a close. I also want to thank Chairman RAHALL and Chairwoman Napolitano for their support of this settlement.

The Aamodt water rights litigation is literally the oldest active case in our Nation's Federal Court, literally older than myself and my colleague. Since 1966, these communities have waited for a resolution to this case. The bill here before us represents the culmination of decades of hard work and difficult compromise by the effective stakeholders to negotiate an agreement that meets each community's long-term needs.

□ 1130

During the committee hearings we heard from representatives of local, State, and Pueblo governments. And I want to commend each of them for their enduring efforts to achieve this settlement.

The Aamodt water settlement will enable the Secretary of Interior, through the Bureau of Reclamation, to create a long-awaited regional water

system. That system will be jointly operated by Santa Fe County, along with the four northern New Mexico Pueblos, and provide a great deal of certainty to all Rio Grande water users. Sixty percent of its capacity will deliver water to the Pueblos, 40 percent will go to the county water utility.

This legislation has been a generation or more in the making, and I look forward to its long-awaited contribution to the well-being of the Pueblos and the future of the entire State of New Mexico.

I would urge my colleagues' support.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in support of the idea of transparency in this and in all things. I think that some observers may not appreciate the issues that are before us when we are dealing with Indian rights, whether it is settlement or something else, because of the unique situation of Native Americans in the United States and how the relationship that we have with the Indian Nations is as a result directly of the Constitution of the United States.

Often it is good for us to remind ourselves of the first principles involved when we are dealing with these issues. And therefore, Mr. Speaker, I would like to also mention that today, in a blow for freedom, in a tremendous action of a return to first principles under the Constitution, the United States Supreme Court finally got it right. The United States Supreme Court, in the case of Citizens United v. Federal Election Commission, finally focused on the first amendment and talked about the essence of the first amendment being political speech.

We have been distracted so often in other decisions by the Court that they have lost in many times their focus on the fact that the first amendment is in essence a protection of our political speech. And today they overruled a previous case where they had wandered from that. They said to us that Congress cannot in fact make choices between preferred speakers and nonpreferred speakers, preferred organizations and nonpreferred organizations.

And here is one of the kernels of truth contained in today's majority opinion. "Political speech is so ingrained in this country's culture that speakers find ways around campaign finance laws." That oftentimes in this body we, in the effort to try and cleanse the political system from the possibility of people who might take undue advantage of it, render political speech to the sidelines. And the Court has said the people are smarter than that. They can get around that, and therefore we ought to attempt to allow the full flowering of political speech.

The Court also said this. "Rapid changes to technology—and the creative dynamic inherent in the concept of free expression—counsel against up-

holding a law that restricts political speech in certain media or by certain speakers." This is a great day, Mr. Speaker. This is a great day. The Court said, "Differential treatment of media corporations and other corporations cannot be squared with the first amendment, and there is no support for the view that the amendment's original meaning would permit suppressing media corporations' political speech."

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. It is said that their previous decision in Austin allows "censorship that is vast in its reach, suppressing the speech of both for-profit and non-profit, both small and large, corporations."

Earlier this week the people of Massachusetts reminded us that here the people prevail, that the Constitution starts with the words, "We, the people." That despite what the pundits say, despite what special interests say, the people prevail. Today the Supreme Court said the people can speak. It is a great day.

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

Mr. HASTINGS of Washington. Mr. Speaker, if I understand, the gentleman will be the last speaker. I know my friend Mr. MCCLINTOCK is not going to offer his amendment. So I will close and I will yield myself the balance of the time by simply saying, Mr. Speaker, that the issue here is not the benefits of these settlements. We think those settlements are good. The one element that we have a question on is what is the cost to the taxpayer? I think that is a very, very legitimate issue for us in the U.S. House to consider.

So with that reason, as I mentioned earlier, I have to reluctantly oppose all three of these bills. And I would hope in the future at the committee level we can have this full transparency on future settlements that we will inevitably have in this Congress.

With that, Mr. Speaker, I urge my colleagues to vote "no" on this bill, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, just to conclude and reiterate what I have already said, that 44 years of litigation is far too long, 40 years of litigation is far too long. We all know the tremendous costs involved in litigation to the Federal taxpayer, the amount of salaries paid to judges, lawyers. We could go on and on about the costs that the taxpayer ends up bearing over some 44 years of litigation, longer time period than Moses spent in the desert. So with that, I would say that this bill is certainly economical to the American taxpayers, and I would urge its passage.

I yield back the balance of my time.  
The SPEAKER pro tempore. All time for debate on the bill has expired.

The Chair understands that the amendment will not be offered.

Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. RAHALL. 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, further proceedings on this question will be postponed.

#### WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2009

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 1017, I call up the bill (H.R. 1065) to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1017, the bill is considered read.

The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part C of House Report 111-399, is adopted.

The text of the bill, as amended, is as follows:

H.R. 1065

*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 “White Mountain Apache Tribe Water Rights Quantification Act of 2009”.

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) proceedings to determine the nature and extent of the water rights of the White Mountain Apache Tribe, members of the Tribe, the United States, and other claimants are pending in—

(A) the consolidated civil action in the Superior Court of the State of Arizona for the County of Maricopa styled *In re the General Adjudication of All Rights To Use Water In The Gila River System and Source*, W-1 (Salt), W-2 (Verde), W-3 (Upper Gila), W-4 (San Pedro); and

(B) the civil action pending in the Superior Court of the State of Arizona for the County of Apache styled *In re the General Adjudication of All Rights to Use Water in the Little Colorado River System and Source* and numbered CIV-6417;

(2) a final resolution of those proceedings might—

(A) take many years;

(B) entail great expense; and

(C) prolong uncertainty concerning the availability of water supplies;

(3) the Tribe, non-Indian communities located near the reservation of the Tribe, and other Arizona water users have entered into the WMAT Water Rights Quantification Agreement—

(A) to permanently quantify the water rights of the Tribe, members of the Tribe, and the United States in its capacity as trustee for the Tribe and members in accordance with the Agreement; and

(B) to seek funding, in accordance with applicable law, for the implementation of the Agreement;

(4) it is the policy of the United States to quantify and settle Indian water rights claims, and to promote Indian self-determination and economic self-sufficiency, without lengthy and costly litigation, if practicable;

(5) certainty concerning the extent of the water rights of the Tribe will—

(A) provide opportunities for economic development of all parties to the proceeding; and

(B) assist the Tribe to achieve self-determination and self-sufficiency; and

(6) in keeping with the trust responsibility of the United States to Indian tribes, and to promote tribal sovereignty and economic self-sufficiency, it is appropriate that the United States implement the Agreement.

(b) PURPOSES.—The purposes of this Act are—

(1) to authorize, ratify, and confirm the Agreement;

(2) to authorize and direct the Secretary to execute the Agreement and carry out all obligations of the Secretary under the Agreement;

(3) to authorize the actions and appropriations necessary for the United States to meet the obligations of the United States under the Agreement and this Act; and

(4) to permanently resolve certain damage claims and all water rights claims among—

(A) the Tribe and its members;

(B) the United States in its capacity as trustee for the Tribe and its members;

(C) the parties to the Agreement; and

(D) all other claimants in the proceedings referred to in subsection (a)(1).

#### SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The “Agreement” means—

(A) the WMAT Water Rights Quantification Agreement dated January 13, 2009; and

(B) any amendment or exhibit (including exhibit amendments) to that agreement that are—

(i) made in accordance with this Act; or

(ii) otherwise approved by the Secretary.

(2) BUREAU.—The term “Bureau” means the Bureau of Reclamation.

(3) CAP.—The term “CAP” means the reclamation project authorized and constructed by the United States in accordance with title III of the Colorado River Basin Project Act (43 U.S.C. 1521 et seq.).

(4) CAP CONTRACTOR.—The term “CAP contractor” means an individual or entity that has entered into a long-term contract (as that term is used in the repayment stipulation) with the United States for delivery of water through the CAP system.

(5) CAP FIXED OM&R CHARGE.—The term “CAP fixed OM&R charge” has the meaning given the term in the repayment stipulation.

(6) CAP M&I PRIORITY WATER.—The term “CAP M&I priority water” means the CAP water having a municipal and industrial delivery priority under the repayment contract.

(7) CAP SUBCONTRACTOR.—The term “CAP subcontractor” means an individual or entity that has entered into a long-term subcontract (as that term is used in the repayment stipulation) with the United States and the District for the delivery of water through the CAP system.

(8) CAP SYSTEM.—The term “CAP system” means—

(A) the Mark Wilmer Pumping Plant;

(B) the Hayden-Rhodes Aqueduct;

(C) the Fannin-McFarland Aqueduct;

(D) the Tucson Aqueduct;

(E) any pumping plant or appurtenant works of a feature described in any of subparagraphs (A) through (D); and

(F) any extension of, addition to, or replacement for a feature described in any of subparagraphs (A) through (E).

(9) CAP WATER.—The term “CAP water” means “Project Water” (as that term is defined in the repayment stipulation).

(10) CONTRACT.—The term “Contract” means—

(A) the proposed contract between the Tribe and the United States attached as exhibit 7.1 to the Agreement and numbered 08-XX-30-W0529; and

(B) any amendments to that contract.

(11) DISTRICT.—The term “District” means the Central Arizona Water Conservation District, a political subdivision of the State that is the contractor under the repayment contract.

(12) ENFORCEABILITY DATE.—The term “enforceability date” means the date described in section 9(d)(1).

(13) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(14) INJURY TO WATER RIGHTS.—

(A) IN GENERAL.—The term “injury to water rights” means an interference with, diminution of, or deprivation of, a water right under Federal, State, or other law.

(B) INCLUSIONS.—The term “injury to water rights” includes—

(i) a change in the groundwater table; and

(ii) any effect of such a change.

(C) EXCLUSION.—The term “injury to water rights” does not include any injury to water quality.

(15) LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.—The term “Lower Colorado River Basin Development Fund” means the fund established by section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543).

(16) OFF-RESERVATION TRUST LAND.—The term “off-reservation trust land” means land—

(A) located outside the exterior boundaries of the reservation that is held in trust by the United States for the benefit of the Tribe as of the enforceability date; and

(B) depicted on the map attached to the Agreement as exhibit 2.57.

(17) OPERATING AGENCY.—The term “Operating Agency” means the 1 or more entities authorized to assume responsibility for the care, operation, maintenance, and replacement of the CAP system.

(18) REPAYMENT CONTRACT.—The term “repayment contract” means—

(A) the contract between the United States and the District for delivery of water and repayment of the costs of the CAP, numbered 14-06-W-245 (Amendment No. 1), and dated December 1, 1988; and

(B) any amendment to, or revision of, that contract.

(19) REPAYMENT STIPULATION.—The term “repayment stipulation” means the stipulated judgment and the stipulation for judgment (including any exhibits to those documents) entered on November 21, 2007, in the United States District Court for the District of Arizona in the consolidated civil action styled *Central Arizona Water Conservation District v. United States, et al.*, and numbered CIV 95-625-TUC-WDB (EHC) and CIV 95-1720-PHX-EHC.

(20) RESERVATION.—

(A) IN GENERAL.—The term “reservation” means the land within the exterior boundary of the White Mountain Indian Reservation established by the Executive order dated November 9, 1871, as modified by subsequent Executive orders and Acts of Congress—

(i) known on the date of enactment of this Act as the “Fort Apache Reservation” pursuant to the Act of June 7, 1897 (30 Stat. 62, chapter 3); and

(ii) generally depicted on the map attached to the Agreement as exhibit 2.81.

(B) NO EFFECT ON DISPUTE OR AS ADMISSION.—The depiction of the reservation described in subparagraph (A)(ii) shall not—

(i) be used to affect any dispute between the Tribe and the United States concerning the legal boundary of the reservation; and

(ii) constitute an admission by the Tribe with regard to any dispute between the Tribe and the United States concerning the legal boundary of the reservation.

(21) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(22) STATE.—The term “State” means the State of Arizona.

(23) TRIBAL CAP WATER.—The term “tribal CAP water” means the CAP water to which the Tribe is entitled pursuant to the Contract.

(24) TRIBAL WATER RIGHTS.—The term “tribal water rights” means the water rights of the Tribe described in paragraph 4.0 of the Agreement.

(25) TRIBE.—The term “Tribe” means the White Mountain Apache Tribe organized under section 16 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (25 U.S.C. 476).

(26) WATER RIGHT.—The term “water right” means any right in or to groundwater, surface water, or effluent under Federal, State, or other law.

(27) WMAT RURAL WATER SYSTEM.—The term “WMAT rural water system” means the municipal, rural, and industrial water diversion, storage, and delivery system described in section 7.

(28) YEAR.—The term “year” means a calendar year.

#### SEC. 4. APPROVAL OF AGREEMENT.

##### (a) APPROVAL.—

(1) IN GENERAL.—Except to the extent that any provision of the Agreement conflicts with a provision of this Act, the Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Agreement is authorized, ratified, and confirmed, to the extent that such an amendment is executed to make the Agreement consistent with this Act.

(b) EXECUTION OF AGREEMENT.—To the extent that the Agreement does not conflict with this Act, the Secretary shall—

(1) execute the Agreement (including signing any exhibit to the Agreement requiring the signature of the Secretary); and

(2) execute any amendment to the Agreement necessary to make the Agreement consistent with this Act.

##### (c) NATIONAL ENVIRONMENTAL POLICY ACT.—

(1) ENVIRONMENTAL COMPLIANCE.—In implementing the Agreement, the Secretary shall promptly comply with all applicable requirements of—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) all other applicable Federal environmental laws; and

(D) all regulations promulgated under the laws described in subparagraphs (A) through (C).

##### (2) EXECUTION OF AGREEMENT.—

(A) IN GENERAL.—Execution of the Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) ENVIRONMENTAL COMPLIANCE.—The Secretary shall carry out all necessary environmental compliance required by Federal law in implementing the Agreement.

(3) LEAD AGENCY.—The Bureau shall serve as the lead agency with respect to ensuring environmental compliance associated with the WMAT rural water system.

#### SEC. 5. WATER RIGHTS.

(a) TREATMENT OF TRIBAL WATER RIGHTS.—The tribal water rights—

(1) shall be held in trust by the United States in perpetuity; and

(2) shall not be subject to forfeiture or abandonment.

##### (b) REALLOCATION.—

(1) IN GENERAL.—In accordance with this Act and the Agreement, the Secretary shall reallocate to the Tribe, and offer to enter into a contract with the Tribe for the delivery in accordance with this section of—

(A) an annual entitlement to 23,782 acre-feet per year of CAP water that has a non-Indian agricultural delivery priority (as defined in the Contract) in accordance with section 104(a)(1)(A)(iii) of the Arizona Water Settlements Act (Public Law 108-451; 118 Stat. 3488), of which—

(i) 3,750 acre-feet per year shall be firm by the United States for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(1)(B) of that Act (118 Stat. 3492); and

(ii) 3,750 acre-feet per year shall be firm by the State for the benefit of the Tribe for the 100-year period beginning on January 1, 2008, with priority equivalent to CAP M&I priority water, in accordance with section 105(b)(2)(B) of that Act (118 Stat. 3492); and

(B) an annual entitlement to 1,218 acre-feet per year of the water—

(i) acquired by the Secretary through the permanent relinquishment of the Harquahala Valley Irrigation District CAP subcontract entitlement in accordance with the contract numbered 3-07-30-W0290 among the District, Harquahala Valley Irrigation District, and the United States; and

(ii) converted to CAP Indian Priority water (as defined in the Contract) pursuant to the Fort McDowell Indian Community Water Rights Settlement Act of 1990 (Public Law 101-628; 104 Stat. 4480).

(2) AUTHORITY OF TRIBE.—Subject to approval by the Secretary under section 6(a)(1), the Tribe shall have the sole authority to lease, distribute, exchange, or allocate the tribal CAP water described in paragraph (1).

(c) WATER SERVICE CAPITAL CHARGES.—The Tribe shall not be responsible for any water service capital charge for tribal CAP water.

(d) ALLOCATION AND REPAYMENT.—For the purpose of determining the allocation and repayment of costs of any stages of the CAP constructed after November 21, 2007, the costs associated with the delivery of water described in subsection (b), regardless of whether the water is delivered for use by the Tribe or in accordance with any assignment, exchange, lease, option to lease, or other agreement for the temporary disposition of water entered into by Tribe, shall be—

(1) nonreimbursable; and

(2) excluded from the repayment obligation of the District.

(e) WATER CODE.—Not later than 18 months after the enforceability date, the Tribe shall enact a water code that—

(1) governs the tribal water rights; and

(2) includes, at a minimum—

(A) provisions requiring the measurement, calculation, and recording of all diversions and depletions of water on the reservation and on off-reservation trust land;

(B) terms of a water conservation plan, including objectives, conservation measures, and an implementation timeline;

(C) provisions requiring the approval of the Tribe for the severance and transfer of rights to the use of water from historically irrigated land identified in paragraph 11.3.2.1 of the Agreement to diversions and depletions on other non-historically irrigated land not located on the watershed of the same water source; and

(D) provisions requiring the authorization of the Tribe for all diversions of water on the reservation and on off-reservation trust land by any individual or entity other than the Tribe.

#### SEC. 6. CONTRACT.

(a) IN GENERAL.—The Secretary shall enter into the Contract, in accordance with the Agreement, to provide, among other things, that—

(1) the Tribe, on approval of the Secretary, may—

(A) enter into contracts or options to lease, contracts to exchange, or options to exchange tribal CAP water in Maricopa, Pinal, Pima, and Yavapai Counties in the State providing for the temporary delivery to any individual or entity of any portion of the tribal CAP water, subject to the condition that—

(i) the term of the contract or option to lease shall not be longer than 100 years;

(ii) the contracts or options to exchange shall be for the term provided in the contract or option; and

(iii) a lease or option to lease providing for the temporary delivery of tribal CAP water shall require the lessee to pay to the Operating Agency all CAP fixed OM&R charges and all CAP pumping energy charges (as defined in the repayment stipulation) associated with the leased water; and

(B) renegotiate any lease at any time during the term of the lease, subject to the condition that the term of the renegotiated lease shall not exceed 100 years;

(2) no portion of the tribal CAP water may be permanently alienated;

(3)(A) the Tribe (and not the United States in any capacity) shall be entitled to all consideration due to the Tribe under any contract or option to lease or exchange tribal CAP water entered into by the Tribe; and

(B) the United States (in any capacity) has no trust or other obligation to monitor, administer, or account for, in any manner—

(i) any funds received by the Tribe as consideration under a contract or option to lease or exchange tribal CAP water; or

(ii) the expenditure of those funds;

(4)(A) all tribal CAP water shall be delivered through the CAP system; and

(B) if the delivery capacity of the CAP system is significantly reduced or anticipated to be significantly reduced for an extended period of time, the Tribe shall have the same CAP delivery rights as a CAP contractor or CAP subcontractor that is allowed to take delivery of water other than through the CAP system;

(5) the Tribe may use tribal CAP water on or off the reservation for any purpose;

(6) as authorized by subsection (f)(2)(A) of section 403 of the Colorado River Basin Project Act (43 U.S.C. 1543) and to the extent that funds are available in the Lower Colorado River Basin Development Fund established by subsection (a) of that section, the United States shall pay to the Operating Agency the CAP fixed OM&R charges associated with the delivery of tribal CAP water (except in the case of tribal CAP water leased by any individual or entity);

(7) the Secretary shall waive the right of the Secretary to capture all return flow from project exchange water flowing from the exterior boundary of the reservation; and

(8) no CAP water service capital charge shall be due or payable for the tribal CAP water, regardless of whether the water is delivered for use by the Tribe or pursuant to a contract or option to lease or exchange tribal CAP water entered into by the Tribe.

(b) REQUIREMENTS.—The Contract shall be—

(1) for permanent service (within the meaning of section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d)); and

(2) without limit as to term.

##### (c) RATIFICATION.—

(1) IN GENERAL.—Except to the extent that any provision of the Contract conflicts with a provision of this Act, the Contract is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Contract is authorized, ratified, and confirmed, to the extent that such an amendment is executed to make the Contract consistent with this Act.

(d) **EXECUTION OF CONTRACT.**—To the extent that the Contract does not conflict with this Act, the Secretary shall execute the Contract.

(e) **PAYMENT OF CHARGES.**—The Tribe, and any recipient of tribal CAP water through a contract or option to lease or exchange, shall not be obligated to pay a water service capital charge or any other charge, payment, or fee for CAP water, except as provided in an applicable lease or exchange agreement.

(f) **PROHIBITIONS.**—

(1) **USE OUTSIDE STATE.**—No tribal CAP water may be leased, exchanged, forborne, or otherwise transferred by the Tribe in any way for use directly or indirectly outside the State.

(2) **USE OFF RESERVATION.**—Except as authorized by this section and paragraph 4.7 of the Agreement, no tribal water rights under this Act may be sold, leased, transferred, or used outside the boundaries of the reservation or off-reservation trust land other than pursuant to an exchange.

(3) **AGREEMENTS WITH ARIZONA WATER BANKING AUTHORITY.**—Nothing in this Act or the Agreement limits the right of the Tribe to enter into an agreement with the Arizona Water Banking Authority established by section 45-2421 of the Arizona Revised Statutes (or any successor entity), in accordance with State law.

(g) **LEASES.**—

(1) **IN GENERAL.**—To the extent the leases of tribal CAP Water by the Tribe to the District and to any of the cities, attached as exhibits to the Agreement, are not in conflict with the provisions of this Act—

(A) those leases are authorized, ratified, and confirmed; and

(B) the Secretary shall execute the leases.

(2) **AMENDMENTS.**—To the extent that amendments are executed to make the leases described in paragraph (1) consistent with this Act, those amendments are authorized, ratified, and confirmed.

#### **SEC. 7. AUTHORIZATION OF RURAL WATER SYSTEM.**

(a) **IN GENERAL.**—Subject to the availability of appropriations, the Secretary, acting through the Bureau, shall plan, design, construct, operate, maintain, replace, and rehabilitate the WMAT rural water system as generally described in the project extension report dated February 2007.

(b) **COMPONENTS.**—The WMAT rural water system under subsection (a) shall consist of—

(1) a dam and storage reservoir, pumping plant, and treatment facilities located along the North Fork White River near the community of Whiteriver;

(2) pipelines extending from the water treatment plants to existing water distribution systems serving the Whiteriver, Carrizo, and Cibecue areas, together with other communities along the pipeline;

(3) connections to existing distribution facilities, including public and private water systems in existence on the date of enactment of this Act;

(4) appurtenant buildings and access roads;

(5) electrical power transmission and distribution facilities necessary for services to rural water system facilities;

(6) all property and property rights necessary for the facilities described in this subsection; and

(7) such other project components as the Secretary determines to be appropriate to meet the water supply, economic, public health, and environmental needs of the portions of the reservation served by the WMAT rural water system, including water storage tanks, water lines, and other facilities for the Tribe and the villages and towns on the reservation.

(c) **SERVICE AREA.**—The service area of the WMAT rural water system shall be as described in the Project Extension report dated February 2007.

(d) **CONSTRUCTION REQUIREMENTS.**—The components of the WMAT rural water system shall

be planned and constructed to a size that is sufficient to meet the municipal, rural, and industrial water supply requirements of the WMAT rural water system service area during the period beginning on the date of enactment of this Act and ending not earlier than December 31, 2040.

(e) **TITLE.**—

(1) **IN GENERAL.**—Title to the WMAT rural water system shall be held in trust by the United States in its capacity as trustee for the Tribe.

(2) **CONVEYANCE TO TRIBE.**—The Secretary may convey to the Tribe title to the WMAT rural water system after publication by the Secretary in the Federal Register of a statement of findings that—

(A) the designers' operating criteria, standing operating procedures, emergency action plan, and first filling and monitoring criteria are established and in place, and the WMAT rural water system has been declared substantially complete;

(B) the funds authorized to be appropriated under section 12(b)(3)(B) have been appropriated and deposited in the WMAT Maintenance Fund; and

(C) the Tribe has been operating successfully under the established standing operating procedures for a period of 5 calendar years.

(3) **ALIENATION AND TAXATION.**—Conveyance of title to the Tribe pursuant to paragraph (2) does not waive or alter any applicable Federal law prohibiting alienation or taxation of the WMAT rural water system or the underlying reservation land.

(f) **TECHNICAL ASSISTANCE.**—The Secretary shall provide such technical assistance as is necessary to enable the Tribe to plan, design, construct, operate, maintain, and replace the WMAT rural water system, including operation and management training.

(g) **APPLICABILITY OF ISDEAA.**—

(1) **AGREEMENT FOR SPECIFIC ACTIVITIES.**—On receipt of a request of the Tribe, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Secretary shall enter into an agreement with the Tribe to carry out the activities authorized by this section.

(2) **CONTRACTS.**—Any contract entered into pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) for the purpose of carrying out any provision of this Act shall incorporate such provisions regarding periodic payment of funds, timing for use of funds, transparency, oversight, reporting, and accountability as the Secretary determines to be necessary (at the sole discretion of the Secretary) to ensure appropriate stewardship of Federal funds.

(h) **CONDITION.**—As a condition of construction of the facilities authorized by this section, the Tribe shall provide, at no cost to the Secretary, all land or interests in land, as appropriate, that the Secretary identifies as being necessary for those facilities.

(i) **OPERATION AND MAINTENANCE.**—Subject to the availability of appropriations as provided for in section 12(e), the Secretary, acting through the Bureau, shall operate and maintain the WMAT rural water system until the date on which title to the WMAT rural water system is conveyed to the Tribe pursuant to subsection (e)(2).

#### **SEC. 8. SATISFACTION OF CLAIMS.**

(a) **IN GENERAL.**—The benefits realized by the Tribe and its members under this Act shall be in full satisfaction of all claims of the Tribe and its members for water rights and injury to water rights, except as set forth in the Agreement, under Federal, State, or other law with respect to the reservation and off-reservation trust land.

(b) **USES OF WATER.**—All uses of water on land outside of the reservation, if and when such land is subsequently and finally determined to be part of the reservation through reso-

lution of any dispute between the Tribe and the United States over the location of the reservation boundary, and any fee land within the reservation put into trust and made part of the reservation, shall be subject to the maximum annual diversion amounts and the maximum annual depletion amounts specified in the Agreement.

(c) **NO RECOGNITION OF WATER RIGHTS.**—Notwithstanding subsection (a), nothing in this Act has the effect of recognizing or establishing any right of a member of the Tribe to water on the reservation.

#### **SEC. 9. WAIVER AND RELEASE OF CLAIMS.**

(a) **IN GENERAL.**—

(1) **CLAIMS AGAINST THE STATE AND OTHERS.**—Except as provided in subsection (b)(1), the Tribe, on behalf of itself and its members, and the United States, acting in its capacity of trustee for the Tribe and its members, as part of the performance of their obligations under the Agreement, are authorized to execute a waiver and release of any claims against the State (or any agency or political subdivision of the State), or any other person, entity, corporation, or municipal corporation under Federal, State, or other law for all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims for injury to water rights for the reservation and off-reservation trust land arising from time immemorial through the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever, that are based on aboriginal occupancy of land by the Tribe and its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from off-reservation diversion or use of water in a manner not in violation of the Agreement or State law; and

(C) past, present, and future claims arising out of or relating in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this Act.

(2) **CLAIMS AGAINST TRIBE.**—Except as provided in subsection (b)(3), the United States, in all its capacities (except as trustee for an Indian tribe other than the Tribe), as part of the performance of its obligations under the Agreement, is authorized to execute a waiver and release of any and all claims against the Tribe, its members, or any agency, official, or employee of the Tribe, under Federal, State, or any other law for all—

(A) past and present claims for injury to water rights resulting from the diversion or use of water on the reservation and on off-reservation trust land arising from time immemorial through the enforceability date;

(B) claims for injury to water rights arising after the enforceability date resulting from the diversion or use of water on the reservation and on off-reservation trust land in a manner not in violation of the Agreement; and

(C) past, present, and future claims arising out of or relating in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgement or decree, or this Act.

(3) **CLAIMS AGAINST UNITED STATES.**—Except as provided in subsection (b)(2), the Tribe, on behalf of itself and its members, as part of the performance of the obligations of the Tribe under the Agreement, is authorized to execute a waiver and release of any claim against the United



States, including agencies, officials, or employees of the United States (except in the capacity of the United States as trustee for other Indian tribes), under Federal, State, or other law for any and all—

(A)(i) past, present, and future claims for water rights for the reservation and off-reservation trust land arising from time immemorial and, thereafter, forever; and

(ii) past, present, and future claims for water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors;

(B)(i) past and present claims relating in any manner to damages, losses, or injuries to water, water rights, land, or other resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion, or taking of water, or claims relating to failure to protect, acquire, or develop water, water rights, or water infrastructure) within the reservation and off-reservation trust land that first accrued at any time prior to the enforceability date;

(ii) past, present, and future claims for injury to water rights arising from time immemorial and, thereafter, forever that are based on aboriginal occupancy of land by the Tribe, its members, or their predecessors; and

(iii) claims for injury to water rights arising after the enforceability date for the reservation and off-reservation trust land resulting from the off-reservation diversion or use of water in a manner not in violation of the Agreement or applicable law;

(C) past, present, and future claims arising out of or relating in any manner to the negotiation, execution, or adoption of the Agreement, an applicable settlement judgment or decree, or this Act;

(D) past and present claims relating in any manner to pending litigation of claims relating to the water rights of the Tribe for the reservation and off-reservation trust land;

(E) past and present claims relating to the operation, maintenance, and replacement of existing irrigation systems on the reservation constructed prior to the enforceability date that first accrued at any time prior to the enforceability date, which waiver shall only become effective on the full appropriation and payment to the Tribe of \$4,950,000 authorized by section 12(b)(2)(B);

(F) future claims relating to operation, maintenance, and replacement of the WMAT rural water system, which waiver shall only become effective on the full appropriation of funds authorized by section 12(b)(3)(B) and the deposit of those funds in the WMAT Maintenance Fund;

(G) past and present breach of trust and negligence claims for damage to the land and natural resources of the Tribe caused by riparian and other vegetative manipulation by the United States for the purpose of increasing water runoff from the reservation that first accrued at any time prior to the enforceability date; and

(H) past and present claims for trespass, use, and occupancy of the reservation in, on, and along the Black River that first accrued at any time prior to the enforceability date.

(b) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—

(1) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AND UNITED STATES.—

(A) IN GENERAL.—Notwithstanding the waiver and release of claims authorized under subsection (a)(1), the Tribe, on behalf of itself and the members of the Tribe, and the United States, acting as trustee for the Tribe and members of the Tribe, shall retain any right—

(i) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and mem-

bers of the Tribe under the Agreement or this Act in any Federal or State court of competent jurisdiction;

(ii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(iii) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(iv) to object to any claims by or for any other Indian tribe, Indian community or nation, or dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(v) to participate in the Gila River adjudication proceedings and the Little Colorado River adjudication proceedings to the extent provided in subparagraph 14.1 of the Agreement;

(vi) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(vii) to assert any past, present, or future claim for injury to water rights against any other Indian tribe, Indian community or nation, dependent Indian community, allottee, or the United States on behalf of such a tribe, community, nation, or allottee; and

(viii) to assert any past, present, or future claim for trespass, use, and occupancy of the reservation in, on, or along the Black River against Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities.

(B) AGREEMENT.—On terms acceptable to the Tribe and the United States, the Tribe and the United States are authorized to enter into an agreement with Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, or Phelps Dodge Morenci, Inc. (or a predecessor or successor of those entities), including all subsidiaries and affiliates of those entities, to resolve the claims of the Tribe relating to the trespass, use, and occupancy of the reservation in, on, and along the Black River.

(2) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY TRIBE AGAINST UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(3), the Tribe, on behalf of itself and the members of the Tribe, shall retain any right—

(A) subject to subparagraph 16.9 of the Agreement, to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the Agreement or this Act, in any Federal or State court of competent jurisdiction;

(B) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Gila River adjudication proceedings;

(C) to assert claims for injuries to, and seek enforcement of, the rights of the Tribe and members under the judgment and decree entered by the court in the Little Colorado River adjudication proceedings;

(D) to object to any claims by or for any other Indian tribe, Indian community or nation, dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(E) to assert past, present, or future claims for injury to water rights or any other claims other than a claim to water rights, against any other Indian tribe, Indian community or nation, dependent Indian community, or the United States on behalf of such a tribe, community, or nation;

(F) to assert claims arising after the enforceability date for injury to water rights resulting from the drilling of wells or pumping of water from land located within national forest land as of the effective date of the Agreement in the south ½ of T. 9 N., R. 24 E.; south ½ of T. 9 N., R. 25 E.; north ½ of T. 8 N., R. 24 E.; north ½ of T. 8 N., R. 25 E., if—

(i) title to that land is no longer retained by the United States; or

(ii) water from that land is transported off the land for municipal or industrial use;

(G) to assert any claims arising after the enforceability date for injury to water rights not specifically waived under this section;

(H) to assert any other claims not specifically waived under this section; and

(I) to assert any claim arising after the enforceability date for a future taking by the United States of reservation land, off-reservation trust land, or any property rights appurtenant to that land, including any water rights set forth in paragraph 4.0 of the Agreement.

(3) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS BY UNITED STATES.—Notwithstanding the waiver and release of claims authorized under subsection (a)(2), the United States shall retain any right to assert any claim not specifically waived in that subsection.

(c) EFFECTIVENESS OF WAIVER AND RELEASURES.—Except as otherwise specifically provided in subparagraphs (E) and (F) of subsection (a)(3), the waivers and releases under subsection (a) shall become effective on the enforceability date.

(d) ENFORCEABILITY DATE.—

(1) IN GENERAL.—This section takes effect on the date on which the Secretary publishes in the Federal Register a statement of findings that—

(A)(i) to the extent the Agreement conflicts with this Act, the Agreement has been revised through an amendment to eliminate the conflict; and

(ii) the Agreement, as so revised, has been executed by the Secretary, the Tribe, and the Governor of the State;

(B) the Secretary has fulfilled the requirements of sections 5 and 6;

(C) the amount authorized by section 12(a) has been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(D) the State funds described in subparagraph 13.3 of the Agreement have been deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount;

(E) the Secretary has issued a record of decision approving the construction of the WMAT rural water system in a configuration substantially similar to that described in section 7; and

(F) the judgments and decrees substantially in the form of those attached to the Agreement as exhibits 12.9.6.1 and 12.9.6.2 have been approved by the respective trial courts.

(2) FAILURE OF ENFORCEABILITY DATE TO OCCUR.—If, because of the failure of the enforceability date to occur by April 30, 2020, this section does not become effective, the Tribe and its members, and the United States, acting in the capacity of trustee for the Tribe and its members, shall retain the right to assert past, present, and future water rights claims and claims for injury to water rights for the reservation and off-reservation trust land.

(3) NO RIGHTS TO WATER.—On the occurrence of the enforceability date, all land held by the United States in trust for the Tribe and its members shall have no rights to water other than those specifically quantified for the Tribe and the United States, acting in the capacity of trustee for the Tribe and its members, for the reservation and off-reservation trust land pursuant to paragraph 4.0 of the Agreement.

(e) UNITED STATES ENFORCEMENT AUTHORITY.—Nothing in this Act or the Agreement affects any right of the United States to take any action, including environmental actions, under any laws (including regulations and the common law) relating to human health, safety, or the environment.

(f) NO EFFECT ON WATER RIGHTS.—Except as provided in paragraphs (1)(A)(ii), (1)(B)(ii), (3)(A)(ii), and (3)(B)(ii) of subsection (a), nothing in this Act affects any rights to water of the Tribe, its members, or the United States acting as trustee for the Tribe and members, for land outside the boundaries of the reservation or the off-reservation trust land.

(g) **ENTITLEMENTS.**—Any entitlement to water of the Tribe, its members, or the United States acting as trustee for the Tribe and members, relating to the reservation or off-reservation trust land shall be satisfied from the water resources granted, quantified, confirmed, or recognized with respect to the Tribe, members, and the United States by the Agreement and this Act.

(h) **OBJECTION PROHIBITED.**—Except as provided in subsection (b)(2)(F), the Tribe and the United States acting as trustee for the Tribe shall not—

(1) object to the usage of any well located outside the boundaries of the reservation or the off-reservation trust land, as in existence on the enforceability date; or

(2) object to, dispute, or challenge after the enforceability date the drilling of any well or the withdrawal and use of water from any well in the Little Colorado River adjudication proceedings, the Gila River adjudication proceedings, or any other judicial or administrative proceeding.

**SEC. 10. WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS SETTLEMENT SUBACCOUNT.**

(a) **ESTABLISHMENT.**—There is established in the Lower Colorado River Basin Development Fund a subaccount to be known as the “White Mountain Apache Tribe Water Rights Settlement Subaccount”, consisting of—

(1) the amounts made available under subsection (e);

(2) the amounts appropriated to the subaccount pursuant to subsections (a) and (d) of section 12, as applicable; and

(3) such other amounts as are available including the funds provided in subparagraph 13.3 of the Agreement.

(b) **EXPENDITURES AND WITHDRAWALS.**—

(1) **CONTRACTS.**—

(A) **IN GENERAL.**—The Tribe may withdraw any portion of the White Mountain Apache Tribe Water Rights Settlement Subaccount on approval by the Secretary pursuant to the terms of an agreement entered into under section 7(g).

(B) **REQUIREMENTS.**—An agreement entered into under section 7(g) shall require that the Tribe shall use the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount only for the planning, design, and construction of the rural water system, including such sums as are necessary—

(i) for the Bureau to carry out oversight of the planning, design, and construction of the rural water system;

(ii) to repay any outstanding balance on the loan authorized by the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191); and

(iii) to carry out all required environmental compliance activities associated with the planning, design, and construction of the rural water system.

(2) **ENFORCEMENT.**—The Secretary may pursue such judicial remedies and carry out such administrative actions as are necessary to enforce an agreement described in paragraph (1) to ensure that amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount are used in accordance with this section.

(3) **LIABILITY.**—On withdrawal by the Tribe of amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount, the Secretary and the Secretary of the Treasury shall not retain liability for the expenditure or investment of those amounts.

(4) **EXPENDITURE PLAN.**—

(A) **IN GENERAL.**—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the subaccount under this section that the Tribe does not withdraw pursuant to this subsection.

(B) **DESCRIPTION.**—The expenditure plan shall describe the manner in which, and the purposes for which, the amounts remaining in the subaccount will be used.

(C) **APPROVAL.**—The Secretary shall approve an expenditure plan under this paragraph if the Secretary determines that the plan is—

(i) reasonable; and

(ii) consistent with this Act.

(5) **ANNUAL REPORTS.**—The Tribe shall submit to the Secretary an annual report that describes each expenditure from the White Mountain Apache Tribe Water Rights Settlement Subaccount during the year covered by the report.

(c) **PROHIBITION ON PER CAPITA DISTRIBUTIONS.**—No amount of the principal, or the interest or income accruing on the principal, of the White Mountain Apache Tribe Water Rights Settlement Subaccount shall be distributed to any member of the Tribe on a per capita basis.

(d) **AVAILABILITY OF FUNDS.**—

(1) **IN GENERAL.**—Amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount shall not be available for expenditure or withdrawal by the Tribe until the enforceability date.

(2) **INVESTMENT.**—The Secretary shall invest the amounts in the White Mountain Apache Tribe Water Rights Settlement Subaccount in accordance with section 403(f)(4) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(4)).

(3) **USE OF INTEREST.**—The interest accrued on amounts invested under paragraph (2) shall not be available for expenditure or withdrawal until the later of—

(A) November 1, 2019; and

(B) the enforceability date.

(e) **LOWER COLORADO RIVER BASIN DEVELOPMENT FUND.**—

(1) **IN GENERAL.**—Of amounts in the Lower Colorado River Basin Development Fund made available under section 403(f)(2)(D)(vi) of the Colorado River Basin Project Act (43 U.S.C. 1543(f)(D)(vi)), an amount equal to the difference between the balance of the White Mountain Apache Tribe Settlement Subaccount (as of November 1, 2019), and the amount authorized to be appropriated under section 12(a)(1), but not to exceed \$100,000,000, shall be deposited, without further appropriation, in the White Mountain Apache Tribe Settlement Subaccount.

(2) **AVAILABILITY OF FUNDS.**—The funds authorized to be deposited in the White Mountain Apache Tribe Settlement Subaccount pursuant to paragraph (1) shall not be available for expenditure or withdrawal until the later of—

(A) November 1, 2019; and

(B) the enforceability date.

**SEC. 11. MISCELLANEOUS PROVISIONS.**

(a) **LIMITED WAIVER OF SOVEREIGN IMMUNITY.**—

(1) **IN GENERAL.**—In the case of a civil action described in paragraph (2)—

(A) the United States or the Tribe, or both, may be joined in the civil action; and

(B) any claim by the United States or the Tribe to sovereign immunity from the civil action is waived for the sole purpose of resolving any issue regarding the interpretation or enforcement of this Act or the Agreement.

(2) **DESCRIPTION OF CIVIL ACTION.**—A civil action referred to in paragraph (1) is a civil action filed—

(A) by any party to the Agreement or signatory to an exhibit to the Agreement in a United States or State court that—

(i) relates solely and directly to the interpretation or enforcement of this Act or the Agreement; and

(ii) names as a party the United States or the Tribe; or

(B) by a landowner or water user in the Gila River basin or Little Colorado River basin in the State that—

(i) relates solely and directly to the interpretation or enforcement of section 9 of this Act and paragraph 12.0 of the Agreement; and

(ii) names as a party the United States or the Tribe.

(b) **EFFECT OF ACT.**—Nothing in this Act quantifies or otherwise affects any water right or claim or entitlement to water of any Indian tribe, band, or community other than the Tribe.

(c) **LIMITATION ON LIABILITY OF UNITED STATES.**—

(1) **IN GENERAL.**—The United States shall have no trust or other obligation—

(A) to monitor, administer, or account for, in any manner, any amount paid to the Tribe by any party to the Agreement other than the United States; or

(B) to review or approve the expenditure of those funds.

(2) **INDEMNIFICATION.**—The Tribe shall indemnify the United States, and hold the United States harmless, with respect to any claim (including claims for takings or breach of trust) arising out of the receipt or expenditure of funds described in paragraph (1)(A).

(d) **APPLICABILITY OF RECLAMATION REFORM ACT.**—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) and any other acreage limitation or full-cost pricing provision under Federal law shall not apply to any individual, entity, or land solely on the basis of—

(1) receipt of any benefit under this Act;

(2) the execution or performance of the Agreement; or

(3) the use, storage, delivery, lease, or exchange of CAP water.

(e) **SECRETARIAL POWER SITES.**—The portions of the following named secretarial power site reserves that are located on the Fort Apache Indian Reservation or the San Carlos Apache Reservation, as applicable, shall be transferred and restored into the name of the Tribe or the San Carlos Apache Tribe, respectively:

(1) Lower Black River (T. 3 N., R. 26 E.; T. 3 N., R. 27 E.).

(2) Black River Pumps (T. 2 N., R. 25 E.; T. 2 N., R. 26 E.; T. 3 N., R. 26 E.).

(3) Carrizo (T. 4 N., R. 20 E.; T. 4 N., R. 21 E.; T. 4½ N., R. 19 E.; T. 4½ N., R. 20 E.; T. 4½ N., R. 21 E.; T. 5 N., R. 19 E.).

(4) Knob (T. 5 N., R. 18 E.; T. 5 N., R. 19 E.).

(5) Walnut Canyon (T. 5 N., R. 17 E.; T. 5 N., R. 18 E.).

(6) Gleason Flat (T. 4½ N., R. 16 E.; T. 5 N., R. 16 E.).

(f) **NO EFFECT ON FUTURE ALLOCATIONS.**—Water received under a lease or exchange of tribal CAP water under this Act shall not affect any future allocation or reallocation of CAP water by the Secretary.

(g) **AFTER-ACQUIRED TRUST LAND.**—

(1) **REQUIREMENT OF ACT OF CONGRESS.**—

(A) **LEGAL TITLE.**—After the enforceability date, if the Tribe seeks to have legal title to additional land in the State of Arizona located outside the exterior boundaries of the reservation taken into trust by the United States for its benefit, the Tribe may do so only pursuant to an Act of Congress specifically authorizing the transfer for the benefit of the Tribe.

(B) **EXCEPTIONS.**—Subparagraph (A) shall not apply to—

(i) restoration of land to the reservation subsequently and finally determined to be part of the reservation through resolution of any dispute between the Tribe and the United States over the location of the reservation boundary unless required by Federal law; or

(ii) off-reservation trust land acquired prior to January 1, 2008.

(2) **WATER RIGHTS.**—

(A) **IN GENERAL.**—Under this section, after-acquired trust land outside the reservation shall not include federally reserved rights to surface water or groundwater.

(B) **RESTORED LAND.**—Land restored to the reservation as the result of resolution of any reservation boundary dispute between the Tribe and the United States, or any fee simple land within the reservation that are placed into trust, shall have water rights pursuant to section 8(b).

(3) **ACCEPTANCE OF LAND IN TRUST STATUS.**—

(A) **IN GENERAL.**—If the Tribe acquires legal fee title to land that is located within the exterior boundaries of the reservation, the Secretary shall accept the land in trust status for the benefit of the Tribe in accordance with applicable

Federal law (including regulations) for such real estate acquisitions.

(B) RESERVATION STATUS.—Land taken or held in trust by the Secretary under paragraph (3), or restored to the reservation as a result of resolution of a boundary dispute between the Tribe and the United States, shall be deemed to be part of the reservation.

(h) CONFORMING AMENDMENT.—Section 3(b)(2) of the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110–390; 122 Stat. 4191) is amended by striking “January 1, 2013” and inserting “May 1, 2020”.

#### SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) RURAL WATER SYSTEM.—

(1) IN GENERAL.—There is authorized to be appropriated for the planning, engineering, design, environmental compliance, and construction of the WMAT rural water system \$126,193,000.

(2) INCLUSIONS.—The amount authorized to be appropriated under paragraph (1) shall include such sums as are necessary, but not to exceed 4 percent of construction contract costs, for the Bureau to carry out oversight of activities for planning, design, environmental compliance, and construction of the rural water system.

(b) WMAT SETTLEMENT AND MAINTENANCE FUNDS.—

(1) DEFINITION OF FUNDS.—In this subsection, the term “Funds” means—

(A) the WMAT Settlement Fund established by paragraph (2)(A); and

(B) the WMAT Maintenance Fund established by paragraph (3)(A).

(2) WMAT SETTLEMENT FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “WMAT Settlement Fund”, consisting of such amounts as are deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) TRANSFERS TO FUND.—There is authorized to be appropriated to the Secretary \$113,500,000 for deposit in the WMAT Settlement Fund, of which not less than \$4,950,000 shall be used for the rehabilitation of existing irrigation systems.

(C) USE OF FUNDS.—The Tribe shall use amounts in the WMAT Settlement Fund for any of the following purposes:

(i) Fish production, including hatcheries.

(ii) Rehabilitation of recreational lakes and existing irrigation systems.

(iii) Water-related economic development projects.

(iv) Protection, restoration, and economic development of forest and watershed health.

(v) Any cost overruns for the completion of the WMAT rural water system, as provided in subsection (f).

(3) WMAT MAINTENANCE FUND.—

(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “WMAT Maintenance Fund”, consisting of such amounts as are deposited in the fund under subparagraph (B), together with any interest accrued on those amounts, for use by the Tribe in accordance with subparagraph (C).

(B) TRANSFERS TO FUND.—There is authorized to be appropriated to the Secretary \$50,000,000 for deposit in the WMAT Maintenance Fund.

(C) USE OF FUNDS.—The Tribe or the Secretary, as applicable, shall use amounts in the WMAT Maintenance Fund only for the operation, maintenance, and replacement costs associated with the delivery of water through the rural water system.

(4) ADMINISTRATION.—The Secretary shall manage the Funds in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), including by investing amounts in the Funds in accordance with—

(A) the Act of April 1, 1880 (25 U.S.C. 161); and

(B) the first section of the Act of June 24, 1938 (25 U.S.C. 162a).

(5) AVAILABILITY OF AMOUNTS FROM FUNDS.—Amounts in the Funds shall be available for expenditure or withdrawal only after the enforceability date in accordance with subsection (g).

(6) EXPENDITURE AND WITHDRAWAL.—

(A) TRIBAL MANAGEMENT PLAN.—

(i) IN GENERAL.—The Tribe may withdraw all or part of amounts in the Funds on approval by the Secretary of a tribal management plan as described in the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(ii) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a tribal management plan under this subparagraph shall require that the Tribe shall spend any amounts withdrawn from the Funds in accordance with the purposes described in paragraph (2)(C) or (3)(C).

(iii) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of a tribal management plan under this subparagraph to ensure that any amounts withdrawn from the Funds under the plan are used in accordance with this Act and the Agreement.

(iv) LIABILITY.—If the Tribe exercises the right to withdraw amounts from the Funds, neither the Secretary nor the Secretary of the Treasury shall retain any liability for the expenditure or investment of the amounts.

(B) EXPENDITURE PLAN.—

(i) IN GENERAL.—The Tribe shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Funds that the Tribe does not withdraw under the tribal management plan.

(ii) DESCRIPTION.—The expenditure plan shall describe the manner in which, and the purposes for which, amounts of the Tribe remaining in the Funds will be used.

(iii) APPROVAL.—On receipt of an expenditure plan under clause (i), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this Act and the Agreement.

(iv) ANNUAL REPORT.—For each of the Funds, the Tribe shall submit to the Secretary an annual report that describes all expenditures from the Fund during the year covered by the report.

(C) CERTAIN PER CAPITA DISTRIBUTIONS PROHIBITED.—No amount in the Funds shall be distributed to any member of the Tribe on a per capita basis.

(c) COST INDEXING.—All amounts authorized to be appropriated under subsections (a) and (b) shall be adjusted as may be required to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water supply system, the maintenance of the rural water supply system, and the construction or rehabilitation of the other development projects authorized under subsection (b)(2)(C).

(d) EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.—

(1) DEFINITION OF EMERGENCY FUND FOR INDIAN SAFETY AND HEALTH.—In this subsection, the term “Emergency Fund for Indian Safety and Health” means the Emergency Fund for Indian Safety and Health established by section 601(a) of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (22 U.S.C. 7601 et seq.).

(2) INITIAL TRANSFER.—Not later than 90 days after the date of enactment of this Act, such amounts as are available, but not to exceed \$50,000,000, in the Emergency Fund for Indian Safety and Health shall be transferred to the White Mountain Apache Tribe Water Rights Settlement Subaccount.

(3) SUBSEQUENT TRANSFER.—Effective beginning on January 1, 2012, if the Secretary determines that, on an annual basis, the amount authorized to be appropriated under subsection (a) will not be appropriated and deposited in the White Mountain Apache Tribe Water Rights Settlement Subaccount by October 31, 2012, not more than \$50,000,000 of the amounts in the Emergency Fund for Indian Safety and Health shall be transferred to the White Mountain Apache Tribe Water Rights Settlement Subaccount, as necessary to complete the WMAT rural water system project.

(4) LIMITATION.—The total amount transferred from the Emergency Fund for Indian Safety and Health to the White Mountain Apache Tribe Water Rights Settlement Subaccount under paragraphs (2) and (3) shall not exceed \$100,000,000.

(e) OPERATION, MAINTENANCE, AND REPLACEMENT.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary \$2,500,000 for the operation, maintenance, and replacement costs of the WMAT rural water system, to remain available until the conditions described in subsection (g) have been met.

(2) SUBSEQUENT FUNDING.—Beginning on November 1, 2019, or the enforceability date, whichever is later, the Tribe or the Secretary, as applicable, may use amounts deposited in the WMAT Maintenance Fund under subsection (b)(3)(B) for operation, maintenance, and replacement costs of the WMAT rural water system.

(f) COST OVERRUNS.—On a determination by the Secretary that the amount authorized to be appropriated under subsection (a) is not sufficient for the completion of the WMAT rural water system, there are authorized to be appropriated such sums as are necessary, but not to exceed an additional \$25,000,000, to complete the WMAT rural water system, to be derived by transfer from the amounts authorized to be appropriated to the Secretary for deposit in the WMAT Settlement Fund under subsection (b)(2)(B) in such amounts as the Secretary, in concurrence with the Tribe, determines to be appropriate.

(g) CONDITIONS.—The amounts authorized to be appropriated to the Secretary for deposit in the WMAT Maintenance Fund, together with any interest accrued thereon, under subsection (b)(3), and any interest accruing on the WMAT Settlement Fund under subsection (b)(2), shall not be available for expenditure or withdrawal until the later of—

(1) November 1, 2019; and

(2) the date on which the Secretary determines that the conditions described in section 9(d) have been met.

#### SEC. 13. ANTIDEFICIENCY.

The United States shall not be liable for failure to carry out any obligation or activity authorized to be carried out, subject to appropriations, under this Act (including any such obligation or activity under the Agreement) if adequate appropriations for that purpose are not provided by Congress.

#### SEC. 14. REPEAL ON FAILURE OF ENFORCEABILITY DATE.

If the Secretary fails to publish in the Federal Register a statement of findings as required under section 9(d) by not later than April 30, 2020—

(1) effective beginning on May 1, 2020—

(A) this Act is repealed; and

(B) any action carried out by the Secretary, and any contract entered into, pursuant to this Act shall be void;

(2) any amounts appropriated under subsections (a), (b), (d), and (e) of section 12, together with any interest accrued on those amounts, shall immediately revert to the general fund of the Treasury; and

(3) any other amounts deposited in the White Mountain Apache Tribe Water Settlement Subaccount (including any amounts paid by the

State in accordance with the Agreement), together with any interest accrued on those amounts, shall immediately be returned to the respective sources of those funds.

**SEC. 15. COMPLIANCE WITH ENVIRONMENTAL LAWS.**

In carrying out this Act, the Secretary shall promptly comply with all applicable requirements of—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(3) all other applicable Federal environmental laws; and

(4) all regulations promulgated under the laws described in paragraphs (1) through (3).

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall in order be to consider the amendment printed in part D of House Report 111-399 if offered by the gentleman from California (Mr. MCCLINTOCK), or his designee, which shall be considered read, and shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 1065.

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

There was no objection.

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

Mr. Speaker, I am pleased to bring before the House legislation that would adjudicate the water rights of the White Mountain Apache Tribe, and end years of active litigation by ratifying the settlement agreement. This is a bipartisan measure, sponsored by the gentledady from Arizona, ANN KIRKPATRICK, for whom I extend tremendous applause for the manner in which she has led the House on this issue, brought it before our attention, and secured the cosponsorship of the entire Arizona House delegation.

The waters of the White Mountain Apache Reservation feed to the Salt River of Arizona. The Salt River is a primary water source for the metropolitan area of Phoenix, Arizona, along with thousands of acres of agricultural land. Coming to closure on water rights is imperative to protect the water supply for thousands of people in Arizona. Equally important is the fulfillment of commitments made to the White Mountain Apache people to provide them a clean reliable water supply, and to repair their irrigation system, which has fallen into disrepair.

In this settlement all parties came together with a mutual desire for success. Indeed, the parties to this settlement agreement include the White

Mountain Apache, the State of Arizona, the cities of Phoenix, Scottsdale, Tempe, and others, and various water user organizations and entities. As with the two bills we just considered, I want to again acknowledge the administration's position that for over 20 years the Federal Government has stated that negotiated Indian water rights settlements are preferable to protracted and divisive litigation. The pending measure does just this, with a negotiated settlement and an end to decades of litigation.

I thank the gentledady from Arizona, ANN KIRKPATRICK, and her colleagues in the Arizona delegation for their hard work in bringing this measure forward. I also again would recognize the tireless efforts of our subcommittee chairwoman, the gentledady from California, GRACE NAPOLITANO, for her countless hours of hearings and staff meetings and other meetings with the affected parties on this issue. And I would thank the White Mountain Apache people for their continued dedication to this settlement and legislation.

Access to water should not be a privilege in this country, but is a basic, fundamental right. These people have clearly earned our respect and support for this legislation. I urge the passage thereof.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, once again this is the third of three settlement bills. The arguments that I had made on the first two bills are applicable to this one. I will just add one other point. And that is that these three bills have a cost to the taxpayer of a half a billion dollars, \$500 million. And there certainly is an unrest in this country as to what this Congress has done in a fiscal manner. This is small. We are talking about millions, when other programs we are talking about in this Congress unfortunately total trillions. But if we need to get our house in order, this is simply something that we need to have more information on before we pass judgment on it.

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

Mr. RAHALL. Mr. Speaker, I am happy to yield such time as she may consume to the lead cosponsor of this legislation who has worked so hard on this issue, the gentledady from Arizona (Mrs. KIRKPATRICK).

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Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise today in support of H.R. 1065, the White Mountain Apache Water Rights Quantification Act.

Water is a precious resource to all of us in the Southwest. In my district, farmers have to fight to keep their crops growing, firefighters are constantly challenged by raging wildfires, and local officials consider the drinking water supply in every discussion of the community's future. We know we

need to make each drop count. That is why I am proud to have worked with the White Mountain Apache and other stakeholders to introduce this bill.

The White Mountain Apache Water Rights Quantification Act finalizes a settling agreement that will end a long-running water rights dispute in greater Arizona and provides a path toward a reliable long-term water supply for the White Mountain Apache tribe and areas across the State.

The agreement under consideration continues a long history of settlements of Indian water rights disputes in our State. We have found time and again that these settlements, as opposed to litigation, help the tribes and their neighbors achieve real certainty in their water supply. They are able to better plan for the years to come. The negotiating process also builds working relationships between the parties involved, allowing them to cooperate and more effectively manage their watersheds for the future. With this legislation, folks here will finally begin to see these benefits.

Along with approving the agreement, this bill authorizes construction of the Miner Flat dam and pipeline, which will provide a 100-year municipal drinking water supply to towns on the White Mountain Apache tribal lands. That is critically important because our need for drinking water is both immediate and serious. People in the area are being threatened with water shortages even now, in the winter of what was a great water year in the rest of the State.

Nearly 15,000 tribal members will be served by the project, and it cannot come a moment too soon for them. Furthermore, it lets us move forward with a number of projects that are crucial economic drivers for the region: fish hatcheries, irrigation projects, and infrastructure improvements to a local ski park. We will be able to create jobs and get folks back to work.

I was born and raised on White Mountain Apache tribal lands, and my hometown is one of those that would gain from this project. I have seen firsthand the challenges that these communities face, and I am confident that this legislation will make a real difference in addressing them.

At this point, I would like to address the cost issue that has been raised by my esteemed colleague from Washington. When I was a kid, we had to boil our water, and if we didn't, we got sick. We got real sick. That was over 50 years ago. We didn't have the convenience of purified water that comes delivered in big jugs that I've seen in most congressional offices here in Washington. That situation, where folks living in the United States today do not have access to running water that they can drink, is not acceptable.

My confidence that this legislation will make a real difference in addressing those critical needs is shared by many in Arizona where the bill has earned widespread support. Every single member of our State's delegation in

the House is cosponsoring H.R. 1065, and I want to point out that that includes my esteemed colleague Congressman JEFF FLAKE, who I think is the watchdog of the House on spending in Congress.

I have worked closely with Senator KYL to move forward on this critical project in both Chambers. Folks on both sides of the aisle recognize the importance of securing our water supply. They also recognize the effort and care it has taken to get to this point. The settlement has taken 21 different stakeholder groups years of negotiation and compromise to reach. It is carefully crafted to best fit the needs and demands of all those involved. It is time for folks in my district to get the infrastructure and water supply they have been working toward for so long.

I urge my colleagues to pass this bill. Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, we are told over and over that this is an agreement that has been painstakingly and meticulously worked out. That's the sort of agreement that we would have if I were to sue the Federal Government for \$10 million, go to my next-door neighbor and say, can't you agree that the Federal Government should send us at least \$5 million? We reach an agreement, and then present it to Congress as a settlement of an outstanding claim. That's essentially what's going on here.

Let me read to you the testimony of Michael Connor, the Commissioner of the Bureau of Reclamation, to the Subcommittee on Water and Power regarding this bill in July of last year. He said: While we're aware that the settling parties worked closely with the Federal negotiating team in developing the parameters of this settlement, we have also been informed by the team that issues involving the cost of this settlement were not considered. We believe that these costs need to be discussed and negotiated and that the benefits of the settlement must justify the costs.

Those negotiations never took place between the Federal Government and the stakeholders. Those negotiations took place among the stakeholders themselves, and they all agreed that the Federal Government should send them lots and lots of money.

The same Commissioner of the Bureau of Reclamation then sent a letter on November 10, 2009, to the chairwoman of the Subcommittee on Water and Power and warned about these things again. He said: Other than the \$4.95 million provided for rehabilitation of irrigation systems on the reservation, the administration does not believe the money authorized for the development fund is consideration for this settlement.

I would also point out that under the terms of this measure—that again are questioned by the administration—the Federal Government is responsible for handing over that money, and then the tribe, in the provisions of the bill, has the authority to withdraw those funds for purposes unrelated to water development. That's why those of us in the minority, although we are very sympathetic to the history that has brought us to this point and seek an equitable settlement for all sides in this dispute, seriously question why a settlement between the United States Government and the stakeholders involved was not fully negotiated by the United States Government and why this measure written by Congress is being submitted to the administration when it is the administration's responsibility to be involved in the negotiations of all of the details of the ultimate settlement.

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

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

Mr. Speaker, I will just simply repeat what I said at the outset. I must reluctantly rise to oppose all three of these settlement bills based on the simple fact that we don't have all the information we need.

While we applaud people on the local level settling tough disputes, especially water issues, and I am especially sensitive to that, Mr. Speaker, because I am from the western part of the United States, it is in the best interests of all of the people in this country to know what the cost to them would be because they're all taxpayers. I think that's self-evident.

So this debate, at least from our side of the aisle, didn't question the merits of those settlement agreements mainly because, at least from this Member's perspective, I know how difficult that is when you have these types of disputes. Our issue is simply the transparency of what the cost will be to the taxpayers of this country. We deserve to have that before these settlement issues come to the floor of the House. We deserve to have this information so we can do due diligence in committee and then make a judgment if the settlement is in fact in the best interests of the taxpayers. That is really all this debate has been about on these three bills.

So with that, Mr. Speaker, I would just simply say that we don't have transparency on this potential half-billion-dollar assessment that's going to go to the taxpayer. We should have that and we don't. So it is for that reason, Mr. Speaker, that I rise in opposition to this bill and urge my colleagues to vote "no."

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

Mr. RAHALL. Mr. Speaker, before yielding to the gentleman from Michigan to close on our side, I would just reiterate what has already been said by the gentlewoman from Arizona, that

she is joined in her cosponsorship of this legislation by the gentleman considered the watchdog of fiscal spending in this body, Mr. JEFF FLAKE, in cosponsoring this bill.

At this point, I yield the balance of my time to the co-Chair of our Native American Caucus in the Congress and a valued member of our Committee on Natural Resources, the gentleman from Michigan, Mr. DALE KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Speaker, I support strongly the passage of H.R. 1065 and the other two bills, H.R. 3342 and H.R. 3254.

In the 33 years that I've been in Congress, I've worked hard with Mr. RAHALL—he and I came to Congress together—trying to work out these water rights. I have always tried to make sure that we were fair to everybody, particularly fair to the Native Americans who have been deprived of their water rights in too many instances, and Mr. RAHALL has made this a priority to make sure that we get equity and justice here.

Water is extremely important all over the world. It's extremely important, of course, in the Southwest. I just feel that the hard work that went into this bill and the sense of equity and the sense of justice and fairness to all those involved has produced three very good bills, and I strongly urge support of them.

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

The SPEAKER pro tempore. All time for debate on the bill has expired.

The Chair understands that the amendment will not be offered.

Pursuant to House Resolution 1017, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. RAHALL. 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, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

passage of H.R. 3254,  
passage of H.R. 3342,  
passage of H.R. 1065, and  
motions to suspend the rules with regard to H. Res. 1021, and the Senate

amendment to H.R. 730, in each case by the yeas and nays.

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

TAOS PUEBLO INDIAN WATER RIGHTS SETTLEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on passage of H.R. 3254, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 254, nays 158, not voting 21, as follows:

[Roll No. 12]

YEAS—254

Abercrombie Farr Markey (CO)
Ackerman Fattah Markey (MA)
Adler (NJ) Filner Marshall
Andrews Flake Massa
Arcuri Fortenberry Matheson
Baca Foster Matsui
Baird Fudge McCarthy (NY)
Baldwin Garamendi McCollum
Barrow Giffords McCotter
Becerra Gonzalez McDermott
Berkley Gordon (TN) McGovern
Berman Grayson McIntyre
Berry Green, Al McKeon
Bishop (NY) Green, Gene McMahan
Blumenauer Grijalva McNerney
Boccheri Gutierrez Meek (FL)
Bono Mack Hall (NY) Meeks (NY)
Boren Halvorson Michaud
Boswell Hare Miller (NC)
Boucher Harman Minnick
Boyd Hastings (FL) Mitchell
Braley (IA) Heinrich Mollohan
Brown, Corrine Herseeth Sandlin
Calvert Higgins Moore (KS)
Capps Hill Moore (WI)
Capuano Himes Moran (VA)
Cardoza Hinchey Murphy (CT)
Carnahan Hirono Murphy (NY)
Carson (IN) Hodes Murphy, Patrick
Castor (FL) Holden Murphy, Tim
Chandler Holt Murtha
Childers Honda Nadler (NY)
Chu Hoyer Napolitano
Clarke Inslee Neal (MA)
Clay Israel Nye
Clyburn Jackson (IL) Oberstar
Cohen Jackson Lee
Cole (TX) Olver
Connolly (VA) Kagen Ortiz
Conyers Kanjorski Owens
Cooper Kaptur Pallone
Costa Kennedy Pascarell
Costello Kildee Pastor (AZ)
Courtney Kilpatrick (MI) Payne
Crowley Kilroy Perlmutter
Cuellar Kind Perriello
Cummings Kirkpatrick (AZ) Peters
Dahlkemper Kissell Peterson
Davis (CA) Klein (FL) Pingree (ME)
Davis (IL) Kline (MN) Polis (CO)
Davis (TN) Kosmas Pomeroy
DeFazio Kratovil Price (NC)
DeGette Kucinich Quigley
Delahunt Langevin Rahall
DeLauro Larsen (WA) Rangel
Diaz-Balart, L. Larson (CT) Reyes
Dicks LaTourette Richardson
Dingell Lee (CA) Rodriguez
Doggett Levin Ross
Donnelly (IN) Lewis (GA) Rothman (NJ)
Doyle Lipinski Roybal-Allard
Driehaus Loeb sack Ruppertsberger
Edwards (MD) Lofgren, Zoe Rush
Edwards (TX) Lowey Ryan (OH)
Ehlers Lujan Salazar
Ellison Lungren, Daniel Sanchez, Linda
Ellsworth E. T.
Engel Lynch Sanchez, Loretta
Eshoo Maffei Sarbanes
Etheridge Maloney Schakowsky

Schauer Space
Schiff Speier
Schrader Spratt
Schwartz Stark
Scott (GA) Stupak
Scott (VA) Sutton
Serrano Tanner
Sestak Taylor
Shea-Porter Teague
Sherman Thompson (CA)
Shuler Thompson (MS)
Simpson Tierney
Sires Titus
Slaughter Tonko
Smith (WA) Towns
Snyder Tsongas

Aderholt Garrett (NJ)
Akin Olson
Alexander Paul
Altmiere Paulsen
Austria Gohmert
Austria Goodlatte
Bachmann Granger
Bachus Graves
Bartlett Griffith
Barton (TX) Guthrie
Bean Hall (TX)
Biggart Harper
Billray Hastings (WA)
Bilirakis Heller
Bishop (UT) Hensarling
Blackburn Herger
Blunt Hoekstra
Boehner Rogers (AL)
Boozman Rogers (KY)
Brady (TX) Issa
Bright Jenkins
Broun (GA) Johnson (IL)
Brown (SC) Johnson, Sam
Brown-Waite, Jones
Ginny Jordan (OH)
Buchanan King (IA)
Burgess King (NY)
Burton (IN) Kingston
Buyer Kirk
Camp Lamborn
Lance Latham
Cantor Cao
Capito Lee (NY)
Carney Linder
Carter LoBiondo
Cassidy Lucas
Castle Lummis
Chaffetz Mack
Coble Coffman (CO)
Coffman (CO) Manzanillo
Conaway Marchant
Davis (KY) McCarthy (CA)
Dent McCaul
Diaz-Balart, M. McClintock
Dreier McHenry
Duncan McMorris
Emerson Rodgers
Fallin Mica
Fleming Miller (FL)
Forbes Miller (MI)
Foxy Miller, Gary
Franks (AZ) Moran (KS)
Frelinghuysen Myrick
Gallegly Neugebauer

Barrett (SC) Crenshaw
Bishop (GA) Culberson
Bonner Davis (AL)
Boustany Deal (GA)
Brady (PA) Frank (MA)
Butterfield Hinojosa
Cleaver Johnson (GA)

NAYS—158

Van Hollen
Velazquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skelton
Smith (NE)
Chandler
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

Johnson, E. B.
Lewis (CA)
Miller, George
Radanovich
Rosen-Lehtinen
Wamp
Young (AK)

NOT VOTING—21

□ 1228

Messrs. WITTMAN and POE of Texas changed their vote from "yea" to "nay."

Messrs. CALVERT, DEFAZIO, MCKEON, CROWLEY, KLEIN of Florida, and TIM MURPHY of Pennsylvania changed their vote from "nay" to "yea."

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AAMODT LITIGATION SETTLEMENT ACT

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The unfinished business is the vote on passage of H.R. 3342, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 249, nays 153, not voting 31, as follows:

[Roll No. 13]

YEAS—249

Abercrombie Gordon (TN)
Ackerman Grayson
Adler (NJ) Green, Al
Andrews Green, Gene
Arcuri Hall (NY)
Baca Hare
Baird Harman
Baldwin Hastings (FL)
Barrow Heinrich
Becerra Herseeth Sandlin
Berkley Berkley
Berman Hill
Berry Himes
Bishop (NY) Hinchey
Blumenauer Hirono
Boccheri Hodes
Bono Mack Holden
Boren Holt
Boswell Honda
Boucher Hoyer
Boyd Inslee
Braley (IA) Israel
Brown, Corrine Issa
Calvert Jackson (IL)
Capps Jackson Lee
Capuano (TX)
Cardoza Johnson (GA)
Carnahan Kagen
Carson (IN) Kanjorski
Castor (FL) Kaptur
Chandler Kennedy
Childers Kildee
Chu Kilpatrick (MI)
Clarke Kilroy
Clay Kind
Clyburn Kirkpatrick (AZ)
Cohen Kissell
Cole Klein (FL)
Connolly (VA) Kline (MN)
Conyers Kosmas
Cooper Kratovil
Costa Kucinich
Costello Langevin
Courtney Larsen (WA)
Crowley Larson (CT)
Cuellar LaTourette
Cummings Lee (CA)
Dahlkemper Levin
Davis (CA) Lewis (GA)
Davis (IL) Lipinski
Davis (TN) Loeb sack
DeFazio Lofgren, Zoe
DeGette Lowey
Delahunt Lujan
DeLauro Lungren, Daniel
Diaz-Balart, L. E.
Dicks Lynch
Dingell Maffei
Doggett Maloney
Donnelly (IN) Markey (CO)
Doyle Markey (MA)
Driehaus Marshall
Edwards (MD) Massa
Edwards (TX) Matheson
Ehlers Matsui
Ellsworth McCarthy (NY)
Eshoo McCollum
Etheridge McCotter
Farr McDermott
Fattah McGovern
Filner McIntyre
Flake McKeon
Fortenberry McMahan
Foster McNeerney
Fudge Meek (FL)
Garamendi Meeks (NY)
Giffords Melancon
Gonzalez Michaud

Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppertsberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradet
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney

Titus Walz  
Tonko Wasserman  
Towns Schultz  
Tsongas Waters  
Van Hollen Watt  
Velázquez Waxman  
Visclosky Weiner

**WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS QUANTIFICATION ACT OF 2009**

The **SPEAKER** pro tempore. The unfinished business is the vote on passage of H.R. 1065, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 262, nays 147, not voting 24, as follows:

[Roll No. 14]

YEAS—262

NAYS—153

Aderholt Gallegly  
Akin Garrett (NJ)  
Alexander Gerlach  
Altmire Gingrey (GA)  
Austria Gohmert  
Bachmann Goodlatte  
Bachus Granger  
Bartlett Graves  
Barton (TX) Griffith  
Bean Guthrie  
Biggert Hall (TX)  
Billray Harper  
Bilirakis Hastings (WA)  
Bishop (UT) Heller  
Blackburn Hensarling  
Blunt Herger  
Boehner Hoekstra  
Boozman Hunter  
Brady (TX) Inglis  
Bright Jenkins  
Brown (GA) Johnson (IL)  
Brown (SC) Johnson, Sam  
Brown-Waite, Jones  
Ginny Jordan (OH)  
Buchanan King (IA)  
Burgess King (NY)  
Burton (IN) Kirk  
Buyer Lamborn  
Camp Lance  
Campbell Latham  
Cantor Latta  
Cao Lee (NY)  
Capito Linder  
Carney LoBiondo  
Carter Lucas  
Cassidy Luetkemeyer  
Castle Lummis  
Chaffetz Mack  
Coble Manzullo  
Coffman (CO) Marchant  
Conaway McCarthy (CA)  
Davis (KY) McCaul  
Dent McClintock  
Diaz-Balart, M. McHenry  
Dreier McMorris  
Duncan Rodgers  
Emerson Mica  
Fleming Miller (FL)  
Forbes Miller (MI)  
Foxx Miller, Gary  
Franks (AZ) Moran (KS)  
Frelinghuysen Myrick

NOT VOTING—31

Barrett (SC) Ellison  
Bishop (GA) Engel  
Bonner Fallin  
Boustany Frank (MA)  
Brady (PA) Grijalva  
Butterfield Gutierrez  
Cleaver Halvorson  
Crenshaw Hinojosa  
Culberson Johnson, E. B.  
Davis (AL) Kingston  
Deal (GA) Lewis (CA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1235

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. HALVORSON. Madam Speaker, on rollcall 13, I was in the Chamber but unable to record my vote. I intended to vote “yea” on that question.

Stated against:

Ms. FALLIN. Madam Speaker, on rollcall No. 13, I was unavoidably detained. Had I been present, I would have voted “nay.”

Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Posey  
Price (GA)  
Putnam  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Roskam  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souders  
Stearns  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (FL)

Miller, George  
Napolitano  
Radanovich  
Ros-Lehtinen  
Royce  
Skelton  
Wamp  
Watson  
Young (AK)

Abercrombie Franks (AZ)  
Ackerman Fudge  
Adler (NJ) Garamendi  
Andrews Giffords  
Arcuri Gonzalez  
Baca Gordon (TN)  
Baird Grayson  
Baldwin Green, Al  
Barrow Rooney, Gene  
Becerra Grijalva  
Berkley Gutierrez  
Berman Hall (NY)  
Berry Halvorson  
Bishop (NY) Hare  
Blumenauer Harman  
Bocieri Hastings (FL)  
Bono Mack Heinrich  
Boren Herseth Sandlin  
Boswell Higgins  
Boucher Hill  
Boyd Himes  
Braley (IA) Hinchey  
Brown, Corrine Hirono  
Calvert Hodes  
Cao Holden  
Capps Holdren  
Capuano Honda  
Cardoza Hoyer  
Carnahan Inslee  
Carson (IN) Israel  
Castor (FL) Issa  
Chandler Jackson (IL)  
Childers Jackson Lee  
Chu (TX)  
Clarke Johnson (GA)  
Jones Jones  
Kagen Kagen  
Kanjorski Kanjorski  
Kaptur Kaptur  
Kennedy Kennedy  
Kildee Kildee  
Kilpatrick (MI) Kilpatrick (MI)  
Kilroy Kilroy  
Kind Kind  
Kirkpatrick (AZ) Kirkpatrick (AZ)  
Kissell Kissell  
Klein (FL) Klein (FL)  
Kline (MN) Kline (MN)  
Kosmas Kosmas  
Kratovil Kratovil  
Kucinich Kucinich  
Langevin Langevin  
Larsen (WA) Larsen (WA)  
Larson (CT) Larson (CT)  
LaTourette LaTourette  
Lee (CA) Lee (CA)  
Levin Levin  
Lewis (GA) Lewis (GA)  
Lipinski Lipinski  
Loeb sack Loeb sack  
Lofgren, Zoe Lofgren, Zoe  
Doyle Doyle  
Lujan Lujan  
Lungren, Daniel Lungren, Daniel  
E. E.  
Lynch Lynch  
Maffei Maffei  
Maloney Maloney  
Markey (CO) Markey (CO)  
Markey (MA) Markey (MA)  
Marshall Marshall  
Massa Massa  
Matheson Matheson  
Matsui Matsui  
McCarthy (NY) McCarthy (NY)  
McCollum McCollum  
McCotter McCotter  
McDermott McDermott

Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Taylor  
Teague  
Thompson (CA)  
Thompson (MS)

Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz

Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

NAYS—147

Aderholt Gohmert  
Akin Goodlatte  
Alexander Granger  
Altmire Graves  
Austria Griffith  
Bachmann Guthrie  
Bachus Hall (TX)  
Bartlett Harper  
Barton (TX) Hastings (WA)  
Bean Heller  
Biggert Herger  
Bilirakis Hoekstra  
Bishop (UT) Hunter  
Blackburn Inglis  
Blunt Jenkins  
Boehner Johnson (IL)  
Boozman Johnson, Sam  
Broun (GA) Jordan (OH)  
Brown (SC) King (IA)  
Brown-Waite, King (NY)  
Ginny King (NY)  
Buchanan Kirk  
Burgess Lamborn  
Burton (IN) Lance  
Buyer Latham  
Camp Latta  
Campbell Lee (NY)  
Cantor Shimkus  
Capito Linder  
Carney LoBiondo  
Carter Lucas  
Cassidy Luetkemeyer  
Castle Lummis  
Mack Mack  
Chaffetz Manzullo  
Coble Marchant  
Coffman (CO) McCarthy (CA)  
Conaway McCaul  
Dent McClintock  
Diaz-Balart, M. McHenry  
Dreier McMorris  
Emerson Rodgers  
Fallin Mica  
Fleming Miller (FL)  
Forbes Miller (MI)  
Foxx Miller, Gary  
Frelinghuysen Moran (KS)  
Gallegly Myrick  
Garrett (NJ) Neugebauer  
Gerlach Nunes  
Gingrey (GA) Olson

NOT VOTING—24

Barrett (SC) Butterfield  
Billray Cleaver  
Bishop (GA) Crenshaw  
Bonner Culberson  
Boustany Davis (AL)  
Brady (PA) Davis (KY)  
Bright Duncan Deal (GA)  
Butterfield  
Cleaver  
Crenshaw  
Culberson  
Davis (AL)  
Davis (KY)  
Deal (GA)  
Duncan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1243

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**EXPRESSING CONDOLENCES TO HAITI**

The **SPEAKER** pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1021, 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 gentlewoman from California (Ms. LEE) that the House suspend the rules and agree to the resolution, H. Res. 1021.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 1, not voting 21, as follows:

[Roll No. 15]  
YEAS—411

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

McClintock	Pingree (ME)	Simpson
McCollum	Pitts	Sires
McCotter	Platts	Skelton
McDermott	Poe (TX)	Slaughter
McGovern	Polis (CO)	Smith (NE)
McHenry	Pomeroy	Smith (NJ)
McIntyre	Posey	Smith (TX)
McKeon	Price (GA)	Smith (WA)
McMahon	Price (NC)	Snyder
McMorris	Putnam	Souder
Rodgers	Quigley	Space
McNerney	Rahall	Speier
Meek (FL)	Rangel	Spratt
Meeks (NY)	Rehberg	Stark
Melancon	Reichert	Stearns
Mica	Reyes	Stupak
Michaud	Richardson	Sullivan
Miller (FL)	Rodriguez	Sutton
Miller (MI)	Roe (TN)	Tanner
Miller (NC)	Rogers (AL)	Taylor
Miller, Gary	Rogers (KY)	Teague
Miller, George	Rogers (MI)	Terry
Minnick	Rohrabacher	Thompson (CA)
Mitchell	Rooney	Thompson (MS)
Mollohan	Roskam	Thompson (PA)
Moore (KS)	Ross	Thornberry
Moore (WI)	Rothman (NJ)	Tiahrt
Moran (KS)	Roybal-Allard	Tiberi
Moran (VA)	Royce	Tierney
Murphy (CT)	Ruppersberger	Titus
Murphy (NY)	Rush	Tonko
Murphy, Patrick	Ryan (OH)	Towns
Murphy, Tim	Ryan (WI)	Tsongas
Murtha	Salazar	Turner
Myrick	Sánchez, Linda	Upton
Nadler (NY)	T.	Van Hollen
Napolitano	Sanchez, Loretta	Velázquez
Neal (MA)	Sarbanes	Viscosky
Neugebauer	Scalise	Walden
Nunes	Schakowsky	Walz
Nye	Schauer	Wasserman
Oberstar	Schiff	Schultz
Obey	Schmidt	Waters
Olson	Schock	Watson
Oliver	Schrader	Watt
Ortiz	Schwartz	Waxman
Owens	Scott (GA)	Weiner
Pallone	Scott (VA)	Welch
Pascrell	Sensenbrenner	Westmoreland
Pastor (AZ)	Serrano	Whitfield
Paulsen	Sessions	Wilson (OH)
Payne	Sestak	Wilson (SC)
Pence	Shadegg	Wittman
Perlmutter	Shea-Porter	Wolf
Perriello	Sherman	Woolsey
Peters	Shimkus	Wu
Peterson	Shuler	Yarmuth
Petri	Shuster	Young (FL)

NAYS—1

Paul

NOT VOTING—21

Abercrombie	Carter	Hinojosa
Barrett (SC)	Cleaver	Johnson, E. B.
Bishop (GA)	Crenshaw	Lewis (CA)
Bonner	Cuberson	Radanovich
Boustany	Cummings	Ros-Lehtinen
Brady (PA)	Davis (AL)	Wamp
Butterfield	Deal (GA)	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1252

Mr. BRIGHT changed his vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NUCLEAR FORENSICS AND  
ATTRIBUTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R.

730, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. CLARKE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 730.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 10, not voting 26, as follows:

[Roll No. 16]  
YEAS—397

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



McCollum	Pingree (ME)	Sires
McCotter	Pitts	Skelton
McDermott	Platts	Slaughter
McGovern	Poe (TX)	Smith (NE)
McHenry	Polis (CO)	Smith (NJ)
McIntyre	Pomeroy	Smith (TX)
McKeon	Posey	Smith (WA)
McMorris	Price (GA)	Snyder
Rodgers	Price (NC)	Souder
McNerney	Putnam	Space
Meek (FL)	Quigley	Speier
Meeks (NY)	Rahall	Spratt
Melancon	Rangel	Stark
Mica	Rehberg	Stearns
Michaud	Reichert	Stupak
Miller (FL)	Reyes	Sullivan
Miller (MI)	Richardson	Sutton
Miller (NC)	Rodriguez	Tanner
Miller, Gary	Roe (TN)	Taylor
Miller, George	Rogers (AL)	Teague
Minnick	Rogers (KY)	Thompson (CA)
Mitchell	Rogers (MI)	Thompson (MS)
Mollohan	Rohrabacher	Thompson (PA)
Moore (KS)	Rooney	Thornberry
Moore (WI)	Roskam	Tiahrt
Moran (KS)	Ross	Tiberi
Moran (VA)	Rothman (NJ)	Tierney
Murphy (CT)	Roybal-Allard	Titus
Murphy (NY)	Royce	Tonko
Murphy, Patrick	Ruppersberger	Towns
Murphy, Tim	Rush	Tsongas
Murtha	Ryan (OH)	Turner
Myrick	Ryan (WI)	Upton
Nadler (NY)	Salazar	Van Hollen
Napolitano	Sanchez, Loretta	Velázquez
Neal (MA)	Sarbanes	Visclosky
Neugebauer	Scalise	Walden
Nunes	Schakowsky	Walz
Nye	Schauer	Wasserman
Oberstar	Schiff	Schultz
Obey	Schmidt	Watson
Olson	Schock	Watt
Olver	Schrader	Waxman
Ortiz	Schwartz	Weiner
Owens	Scott (GA)	Welch
Pallone	Scott (VA)	Westmoreland
Pascrell	Sessions	Whitfield
Pastor (AZ)	Sestak	Wilson (OH)
Paulsen	Shadegg	Wilson (SC)
Payne	Shea-Porter	Wittman
Pence	Sherman	Wolf
Perlmutter	Shimkus	Woolsey
Perriello	Shuler	Wu
Peters	Shuster	Yarmuth
Peterson	Simpson	Young (FL)

NAYS—10

Broun (GA)	Gohmert	Sánchez, Linda
Coble	Lummis	T.
Duncan	Paul	Sensenbrenner
Flake	Petri	

NOT VOTING—26

Abercrombie	Crenshaw	McMahon
Barrett (SC)	Culberson	Radanovich
Bishop (GA)	Davis (AL)	Ros-Lehtinen
Bonner	Deal (GA)	Serrano
Boustany	Hensarling	Terry
Brady (PA)	Hinojosa	Wamp
Braley (IA)	Johnson, E. B.	Waters
Butterfield	Lewis (CA)	Young (AK)
Cleaver	McCaul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 1 minute is remaining.

□ 1306

Mrs. BLACKBURN changed her vote from “nay” to “yea.”

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIVATE FIRST CLASS GARFIELD M. LANGHORN POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and passing the bill, H.R. 3250.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3250.

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

A motion to reconsider was laid on the table.

EARLY DETECTION MONTH FOR BREAST CANCER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 158, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 158, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week’s schedule.

Mr. HOYER. I thank my friend, the Republican whip, for yielding.

On Monday the House is not in session.

On Tuesday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business.

On Wednesday the House will meet at 10 a.m. for legislative business and recess at approximately 5 p.m. to allow a security sweep of the House Chamber prior to the President’s State of the Union address. The House will meet again at approximately 8:35 p.m. in a joint session with the Senate for the purpose of receiving an address from the President of the United States.

On Thursday and Friday the House is not in session to give time for the Republican Issues Conference to occur in Baltimore, Maryland.

We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by close of business tomorrow.

In addition, Madam Speaker, we will consider H.R. 3726, the Castle Nugent National Historic Site Establishment Act of 2009; and H.R. 4474, the Idaho

Wilderness Water Resources Protection Act, introduced by Mr. MINNICK and Mr. SIMPSON.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would ask the gentleman if he can comment on some of the press reports that we have seen this morning about the Speaker’s statement that this House and you will not be bringing to this House the Senate health care bill for consideration.

I yield to the gentleman.

Mr. HOYER. Well, I didn’t see the Speaker’s statement; so I can’t comment specifically on it, but I can say this to the gentleman: As the gentleman knows, there are significant, critical differences between the House and Senate bills and we have been working on trying to bridge the differences that exist. We are still in that process.

Mr. CANTOR. I thank the gentleman. I would ask, Madam Speaker, and I would first preface the question by saying that this country saw a pretty extraordinary election in Massachusetts a few nights ago. From all reports, it seems that part of the outcome of that election was due to the health care bill and the difficulties which the gentleman’s side has had in passing the bill. We on this side, Madam Speaker, would say there has been no bipartisan effort to pass a health care bill. And so if we are going to see a resolution of the differences that the gentleman refers to, those differences are clearly being on his side of the aisle because, Madam Speaker, we feel that we continue to be left out of the process.

So I would ask the gentleman if he has not decided whether he is bringing up the Senate bill or the House bill again, will we see the process start over? Will we see his side take the message from the Massachusetts election to involve Republicans in discussion over the health care bill and have a transparent process the way we believe ought to happen as well as I believe the American people think should happen? I yield.

Mr. HOYER. Well, I thank the gentleman for his question and all of the premises he adopts in prefacing his question. I don’t want my silence to be presumed as agreeing to his premises, which I think are inaccurate.

Having said that, first of all, of course, there has been extraordinary exposure of the health care bills, both in the House and Senate, to public discussion, public debate, public information. It has been online for over 4 months, 5 months now, and an extraordinary number of hearings held on it over the last 2 years. As the gentleman well knows, his party’s candidate for President and my party’s candidate for President, who is now President of the United States, both indicated that they thought health reform was necessary. So it received extensive debate by many other candidates as well during the course of the election.

The gentleman is well aware because Members on his side have talked about

it and Members on my side have talked about it, about the number of Americans who don't have insurance and the number of Americans who are being forced out because of cost and the number of small businesses that are being confronted with 10, 15, 25 percent premium increases.

□ 1315

So the gentleman is well aware of the fact that health funding and health coverage is a challenge for our country and for our citizens.

The gentleman mentions the election. The election, obviously, that occurred in Massachusetts, like every election, dealt with many issues. My own view is that Americans are most focused, as we need to be, on the creation of jobs, making sure that Americans get back to work, have a livelihood that they can support themselves and their families. I think they are very concerned about that.

They are also concerned about the fact that we pass a health care bill. I have just read a poll, an exit poll that indicates that the majority of voters who had voted for Obama but voted for the new United States Senator-elect from Massachusetts believed that we ought to pass a health care bill. So, obviously, their vote for the new Senator was based upon something other than that particular issue.

So obviously, there were a number of issues that impacted on this election. But let me say again that almost all the candidates running for President last time, when they articulated a focus on national issues, focused on health care and the need to make sure that health care was available to all of our citizens.

Now, as relates to the gentleman's bipartisanship, the gentleman was quoted apparently just a few days ago about referring to our meeting. Our meeting of course dealt with a one-page recitation of three or four proposals, many of which are in the health care bill that we passed in this House in one fashion or another. Notwithstanding that, of course, as you know, no Republicans voted for the bill.

I was not surprised at that, frankly, because in February, apparently not based upon the specifics of a proposal, because the specifics of a proposal were not on the table until the summer, your campaign chairman, PETE SESSIONS said, "I told Republicans that they need to get over the idea that we are participating in legislation and ought to start thinking of themselves as an insurgency instead." He was quoted in the Politico, House GOP Bullish at Virginia Retreat, February 2, 2009, as saying that.

Furthermore, Senator JIM INHOFE on the Hugh Hewitt Show, 7/23/09, said, "We can stall it. And that is going to be a huge gain for those of us who want to turn this thing over in the 2010 election." Senator JIM INHOFE, as I said, said that. And then Senator JIM DEMINT said, also in July of '09, "If we

are able to stop Obama on this," referring to health care, "it will be his Waterloo. It will break him."

Very frankly, I tell my friend that I have discussed with him and with Mr. BLUNT, my good friend, who was his predecessor, and with whom he worked in the whip organization, and asked him to participate with us. I did that early this year. I did it a little later in the year. Sometime before I met with you as well in trying to discuss was there a way forward to work in a bipartisan fashion? Unfortunately, that did not result in a bipartisan fashion.

I will tell my friend on a smaller, more defined matter, the Children's Health Insurance Program, I spent about a hundred hours trying to work with many on your side of the aisle to try to get—in the last Congress—to try to get bipartisan agreement on moving children's health insurance. And as I am sure you recall, because you weren't with us on that issue, we couldn't get bipartisan agreement.

So the answer to your question is I would like to have bipartisan discussions moving forward on this issue, but I have concluded from my experience over the last year, and not just these—I quote three, but there have been many other statements as well—that indicate that opposition for opposition's sake has been adopted at least by some on your side as a strategy and as a tactic.

I think the losers are not so much Democrats in that context. I think the losers are the American people. They expect us and want us to work together towards resolving the issues that confront them, one of which is health care. They know it is an issue. I read the results in Massachusetts. But I will tell you I have also read the polls which, when asked, not so much about a bill, but whether or not health care reform is needed in this country, a very significant majority of Americans respond they think it is.

They think that when they are denied coverage for preexisting conditions, that is a problem. They think when their child becomes 26 years of age, or now 23 years of age and out of college and doesn't have insurance, they think that is a problem. They think that when they have a very serious illness costing them thousands and thousands of dollars, that an insurance company telling them, sorry, you cost too much, we can no longer insure you, they think that is a problem. When they go deeply into debt for health care costs that aren't covered by their insurance company and have to declare bankruptcy and put their home at risk, they think that is a problem.

So, yes, I tell my friend that these are issues that we would like to work together on, and we hope that can happen.

Mr. CANTOR. I thank the gentleman, and I take the gentleman's comments to heart that he wants to do what is right by his constituents and the people of this country. But the question

we have before us, the question that the voters of Massachusetts had before them, just like the voters in Virginia and New Jersey, had a lot to do with the health care bill that this House deliberated upon and passed, and the health care bill that the Senate deliberated upon and passed.

And, Madam Speaker, I would say to the gentleman there is very little disagreement among the pollsters that have tested where the American people are on these health care bills. They are opposed to these health care bills. And you may insinuate that some of the comments that have been made by individuals in this body or the other on our side of the aisle were meant to obstruct.

But I can tell the gentleman, Madam Speaker, that the American people right now want this health care bill defeated. They want health care reform, but not in the way that has been constructed under either one of these bills. And if I recall, and I appreciate the gentleman's willingness to meet with me several months ago, and I don't want to take his comments as being dismissive of our proposal, because I handed him a summary, but I can tell the gentleman right here is the House Republican bill. And there are elements in this bill we can both agree upon. The plan is still before us. And if we take into consideration that, we have got a plan. The public doesn't like the gentleman's plan.

And fast forward to a discussion the gentleman and I had on the floor, I believe, Madam Speaker, that the gentleman told me it was not worth his while to engage in conversation with Republicans because we would not embrace the public option. I would tell the Speaker—

Mr. HOYER. Would the gentleman yield on that point?

Mr. CANTOR. I would tell the gentleman we still don't embrace the public option. We don't embrace it because it is a path to single payer. So I would ask the gentleman again, the Speaker earlier today said, quote, "I don't think it is possible to pass the Senate bill in the House. I don't see the votes for it at this time." I would ask the gentleman, Madam Speaker, if that is an accurate statement that we can then count on.

Mr. HOYER. I don't know about counting on. I don't know what you mean by "counting on." I think the Speaker's comments this morning, you asked me if it was an accurate statement. I think she believes that is an accurate statement in terms of where the votes are today. I responded, as I told the gentleman, there is substantial differences. We are discussing those differences, as we have been for some period of time.

Let me make another comment. The gentleman is very animated and very happy, as I would be in his position, about the results of Massachusetts, as we were very happy about the results in New York 23, where the health care

bill was also at issue, as the gentleman knows, in a district that we hadn't won for 150 years just a couple months ago. And as the gentleman knows, we won that district in a district, as I said, unlike Massachusetts, that we had not won in 150 years.

But let me say something. Your candidate who did win supported the Massachusetts plan, which has great similarity to the plan that he now opposes. So it is somewhat ironic that we would take that as a bellwether, because he, as a member of the State senate, actually voted on a plan that, much like our plan, tried to reach the objective of covering all people. So he has already voted for a plan like that. He has indicated he is not going to vote for this plan. I understand that. But it is not like he hasn't got a record of wanting to achieve the objectives that the bills that are under discussion are trying to achieve.

Mr. CANTOR. I thank the gentleman.

I would respond simply by saying most indicators are the voters of that Commonwealth voted for Mr. BROWN because of his stances, and one of those stances was that he would vote against the Senate or the House health care bill as they were constructed. And I agree with the gentleman we need to do something about health care.

I would remind him that it is the CBO who has pointed out that our Republican plan is the plan that actually does reduce health care premiums. That is where we started this whole discussion, was to reduce health care costs for the American people, and continue to reform the system so we can maintain the quality we have.

And, Madam Speaker, I just say that it is time, I think, for this body to finally listen to the American people and what they are asking us to do, run this body in an open and transparent way, stop the back room deals, the Cornhusker Kickbacks, the Louisiana Purchases, and make it so that this is once again the people's body. And we can all then deliberate out in the open, agree where we can agree to produce the positive reforms that the people expect.

With that, Madam Speaker, I would ask the gentleman what his intentions are or what he thinks we can see in this House as far as an attempt to address the issue that the majority leader said was the number one issue on the minds of voters in Massachusetts, as well as the country, and that is the economy. Before we left for the winter break, we had a bill that came up that was dubbed a jobs bill. There was a lot of difficulty I know on his side in mustering the needed votes to get it passed. And I was wondering is there legislation he has in mind that would be offered to address the situation that Americans confront, which is double digit unemployment? And I yield.

Mr. HOYER. I thank the gentleman for the question. In answer to his question, we passed a jobs bill through this House in December. It is pending in the

Senate now. We believe that that would substantially move forward on creating jobs. It is not the answer, but it is one of the answers we think. It focuses, as the gentleman knows, on infrastructure, which we think is a very important initiative that gets people working immediately, jobs here in America. We think that is very important. It also tries to help States so they are not laying off teachers and policemen and firemen. We think that is very important as well.

But let me say something. I get a little confused, and perhaps these facts are not well known to you, but I thought I would remind you of these facts. We pursued an economic program that your party put forward from 2001, 2003 on for 8 years. Now, while the people gave us the majority in the House and the Senate in 2006, obviously President Bush threatened to or did in fact veto any changes that we made in economic policy.

□ 1330

That economic policy, which you were a very strong supporter of and your party was a very strong supporter of, you continue to mention jobs; so I want to make sure you know these statistics.

In the last 3 months of the Bush administration under the economic policies that not only did you pursue then but you still want to pursue, because, in fact, the proposals that you have made essentially mirror the proposals that were made in 2001 and 2003, those proposals were touted by you and others—I'm not going to go through all these quotes—as going to grow the economy, create jobs, and have a robust growth in our economy. In November and December and January, that policy which you pursued lost 2,019,000 jobs in 3 months, and we confronted the worst recession, the "great recession," if you will, worse than at any time in three quarters of a century. And it somewhat confounds me that you still—your party, not necessarily you personally—presents an economic policy which was the poorest job-creating administration, 8 years, since Herbert Hoover, an average of approximately 4,000 jobs per month. You needed 100,000 just to stay even.

Now, I would tell the gentleman, since the Recovery Act, which you nor your party voted for, since the Recovery Act, let me tell you what the last quarter was. Perhaps you know. We still have not succeeded in growing jobs, so we haven't had success, but we've had great progress. Let me tell you how much progress. Remember I told you that you lost, in the last 3 months under your economic program, 2,019 million jobs. The last quarter we lost 208,000 jobs, a quarter, 3 months. That's way too many jobs. We want to be creating, as the Clinton administration did, on average 220,000-plus jobs per month; 22 million in total over 8 years.

So I tell my friend that when the gentleman says we haven't had

progress on this, those figures, in my view, belie that assertion. In fact, we made progress. Not only that, the stock market is up 60 percent. It's had a couple of bad days. It's up 60 percent since we adopted the Recovery and Reinvestment Act. It had a minus growth under your economic policies during the 8 years of the Bush administration, minus to the extent it decreased in value so that the investment I had in 2001 was about 26 percent less valuable in December of 2008. Contrast that to the Clinton administration in its 8 years. The value of your stock portfolio or investments went up 226 percent. That's a 250 percent difference.

So I tell my friend that we have taken very substantial action. We're going to take more action because until we get Americans back on the job, until we get America growing so that it creates the kind of jobs our people need and must have to support themselves and their family, we're not going to be satisfied.

So, yes, we passed a bill last month which you and your party voted against. We think that's unfortunate. If you have ideas, I would love to sit down with you again and discuss your ideas. Very frankly, however, some of the ideas we've discussed to date are some of the same ideas that, in my opinion, led to not such a robust job-creating economy; in fact, as I said, the worst economy we've seen in 75 years.

I yield back.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

First of all, I know that it is tempting for the gentleman to delve into the past, comparing the Bush policies to the Clinton policies, but I know the gentleman realizes we are in the year 2010. We have new challenges before us. And I would say that the piece of information left out by the gentleman is the fact that it was his party that controlled Congress during some of the period in which he cites the job losses. In fact, there have been 3.6 million jobs lost just since January of 2009.

I would then say to the gentleman, as far as the stimulus bill that you speak of—

Mr. HOYER. Will the gentleman yield just on your assertion that we were in control?

Mr. CANTOR. I will yield at the end of my statement.

My point is that the stimulus bill that passed almost 1 year ago, there is growing consensus here that it was not sufficiently targeted toward job growth. In fact, even the portion of infrastructure spending that the gentleman and his party and this White House decided upon, the design of that spending, the Associated Press has come out with a study indicating it did not grow employment at the local level in the communities which we represent.

So if we understand and know that that is not the way to grow jobs, that is, the design of the stimulus bill, why would we vote for Stimulus II? In fact,

I would remind the gentleman, as I know he remembers, the bipartisanship around the Stimulus II vote in December was against the bill, as well over 30 Members on his side of the aisle voted against the bill because, again, I believe it is trying to get it right this time.

And so instead of the gentleman's continuing to refer to years ago, I would remind him that we have presented to him as well as to the President a Republican no-cost jobs plan. The gentleman has dismissed that document and that plan saying there is nothing for free, that we shouldn't be talking about things that we could do together that don't cost anything.

I would say to the gentleman, the President himself has said that within the passage of three trade bills sitting in this body, we could see the creation of 250,000 jobs. We have had discussion on this floor about whether those trade bills are coming forward; 250,000 jobs at no cost. It seems to me we really should go about doing that as well as the other items that we listed in our no-cost jobs plan that the House Republicans have put forward.

And I yield to the gentleman.

Mr. HOYER. I thank the gentleman.

First, let me observe that the gentleman—I don't blame you at all for not wanting to look back at history. I wouldn't want to stand on that record either, but it's important to look at history so that we don't repeat the same mistakes.

The assertions that were made for the policies that you pursued of great growth and economic expansion—which did not occur. That's why I point it out, because, frankly, your proposals mirror those that have been made in the past, and the premises that you have pursued are the same that you are pursuing now.

It is instructive, I think, for the American people and for us who represent them to look at what worked and what didn't work. Your party unanimously opposed the Clinton economic policies. Mr. Armey, an economist who was your majority leader, said that they would fail miserably. In fact, they succeeded mightily. They created those 22 million jobs that I said. In fact, in the last year when there was a slowdown, they created 1.8 million jobs as opposed to losing 3.8 million jobs under the last year of the Bush administration. I think it is instructive to see what worked and what didn't.

So that is why I refer to it, not because I think that will solve our problems going forward. I agree with the gentleman. What is important is: What are we going to do now? But we would be fools, as the writer said, to continue to do the same thing and expect a different result.

So I say to my friend, when he asserts that we were in charge in 2007 and 2008, he and I both know that economic policy was not changed. Why? Because the President of the United States, who

had the veto pen and the votes to sustain a veto, even when we tried to give 4 million children health insurance in America, that veto was sustained. They were not given that insurance until President Obama signed the bill, which was one of our first bills.

So I say to my friend, looking back is useful only to the extent that you ensure that you do not repeat the mistakes of the past. The Clinton economic program worked and the Bush program did not.

I want to tell my friend on his points for recovery, this so-called free recovery, supply-side recovery, if you will, one of the first things you want to do is stop the deluge of rules and regulations. Very frankly, I tell my friend one of the reasons we faced such a crisis was the last administration took the referee off the field. As a result of the referee's being off the field, the players on the field went wild and did irresponsible things and, unfortunately, the taxpayers of this country, in order to prevent a great depression as opposed to a great recession, had to respond. The good news, hopefully, is that we are going to get paid back. The President has made efforts to make sure that happens. I hope, and you hope, I'm sure, that we do get paid back.

You want to block tax increases and cutting taxes. We cut taxes for 95 percent of Americans, as I'm sure you know, in the Recovery and Reinvestment Act. You want to freeze investment in items like job training, infrastructure, and education to rein in deficits and debt. You want to freeze investments in giving people new skills so they can get the jobs that are being created. We don't think that's good policy. Your program says you want to reform the unemployment system by requiring people to participate in job training. We agree with that, but you have to make sure that the job training is available to them.

Approving the free trade agreements, as the gentleman knows, I am a supporter of the free trade agreements. I don't think it would create those 250,000 jobs tomorrow or the next month or the month after, but I agree with the gentleman that that's a good policy. It's controversial policy, I say to my friend, as he well knows, on both sides of the aisle.

You want to reduce tax barriers that inhibit domestic job creation. The Recovery Act, as you know, had tax cuts for small businesses to do exactly that. Your side didn't support that.

You say address the housing crisis by giving regulators incentives to deal responsibly with banks and their borrowers; however, as I pointed out earlier, in fact, and history shows that, regulation and oversight and the referee's being on the field was a policy that the previous administration thought got in the way. Well, I think that referees that get in the way of the game are not useful, but referees that make sure that people play by the rules are essential.

I yield back.

Mr. CANTOR. I thank the gentleman.

I would simply respond that the Republican no-cost jobs plan is a plan that was fashioned around the principle that we've got to remove the uncertainty gripping the small businesses and job creators in this country. So contrary to the suggestion that the gentleman made about the fact that we just want to get rid of regulation, what the plan actually said, Madam Speaker, was to halt any proposed regulation expected to have an economic cost or result in job loss or have a disparate impact on small business.

In the same way, we call for lowering the deficit now without raising taxes because, as we all know, people don't know where Washington's next move is going. And so we say let's just freeze domestic discretionary spending at last year's level. My goodness, every small business owner, every family in this country is having to go through that exercise and, frankly, is having to cut, not just freeze.

In the same way, the suggestion that perhaps Republicans wouldn't support transparency and an even playing field and regulations that will control the amount of leverage on Wall Street, that's silly. Of course we support efforts like that. But what we do know is this administration, and, frankly, the majority in Congress, has been very slow at getting the message out to auditors and regulators in the field that they should be reflecting the sentiments that the Secretary of the Treasury and the Chairman of the Federal Reserve have said, which is, we need to return back to some sense of normalcy in the assessment of risk, because we all know this country has been built on entrepreneurialism, on opportunity. It is not that we have seen our prosperity come from this government. That's where, really, Madam Speaker, the differences lie because we don't believe that the way back to economic revival is through more Keynesian economic policy.

□ 1345

The gentleman can go ahead and suggest that the Bush policies failed. Obviously, I disagree. He would probably defend the Carter policies. I would certainly disagree with that and would say that they were an utter failure. He would probably say that the policies of Ronald Reagan were a failure. I would say we disagree on that.

At the end of the day, what's really the problem here is this government, under the majority's rule and the President's, has continued to expand. We haven't put an end to the bailout culture. Every time we expect to see the TARP program end, there is another use that has come up for that money, which is an emergency program. Every time we expect to say to business owners and their working families, let's stop sending signals that we're going to impose costs on you.

So, if it's a cap-and-trade bill, if it's a card check bill, or if it's a tax increase, why can't we just say, "stop"?

Let the American people regain their sense of economic security and let the ingenuity in the private sector take hold again.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

I've heard that rhetoric for 24 years here, and I've certainly heard it for the last 8 years. The gentleman likes to put words in my mouth about previous administrations of what I might say or did say.

We're talking about policies that you want to replicate which have been pursued. That was my point. It remains my point. I think it's a valid point.

Did your policies work? You can argue all you want and say the Bush administration policies worked. You have not in any way said that the figures I have said on this floor, and not only today, but you've had many opportunities to look to see whether I'm accurate on those figures, are wrong. In point of fact, they did not produce what you said they were going to produce. We need to adopt policies that do produce.

The reason I compared the Clinton administration and the Bush administration is that, under the Clinton administration, you said the policies wouldn't work. I don't mean you personally. Your party said the policies wouldn't work. In fact, it's the only administration—not the Reagan administration, not the first Bush administration, certainly not the second Bush administration—that produced surpluses. After 8 years, they had a net surplus. No administration in your lifetime has had a net surplus after 8 years other than the Clinton administration under the economic policies we pursued then. Not one. So from that perspective, it's not a question of failure.

I will tell you here—and again, these statistics you don't like. You'd prefer that I simply look at the problems that we're confronting now. Why are we confronting these problems? Because your economic program did not work and plunged us into the deepest recession we've had in 75 years. Now, I raise my voice only because you simply ignore that. You say that's just carping. You say, Oh, we don't want to look at what happened. We don't want to look at what our policies produced for 8 years. We want to look into the future. We do, too. What we want to do and what we have been doing, as I pointed out to you, is trying to bring this economy out of the ditch in which we found it, in which the American people feel very stressed, properly so.

So we've got to get them back the jobs. The first thing we had to do was to stop losing so many jobs. Again, I would point out, in the last 3 months of the Bush administration, we lost 2 million jobs. In the last quarter, in the last 3 months, we've lost 200,000. It's way too many, but it's one-tenth of what your policies produced or did not produce in the last 3 months of the Bush administration.

So what? you say.

Let's not repeat those mistakes. Let's invest in our future, which is what we did in the Recovery and Reinvestment Act. Mark Zandi says that we saved over 1 million jobs—1.6 million, I believe is what Mark Zandi says—which we would have lost had we not passed that bill. So did it work perfectly? It worked better than the policies we were pursuing, frankly, that we inherited. That was my point. I think it is a valid point. If the gentleman disagrees with my figures, I'd be glad to be corrected. I think they're accurate.

Mr. CANTOR. I thank the gentleman.

Mr. HOYER. Oh, let me say one additional thing because you talked about certainty.

Mr. CANTOR. I didn't yield, Madam Speaker.

Mr. HOYER. Well, you took back the time. I really didn't yield back, but if you don't want me to continue, I won't.

Mr. CANTOR. I yield.

Mr. HOYER. Thank you. I just wanted to say something about certainty.

I agree with you. We need certainty. We tried to give certainty in the estate tax. Your side voted against that. We tried to give certainty in tax extenders. We tried to extend the tax extenders, and your side didn't vote for that. I don't think you did either, but I agree with your premise and wanted to make that clear. That's one of the reasons we tried to pass making sure that doctors treating Medicare patients knew what they would be getting years out so that Medicare would have the stability that it needs.

I yield back.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

I would say again, somehow, in the gentleman's memory of these past years, there is something that has been left out, which is this body and Congress, because, during the Clinton years, the Clinton years that saw prosperity, there was a Republican-controlled Congress. The Republican-controlled Congress yielded tax policies that we believe could once again get us back on track.

In the same way, referring to all the job losses that the gentleman continues to recite and point fingers at and blame the prior administration for, if we're going to play that game, I would say since his party has taken control of this body, we've lost in this country 6.1 million jobs. As he says, none of the job losses are acceptable.

I would say to the gentleman that there are many ways to look at these figures and who was responsible for what and who could claim credit for such, but at the end of the day, what we are facing right now is a situation where the American people and the small businesses and the working families of this country need to regain some confidence.

So I would ask the gentleman directly: If we're about removing uncertainty, is he willing to say to the small business owners out there and to the

people of this country, no card check bill this session, no cap-and-trade this session, no death tax this session, and no hiking taxes in the time of unemployment that we are in? Those are the things from which we could send a message to the entrepreneurs and small businesses to lift this veil of uncertainty.

I yield.

Mr. HOYER. Mr. CANTOR, this is a scheduling colloquy. It has gone on for a long time, and it is a very political colloquy, more political than I was involved in with Mr. DeLay, I think. That's good rhetoric. None of those are scheduled. The gentleman knows none of them are scheduled.

The gentleman doesn't like the figures, and he harks back to the, you know, we were in charge in 2007 and 2008. He knows well what we are not talking about is blame; we are talking about what policies were in force. The gentleman says we changed the economic policies in 2007 and 2008. I'm glad to hear what policies we were able to change and that President Bush signed on to. That's the issue. The gentleman wants to avoid that issue. The question is not blame; the question is what policies worked and which policies did not.

I suggest to the gentleman that of all of the issues to which you referred in your question about the so-called "death tax," the estate tax, which affects approximately half of a percent of the American estates, as the gentleman knows, and which we wanted to, frankly, increase by \$2.5 million permanently from what it will be under your policies of 1 million and 55 percent January 11—it's now at zero, as you know. That was not intended to be the permanent policy, and you simply said you'd revert under the bill that you passed, not you personally. So we want to make that certainty.

So the answer is, yes, we want to make that certain. We think that \$3.5 million per person is a reasonable amount and will cover all but one-tenth of 1 percent of the estates in America or thereabouts.

The other items to which you refer, which animate your party and some in my party as well, are not scheduled, as the gentleman knows. I'm not going to make assertions on what we will or will not schedule at this point in time, but I can tell you we don't have them scheduled.

Mr. CANTOR. I thank the gentleman. I thank him for his indulgence in this lengthy colloquy.

If the scheduling piece of this colloquy has now yielded, the fact that there is an uncertainty as to whether we'll see card check or whether we'll see cap-and-trade or whether we're going to see tax hikes, then that's the message, I think, that is going to be delivered to the small businesses that we are going to count on to create jobs.

In closing, Madam Speaker, I would note that, from Virginia to New Jersey to Massachusetts, the people of those States, and I believe the people of

America, have spoken. What the people want is a Congress that will work in a bipartisan fashion to get the American people back to work. Republicans, on our part, will continue to offer solutions just as we have done for the last year, and we hope that—

Mr. HOYER. Will the gentleman yield on that issue?

Mr. CANTOR. I yield.

Mr. HOYER. Does the gentleman believe that America spoke in November of 2008? Not just a State, not just Virginia, not just New Jersey, not just Massachusetts. Does the gentleman believe that America spoke in 2008 in voting overwhelmingly for the policies that this President put before to respond to the crisis that confronted our country? Frankly, none of us even at that point in time perceived how deep the crisis was.

We understand about votes. All of America voted handily for this President, who has put policies before this Congress to try to address the issues of bringing our economy back, giving Americans health care they could count on, making sure that we were energy independent.

You know, you talk about votes. This President was elected just approximately a little over a year ago to carry out the policies that he has been presenting, and notwithstanding that election, as I recall, your party has not supported his policies at all.

Mr. CANTOR. I thank the gentleman for that.

I would say, Madam Speaker, in closing, yes, America voted in 2008 for Barack Obama to become President of the United States. It was this November that the people had the opportunity in the two States with the gubernatorial election and then just this week the people of Massachusetts had an opportunity to vote for their Senator based on the policies that have come out of this new administration and the majority in Congress.

It is those policies that were voted on this time, and it is those policies that I believe do not reflect the mainstream of America and where the Republicans stand, ready to work with the gentleman and his party in trying to bring the debate and these policy solutions back towards where most Americans feel we ought to be heading in terms of direction for this country.

I do thank the gentleman.

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#### HOOR OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, January 26, 2010, for morning-hour debate.

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

There was no objection.

#### WATCH YOUR HEART AND WHAT IS RIGHT FOR AMERICA

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I am reminded of some of the tougher times in this Nation. Maybe it was the Vietnam War, when Members had to vote their consciences. I was not in Congress at that time. It might have been even further back when LBJ, Lyndon Baines Johnson, had to lead on making a body of people in this Nation equal with the 1964 Civil Rights Act and with the 1965 Voting Rights Act. I imagine it was difficult, and I imagine there were people who said, This is the wrong way to go.

We've often said on this floor, Don't watch polling in politics. Watch your heart and what is right for America. I believe the issues dealing with job creation and good health care for America are good, and the latest polls and elections don't daunt our spirits.

We are working with those on the other side of the aisle. We are working with the American people. We do want transparency, but I, for one, am not going to step away from helping people get the best health care they can. We don't know the timing of it. Maybe tomorrow.

Yet the idea to feel crushed or crumbled because of some actions that deal in politics is not the way to exercise your conscience and to do what is right for America. That's what we will do in this country and in this Congress, and I will stand on that side.

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#### HONORING THE LIFE AND SERVICE OF AN AMERICAN HERO, SERGEANT CHRISTOPHER RICHARD HRBEK

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

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today in honor of a recently fallen Marine, Sergeant Christopher Richard Hrbek.

He was a field artillery cannoneer with the 3rd Battalion, 10th Marines, out of Camp Lejeune. He was stationed in Afghanistan. Sergeant Hrbek was an active member of his community back in Westwood, New Jersey. He was a volunteer fireman for 9 years. In 2003, in response to the attacks on September 11, 2001, he enlisted with the United States Marines. He heard the call of duty and he answered it.

As a Marine, he served multiple tours of duty, which included combat in Iraq and Afghanistan. On December 23, 2009, under enemy fire, he saved the life of his sergeant major, who had stepped on an IED. For this, he was to be awarded a Bronze Star with a combat "V." He then set the highest example of someone who was willing to risk his life to save the lives of others.

Sadly, on January 14, 2010, he, himself, stepped on an IED, and died in the service of his country.

He is survived by his wife, Jamie Lynn Wengerter; mother, Cheryl Hodges; stepfather, James Hodges; father, Richard Hrbek; stepmother, Gail Hrbek; two sisters, Amy Dellentash and Lori Hrbek; and two stepbrothers, Jim and Beau Hodges.

His dedication to his country and to his fellow soldiers represents his tremendous sense of loyalty and selflessness. Christopher Hrbek is a true American hero. Chris will never be forgotten by his friends, by his family or by the country he fought for.

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#### ECONOMIC INJUSTICE IN AMERICA

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

Ms. KAPTUR. Madam Speaker, here is something that will grab you. It was reported this month that Goldman Sachs, the favored Wall Street firm that has way too much special access in this city and that got bailed out by the American people to the tune of billions and is now handing those over in bonuses to their executives, has paid a net effective tax rate of 1 percent. You heard me right—1 percent, Goldman Sachs.

When most small businesses and corporations in this country are paying at a 35 percent tax rate, Wall Street's elites still don't carry their fair share. Imagine that secretaries, nurses, firefighters, cleaning crews—the middle class of this country—pay at a higher rate than Goldman Sachs.

Meanwhile, the chief executive officer of Goldman Sachs, Mr. Lloyd Blankfein, harvested over \$140 million in salary as head of that firm. When he was asked, Well, isn't this a bit too much? His answer was that he's doing God's work. I call that blasphemy.

This is fundamental economic injustice in America, and the American people know it. They're voting their frustration. They expect Congress to listen to them, not to continue to reward Wall Street's overprivileged scions at their expense.

#### BILL MOYERS JOURNAL

(By Bill Moyers)

The ancient Romans had a proverb: "Monday is like sea water. The more you drink, the thirstier you become." That adage finds particular meaning today on Wall Street, which began this New Year riding a tidal wave of bonuses in a surging ocean of greed.

Thanks to taxpayers like you who generously bailed banking from the financial shipwreck it created for itself and for us, by the end of 2009 the industry's compensation pool reached nearly \$200 billion. And despite windfall profits, the banks will claim almost \$80 billion in tax deductions. And nearly \$20 billion of those deductions will go to just three institutions—Morgan Stanley, JP Morgan Chase, and Goldman Sachs.

Ah, yes—Goldman Sachs, that paragon of profit and probity—which bet big on the housing bubble and when it popped—pres-to!—converted itself from an investment firm into a bank so it could get your bailout money. Now consider this: In 2008, Goldman Sachs paid an effective tax rate of just one percent. I'm not making that up—one percent!—while their CEO Lloyd Blankfein

pulled down over \$40 million. That's God's work, if you can get it. And, believe me, Wall Street bankers know how to get it.

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#### SPECIAL ORDERS

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

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

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

#### LISTEN TO US

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

Mr. BRIGHT. Mr. Speaker, on Tuesday night the people in Massachusetts reiterated a message too often forgotten in Washington, that message being "listen to us." I have heard this message for quite some time now as I go and travel throughout and across my district.

People are fed up and angry, and they think that Congress and the White House are not listening to them. They think that Washington is moving in the wrong direction and is ignoring them altogether. As we say in Alabama, the Massachusetts election was a bell ringer, and leadership needs to listen to that bell ringing.

The current state of health care reform epitomizes their disgust. We can all agree that health care is a concern and needs to be reformed. But what good is health care reform if people don't have jobs, if they can't feed their children, they can't pay their mortgage, they can't pay their bills? I have heard this message from my constituents, and I know our primary focus must be on the economy and jobs.

I am not alone in my opinions. Elected officials from across the country and across the political spectrum are hearing the same comments: Congress needs to focus on the economy; the health care bill is too massive; I don't like the process, are common refrains as I travel across my district.

Closely rivaling Americans' concerns about the economy is their wariness of Federal spending. Too often in the past, Congress was not held accountable by the people, but trillion-dollar deficits as far as the eye can see have awoken them, and rightfully so. For our children's and grandchildren's sake, we must get our fiscal house in order.

To be sure, these challenges are not easy to solve. Improving the economy in the middle of a budget crisis is a tall

task, but we were sent here to Washington by the people to be their voice and tackle these immense challenges.

There is plenty of blame to go around for our current condition. Democrats need to recognize that ambitious plans to address longstanding priorities such as health care, energy, and other spending initiatives must be postponed if the will of the people disagrees with this agenda. And Republicans must remember that they were in charge when hundreds of billions of dollars in deficits were common even when our economy experienced brighter days. History can't simply be swept under the rug.

Without further blame on the part of either side, there are some simple solutions that will help solve some of these problems.

First, we must reinstate statutory PAYGO. Statutory PAYGO budgeting rules were in place when we experienced record budget surpluses in the late 1990s. PAYGO rules are the only proven way for Congress to keep spending in check.

Second, we should pass a fiscal budget commission, and pass it cleanly. This commission will force Congress to act on legislation to reduce excessive long-term government spending and support for some kind of a fiscal spread across party lines. But, too often, leadership of both parties ignore these commonsense solutions. Let's come together, not as Republicans or Democrats, but as Americans, to do the work of the people.

In the coming months, leadership needs to heed the call of their own constituents and people around the country. They need to listen to the good ideas of people in both parties, and especially from the moderates who are willing to listen to and to work with the other side.

Let's put our heads together and fix the economy while not breaking the bank. Let's find smart and innovative solutions, such as the America Works Act and the Small Business Start-Up Savings Account Act, that will help get our economy back on track. Let's help small businesses and focus on improving Main Street and not just Wall Street. Let's extend the 2001 and 2003 tax cuts to give families continued assurance that the Federal Government won't be asking any more from them in these troubled times.

And while we are addressing these problems, let's get rid of some of the things that have divided us in the past. Let's stop using harsh partisan language and rhetoric that serves little purpose other than to undermine the faith that the American people have in both parties.

Let's sit down and thoroughly debate issues and not rush to pass a bill simply for the sake of doing something. Let's open the doors to the public so the public can see the legislative process.

And, finally, let's stay focused on the issues for which we have a real mandate: improving the economy and creating jobs.

These are lessons we should all take away from what the people, our constituents, are saying. I hope the leadership and the White House are listening today. It is not too late to change course, but we can't continue down our current path. The people are saying, Listen to us. And I certainly hope our leadership will heed that call before it is too late.

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

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

#### ISRAEL'S RIGHT TO EXIST

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, since the rebirth of the nation of Israel over 60 years ago, radical jihadists have relentlessly tried to destroy this nation.

Funded by Iran, Hezbollah attacks from the north and thousands of unguided rockets have rained down on Israeli villages. That is right: unguided missiles. That means they deliberately go anywhere and hit anybody where the missile is fired. That includes men, women, children. It doesn't matter to Hezbollah. They want to kill in the name of terror.

Hamas does the same thing in the south. Over 12,000 missiles have been launched into Israel from the Gaza Strip alone. I have been to Israel, and it is a small country. It is the size or smaller than the size of New Jersey. But yet from the north they get missiles, from the south they get missiles. But they still exist, and they have the right to exist. Israeli citizens fight these radicals rather than give up and surrender. After all, victory never comes by taking the path of least resistance.

These are unprovoked attacks into this nation. Israel is assured by us, the United States, that she has the right to defend herself, but sometimes we try to interfere with her own national defense. Israel is our strongest ally in the Middle East, and we need to treat her as such.

The whole situation is made even more complicated by Iran's pursuit of nuclear weapons. The Tiny Tyrant in the Desert, Ahmadinejad, has the means to hit Israel with missiles. And not only Israel, but our troops in Iraq and Afghanistan.

Iran is the largest state sponsor of terrorism in the world, and to allow Ahmadinejad to have nuclear weapons is not a nuclear option. The Tiny Tyrant Ahmadinejad uses murder and brutality to try to silence protests in his own country of Iran. Imagine what he will do to the world if he has nuclear weapons.

The best great hope for the world is that the people of Iran change their regime, and we should encourage and support the students, the academics, and others not to give in to their oppressive dictator.

Israel has been fighting radical jihadists for decades, and they have been on the front lines. Terrorist attack after terrorist attack, they have endured. We all remember the massacre of Israeli Olympic athletes in Munich in 1972. And then there was the slaughter of Israeli teenagers in a pizza parlor in Jerusalem in 2002.

Radical Islam kills people they hate. They kill them in the name of religion, people of different religions, like Jews, Christians, and even moderate Muslims.

The modern State of Israel was founded in the wake of the Holocaust, after 6 million Jewish people were murdered by the Nazis. The reestablishment of Israel reflects the best conscience of a civilized world. And Israel has the absolute right to exist, just as other nations do; and it has the absolute moral right to defend itself against those who want to eliminate her.

Israel is our partner and ally in this fight against terrorists, terrorists who deliberately target civilians. Innocent women and children are considered military combatants to terrorists. Jihadists use women as hostages and hide behind their skirts for their cowardly cover.

Some history is in store here, Mr. Speaker. Back in 1967, Israel was forced into a war by Arab nations. President Nasser of Egypt threatened to "drive Israel into the sea," and the conflict is now called the Six Day War. The armies of Egypt, Syria, Jordan and Lebanon amassed on the Israeli borders, and President Nasser of Egypt ordered the United Nations emergency troops to withdraw from the Sinai Peninsula. So the whole world watched and waited for the destruction of Israel. The United Nations stood by and did nothing.

But to the shock of the world, Israel turned back all of the aggressors in just 6 days and headed to the enemy capitals.

Israel won a defensive war on the West Bank, Gaza, the Sinai Peninsula, and the Golan Heights. A cease-fire was then negotiated.

International law says that countries must return land gained from a defensive war only under a negotiated peace. So Israel and Egypt have since signed a peace treaty. Israel gave back the Sinai. Time and again Israel has traded land for peace, but it still has no peace.

All of the nations of the Middle East must condemn terror as a policy for change. The Palestinians and Israelis must settle their disputes now, some 60 years later, through mutual respect, cooperation, honesty, and understanding. But intimidation, terror, murder is not an acceptable foreign or domestic policy and should be publicly and jointly rejected by all sides.

Make no mistake about it, Israel will not surrender or retreat in the wake of this violence. Israel shall never give in and never give up the right to exist, whether jihadists like it or not. And the United States should make it clear to terrorists that we will stand shoulder to shoulder with our friends and allies.

And that's just the way it is.

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

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

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

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

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

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

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

(Mrs. MILLER of Michigan 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 Washington (Mr. REICHERT) is recognized for 5 minutes.

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

#### MARCH FOR LIFE

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

Mr. PITTS. I rise today on the occasion of the 37th anniversary of the infamous court decision Roe v. Wade. I rise on the occasion of the annual March for Life that will occur tomorrow with tens of thousands of citizens who will

come to Washington to publicly speak out on this issue of life and the sanctity of life. I just want to say to those who are coming, I want to thank them, the people from all across the country who come, for their dedication to a cause that matters so much, the cause of life.

Every year on this day, people across the country pause to remember the millions of lives that have been lost since Roe v. Wade was decided on that fateful day in 1973. In just 37 years, nearly 52 million unborn children have been lost to abortion. Sadly, we can never know what those lives may have been—doctors, teachers, athletes, perhaps even Congressmen and Congresswomen. We mourn the loss of those unborn children.

But I also want to take a moment to rejoice in the millions of lives that have been saved because women have chosen life. Because of the caring people like those who will come and march this week in Washington, because of the pregnancy care centers, so many women have opted not to have abortions but instead carry their babies to term.

Many of us may have heard that this year's Super Bowl will feature a commercial that tells a story of a well-known quarterback, Tim Tebow. Tim's story is a powerful one. His mother, Pam, became pregnant while she was working with her husband in the Philippines as a missionary. While pregnant, Pam contracted amoebic dysentery through contaminated drinking water. She was told that the medications required to treat her illness would cause irreparable damage to her unborn child, and so Pam was encouraged to have an abortion. Thankfully, she refused, and her son, Tim, went on to play starting quarterback for the Florida Gators and in 2007 was awarded the Heisman Trophy.

Let me share one other brief story. As a baby, Patrick Henry Hughes was born with diseases that caused him to be both blind and crippled from birth. By some accounts, his life may have been considered less valuable. But Patrick has a unique gift. He has become an amazing multi-instrumental musician who inspires people across the country with his music. In 2006, he was recruited to join the marching band at the University of Louisville. He joined the band, playing the trumpet while his father pushed his wheelchair through the marching routines. Patrick is an inspiration to so many around him. And when asked about the challenges they have faced, Patrick's father said he now asks: What did we do to deserve a special young man who's brought us so, so much?

For both of these stories, there are hundreds of others that remain untold; hundreds of lives that may never have been were it not for those who continue to stand on behalf of the unborn.

First, I want to thank those who are coming tomorrow to visit and march for life.



Now, at this time, I would like to yield to my colleague from Ohio, JEAN SCHMIDT, who's chairperson of the Pro-Life Women's Caucus.

Mrs. SCHMIDT. Thank you to my good friend.

Mr. Speaker, I rise to talk about this issue. I'd like to take a few minutes to not only say that this is the 37th anniversary of one of the most dark days in the U.S. history, but to talk about the ramifications of what that act did.

To give you a little history, the pro-life movement actually began in Cincinnati, Ohio, and it began before 1974 in a little place called College Hill by folks by the name of Barbara and Jack Willke. Jack's a doctor. His wife, I believe, is a nurse, but I could be wrong. But they, along with some other folks, were involved in another crusade in Cincinnati, and they became aware that this whole issue of abortion was suddenly creeping up in the State legislatures and they wanted to make sure that Ohio did not allow abortions. So Barbara and Jack formed this little group to fight it in Ohio.

It was Barbara that said to Jack Willke, You know, Jack, under the Constitution, everybody deserves the right to life, including that of the unborn. And he looked at Barbara and he said, That's the name of our movement.

And look at how far that movement has grown. It is a national and an international movement. I'm proud to lay claim that Cincinnati is part of my district, and while College Hill is not technically in my district, it is part of Cincinnati. And I'm very proud of the work that Barbara and Jack have done, but also proud of the work that my parents did. I'm proud of the fact that they educated me on this issue when I was old enough to understand it, because the impact of abortions really hurts all of us. But I truly believe that it hurts women the most.

I want to talk a little bit about the privilege that it is for a woman to be able to have a child. If we didn't have the opportunity to create, none of us would be here. But it is the woman's privilege to carry that baby inside of her until it is full term. And women, if they pay attention to themselves, know that, yes, they're carrying that baby right from the beginning, because we see some things changing inside of us. But back in 1974, they didn't have all the fancy equipment that they have today. They didn't have all the ultrasounds and the three-dimensional ultrasounds, and so in 1974 maybe it was a little easier to think that baby wasn't a life. But we know that it's a life today, and we know that it's a life immediately.

It's interesting, because the impact of the Supreme Court's decision has been immediate and devastating in the United States. The number of abortions in this country skyrocketed after that horrible, horrible decision. It skyrocketed from about 750,000 in 1973, to more than 1.3 million in 1977. Think

about the lives that are lost. Think about the potential doctors, lawyers, football players, race car drivers, politicians, Presidents, Air Force Generals that have been lost; moms, dads, sisters, brothers, aunts, uncles. By 1985, the number has grown to an astonishing 1.6 million abortions performed in a year, and the United States soon became the country with the highest number of abortions. I could go on.

The reasons for abortions were easy to understand. Women thought that it was a way to get out of an unwanted pregnancy. They didn't understand that the consequences of that decision would be more lasting and more far reaching than it would be to have had the child alone. As reasoning for these abortions, one national survey found that a quarter of the women thought that the timing of their pregnancy was wrong. Another 19 percent thought that they could not afford to keep the child at the time, and almost 10 percent thought that they were just too young. Simply put, these answers indicate that the short-term legacy of the Supreme Court's decision in Roe was the enabling of the American woman to terminate the life of a child when it happened to be inconvenient or fitting for their lifestyle. You know, I could go on.

But the tide is changing. Maybe it's changing because of the miracles of modern technology. Maybe it's changing because a woman can find out immediately she's pregnant and immediately pay attention to those signs in her body. Go to the doctor, get that ultrasound and realize that baby is alive, well, and kicking. Those moms know that's a real live human being.

In 2005, the number of abortions performed were actually down to 1.2 million, a modest but welcomed decrease. And these abortions were performed by only 2 percent of this country's OB/GYNs. The reality is abortion is no longer a part of the mainstream medicine, and the vast majority of the hospitals in the United States, religious or secular, now choose not to perform elective abortions.

Yes, the tide is turning, but much has to be done. For example, the last 12 months have tested the pro-life movement here in this House—its initiatives, its resolves—more than ever. During this time, pro-life advocates like me have been forced vigorously to preserve this country's longstanding ban on the Federal funding of abortions, and it was a major success when the bipartisan majority of the House of Representatives voted in favor of including language equivalent to the Hyde amendment in the infamous health care bill. The Stupak amendment prohibited the funding of abortions. But we need to continue that fight on this issue in the upcoming months to ensure that similar language is included in any final bill that may come forth before this Congress, for the vast majority of Americans do not want their Federal tax dollars to pay for elective abortions.

But we also have to fight for our medical establishment. We have to fight to make sure that the conscience protections for our country's faith-based medical providers are in place. These individuals should not have to choose between their morals or their livelihood. They should not have to face discrimination or retribution for refusing to perform procedures that offend their deeply held beliefs. They should not be forced to participate in procedures like abortions that cannot be described as health care. Yet, there are those in Washington who want to abolish these conscience protection clauses for these people and force them to do just that.

We need to work together to ensure that their faith-based belief is held in tact, because when we make the choice to protect our country's medical providers and when we make the choice to preserve our country's laws prohibiting the Federal funding of abortion, we continue to reshape the lasting legacy of Roe v. Wade. This is the best way that we can honor the anniversary of Roe and the millions and millions of lives that have been lost.

I yield back.

Mr. PITTS. I want to thank the gentlelady for her eloquent words.

At this time, I yield to the gentleman from Louisiana, JOSEPH CAO.

Mr. CAO. Thank you very much for yielding.

Mr. Speaker, as America embarks on its 37th anniversary of Roe v. Wade tomorrow, thousands will participate in the March for Life in our Nation's Capitol. But, fundamentally, this year's anniversary of Roe v. Wade should have deeper meaning than previous years. Amid the current debate on health care reform, the abortion issue has once again risen to paramount importance. Unfortunately, the current bill has made an unsuccessful attempt to address affordable health care by ignoring the controversial issue of abortion.

Abortion is an inhumane perversion in our society. As I have stated previously, it is a distorted emphasis on rights, to the disregard of individual responsibilities. When President Obama addressed a joint session of Congress last September, he said, "under our plan, no Federal dollars will be used to fund abortions, and Federal conscience laws will remain in place."

□ 1430

Why then is the current health reform under the Senate plan being touted as the right plan for America? The health care legislation passed by our friends in the Senate does not reflect the longstanding Federal policies that ban abortion funding, and I will absolutely not support it as it is written.

The fundamental right to life in this country was reinforced and more succinctly elaborated in the first 10 amendments to the U.S. Constitution. These 10 amendments, more commonly known as the Bill of Rights, have

served as the heart and soul of our legal tradition and the foundation upon which we have built the most powerful democracy in the history of the world. Yet the balance between rights and responsibilities have served as a basis for an ethical context, but now it is skewed.

Our society has distorted this view of individual rights versus responsibility so that good somehow gets distorted with evil. We have misrepresented the rights to individual freedom, and now we basically have no regard for human life. The result is a social policy devoid of moral coherency. To protect individual rights, we have distorted the continuity of human development to portray the human fetus as something less than human and, therefore, can be disposed of. And there are those who diminish the words of pro-life advocates and aim to demean their passion for life by citing a woman's right to choose or a woman's right to protect her health. But I say that this is a distorted view of protecting a woman that is actually endangering the woman.

An abortion causes mayhem to the psychology of the mother and the future life of the entire family. Her emotional health is never the same, and though anesthesia may provide some physical relief, there is no anesthesia for her mental and spiritual health.

A study in New Zealand, where abortion is legal, showed negative effects in women who had abortions. Researchers for the Christchurch Health and Development Study conducted a 25-year study on the long-term effects of abortion on the mental health of young women between the ages of 15 and 25. These scientists reported to the *Journal of Child Psychology and Psychiatry* that those having an abortion have elevated rates of mental health problems, including depression, anxiety, suicidal behaviors and drug-use disorders.

Another study conducted by researchers at the University of Oslo in Norway compared 40 women who had had miscarriages with women who chose to have an abortion. Although miscarriage was associated with more mental distress in the 6 months after the loss of the baby, abortion had much longer lasting negative effects. The proportion of women having had a miscarriage who were suffering distress decreased during the study period to 22.5 percent at 6 months and to just 2.6 percent at 2 years and 5 years respectively. But among the abortion group, 25.7 percent were still experiencing distress after 6 months and 20 percent after 5 years. The researchers also said that women who had an abortion had to make an effort to avoid thinking about the event.

Mr. Speaker, I just came back from Southeast Asia on a CODEL to Vietnam, Cambodia, Laos, and Japan. While I was in Cambodia, I had the opportunity to visit the killing fields in Cambodia. And while visiting the killing fields, they showed us a tree where the followers of Pol Pot would hang

and would slam innocent little children on the trees. The Pol Pot regime killed approximately 1.6 million of its people between 1976 and, if I remember correctly, 1980, and the world screamed in outrage at the deaths of 1.6 million people. The Holocaust killed 6 million, and we continue to scream in outrage at the 6 million Jews who were killed during World War II by the Nazi regime in the Holocaust.

From 1973 to the present, in the United States alone we have murdered over 40 million children. Just imagine that: If we scream in outrage at the innocent children that were slammed and hung on the tree in the killing fields, yet, after 40 million children killed in this country, we still hold a policy that allows for the legal killing of innocent children. If that is not a skewed sense of ethics, I don't know what is.

I agree that America needs responsible health care reform, and I agree that we all have the right to exercise the freedom of individual liberties but not at the expense of our children and the future of our families. The majority of the American people, including those in my home State of Louisiana, stand firmly on the side of life, and they will not support any measure that seeks to fund abortion with their hard-earned income.

Again, as we arrive at the 37th anniversary of *Roe v. Wade*, I ask America to reflect deeply on the value of all life, born and unborn, and that we not consider any piece of health care legislation unless it includes sufficient language to prohibit this inhumane act.

Mr. PITTS. I thank the gentleman from Louisiana for that very informative and important statement. He is a great leader here in Congress. At this time I want to turn to another leader in Congress. I yield to the gentleman from Ohio, Mr. JIM JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding. I also thank the gentleman for his years of standing up and defending life and for his work in the Pro-Life Caucus, along with Congressman SMITH and our newest Member, Mr. CAO, who just spoke, and JEANNIE SCHMIDT and also PARKER GRIFFITH, who is here on the floor with us as well. There are a countless number of Members who over the years have said, Life is sacred, life is precious and should be protected.

You know, although this is the week when we mark that terrible decision of 1973, I love this week. Thousands and thousands of Americans are going to come to the Nation's Capital, and they're going to celebrate life. They know that life is precious. And that in this great country, the greatest nation in history, we should celebrate life. We should understand that life is precious, life is sacred and that it should be protected.

I am reminded—I have been in Congress now 3 years. Three years ago this month is the anniversary of the first State of the Union that I had the privilege of being at. Then President Bush

recognized a great American who happened to be sitting right up in the gallery. In the middle of his speech, he pointed to this guy, Wesley Autrey, the subway guy. Not Jared, the one we see on TV, but the subway guy, the guy who risked his life, jumped in front of a subway train to save a fellow human being who was having a seizure on the track. He put his life on the line simply because a fellow human being's life was at risk. That is how precious life is. That captures the sentiment that the vast majority of Americans have in this country. They understand how precious life is and that it should be protected through all stages.

As is so often the case, the American people get it long before the politicians get it. Wesley Autrey was a great example of that understanding. The vast majority of people who will be here this week, the vast majority of people who make up this great country understand what our Founders understood, understand what Wesley Autrey understood. And that is, just like they said in the document that started it all, that started this grand experiment in liberty and freedom we call the United States of America, where the Founders and the Framers wrote these words, which I say next to Scripture are the greatest words ever put on paper: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

What great principles are contained in the statement that started it all. First, they understood a basic fact—there is a Creator. We are made in God's image. We got our rights not from government; we get them from God. And government's fundamental job should be to protect those rights that the Creator gave his creation. An amazing, amazing principle. No other country ever started on that premise. And then the second thing that just jumps right out at you from that statement is the order in which the Founders placed the rights they chose to mention. Life, Liberty, pursuit of Happiness. Can you pursue happiness? Can you go after your goals, your dreams? Can you go after those things that have meaning and significance if you first don't have liberty, if you first don't have freedom? And do you ever experience true liberty, true freedom if government doesn't protect your most fundamental liberty, your most fundamental right, your right to life.

That's what thousands of Americans are coming to town for this week. That is what they want to celebrate. They understand exactly what the Founders understood. They understand what this country is really all about. And someday, as previous speakers have pointed out, someday *Roe v. Wade* will no longer be the law in this country, and we will protect every single human being because that is what the Founders intended, and that is what Americans understand.

With that, I will yield back to my friends and colleagues who have done so much—Representative PITTS, Congressman SMITH and others who have done so much to protect life. I appreciate them taking the time to have this Special Order hour on the preciousness of human life.

Mr. PITTS. I thank the gentleman. I yield to the gentleman from Alabama, PARKER GRIFFITH, another pro-life supporter.

Mr. GRIFFITH. Thank you very much for this opportunity. This is a very, very important day for us, and certainly it will be an even more important day for us tomorrow.

As a lawmaker and a physician for over 40 years, I recognize the importance of continuing to protect the sanctity of life. The 37th anniversary of *Roe v. Wade* tomorrow reminds us all that life is precious and should not be taken for granted. Fortunately, we can be thankful that a majority of the Congress can see that taxpayer-funded abortions is morally abhorrent to most Americans.

So with the current health care legislation before us, I commend my colleagues for supporting the Stupak amendment, which passed the House with an overwhelming majority of 240-196, with one voting present. I fully support protecting the unborn in any and all future bills. The Stupak amendment is clearly a high-water mark for opposition to government funding of abortion and a critical firewall to keep abortion from being mainstreamed as a routine medical procedure.

As the 11th Congress presses forward on the eve of the 37th anniversary of *Roe v. Wade*, I would like to remind Members on both sides of the aisle of the importance of continuing to protect the sanctity of life in all policy.

Mr. PITTS. I thank the gentleman for that statement and his leadership on this issue.

Mr. Chairman, I would like to yield the balance of my time to the gentleman from New Jersey, CHRIS SMITH, our Pro-Life Caucus Chair, a wonderful eloquent voice for life.

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. SMITH) is recognized for the remainder of the hour.

Mr. SMITH of New Jersey. I want to thank my good friend and colleague Mr. PITTS for his leadership, and for that of all of those who have spoken. Doc, thank you for your eloquent words. Mr. FORTENBERRY, Mr. CAO and JEAN SCHMIDT.

I do want to welcome His Beatitude, Metropolitan Jonah of the Orthodox Church of America, here, and his brother bishops. They are most welcome, and I thank them for their incredible stance in favor of the sanctity and sacredness of all human life, from womb to tomb, and that we all need to act as our brothers' and sisters' keepers.

Matthew 25, where our Lord said, Whatsoever you do to the least of my

brethren, you do likewise to me. His Beatitude Jonah lives that, as does his church and as do, God willing, all of us. But they do it in such a superlative way, and I thank them for their example. It is awe inspiring.

Mr. Speaker, I have been in the pro-life movement for 38 years, in the greatest human rights struggle on Earth, the right-to-life movement. What I still don't get is this: How can so many seemingly smart, sane, compassionate, and accomplished people, especially in politics, support, promote and—if President Obama has his way in the pending health care legislation—lavishly fund with public dollars the violent death of unborn children and the wounding of their moms by abortion?

Is it really so hard to understand that abortion is violence against children, a pernicious form of child abuse, falsely and aggressively marketed as choice, a human right or as health care? How long will we permit the pro-choice cover-up and the bogus safety claims to misinform, especially in light of the reams of evidence documenting serious injury to women who abort?

□ 1445

Abortion, safe? What unmitigated nonsense.

Women have been profoundly ill-served by the all-too-familiar pattern of denial and deception so skillfully employed by the abortion industry. Women deserve better. They, at the very least, deserve the truth.

Mr. Speaker, years ago a friend of mine, Dr. Jean Garton, wrote a book which included how her young child unexpectedly walked in the room as she was preparing a lecture on abortion. Her 3-year-old child took one look at the badly bruised and battered body of the aborted baby on the screen and shouted: Mommy, who broke the baby?

That young child saw the brutality of abortion with unclouded comprehension. That child was unencumbered and unaffected by the deceptively clever and preposterously misleading propaganda dished out by the multi-billion-dollar pro-choice industry. That child saw, and knew immediately, that babies are smashed and broken to bits by abortion. And with alarm, that 3-year-old boy wanted to know who did it.

Last fall, like that young child, Abby Johnson, a Planned Parenthood abortion clinic director in Texas, with 8 years at that facility, watched an ultrasound image of an abortion in progress on a 3-month-old unborn child. Like the victimized baby on the ultrasound monitor being dismembered right before her eyes, Ms. Johnson was crushed by what she saw. Self-described as "extremely pro-choice," but now pro-life, she said she watched an unborn child crumple before her very eyes as the infant was dismembered and vacuumed to death by a hideous suction device 20-30 times more powerful than a household vacuum cleaner. She said: I could see the baby try to

move away. In a startling moment of truth and clarity, she said, I just thought, What am I doing? Never again. And she walked out the door of that abortion mill.

I will never forget, my wife, Marie, and I, right outside the Supreme Court, met a group of women called the Silent No More Awareness Campaign. These women were telling their stories, very, very powerful stories about how they had been hurt emotionally and physically by abortion.

One woman told the story how as she was actually on the gurney, in the process of getting an abortion, and the doctor, the abortionist said: It is trying to get away. Being only partially sedated, she heard all of that. She shot up quick and she said: Get me out of here. And they said: It is too late; the abortion has already started. But the child instinctively was trying to get away.

We also know from people like Dr. Alveda King, one of the founders and leaders of a group called the Silent No More Awareness Campaign, a courageous woman, who has had two abortions. Dr. King is the niece of Dr. Martin Luther King and she now says, How can my uncle's dream survive if we murder the children? Dr. Martin Luther King talked about inclusion, the politics of inclusion, not disenfranchising someone by reason of their age or condition of dependency or race or by reason of their sex. She now heads up a group that reaches out to women who have had abortions and have suffered and offers the path through faith, through God, and through friendship to come to a sense of reconciliation and restoration as a result of the trauma of abortion.

As Abby Johnson, the abortion clinic director at Planned Parenthood, said as she walked out, "never again," but never again comes too late for the approximately 52 million babies who have been slaughtered in Planned Parenthood clinics and abortion mills throughout America since the infamous holding of the United States Supreme Court in 1973; 52 million babies lost. It is staggering, stunning, and beyond tragic.

But it doesn't have to come too late for the millions of other children who face extermination today, tomorrow, next week, next month, next year, if we awake from our slumber, from our indifference, from our callous attitude and start to truly combat the cruelty and injustice of abortion.

The longer I am in the pro-life movement, just like the example of Dr. Alveda King, who is like so many other silent-no-more women, speaking out and doing so courageously, there is even more to the pro-choice cover-up than just dead kids.

Abortion hurts women, physically, psychologically, and the data strongly suggests that it even mal-affects children subsequently born to women who abort. Last year the Times of London reported: "Senior obstetricians and

psychiatrists say new evidence has uncovered a clear link between abortion and mental illness in women with no previous history of psychological problems." They found that women who have had abortions have twice the level, twice the level, of psychological problems and three times the level of depression as women who have given birth or who have never been pregnant.

In 2006, a comprehensive New Zealand study found that 78.6 percent, almost 79 percent, of the 15- to 18-year-olds who had abortions displayed symptoms of major depression compared to 31 percent of their peers. And it also found that 27 percent of the 21- to 25-year-old women who had abortions had suicidal ideations compared to 8 percent of those who did not have an abortion.

I say to my colleagues: there are at least 102 studies that comport with those findings of psychological harm to women who abort.

Serious questions also remain concerning the link of abortion to breast cancer. Despite the fact that more than 28 studies from around the world, including the United States, have shown that procuring an abortion significantly increases the risk of breast cancer by some 30 to 40 percent, the abortion industry cover-up has largely succeeded in the unconscionable suppression of those facts.

Nevertheless, according to the Breast Cancer Prevention Institute, 2009 was a pivotal year in the debate about the abortion-breast cancer link. Three studies were published from Turkey, China and the United States which matter of factly demonstrate the abortion-breast cancer link as one of many breast cancer factors.

For example, the recent U.S. study by Jessica Dolle of the Fred Hutchinson Cancer Research Center demonstrated that an abortion raises breast cancer risk by 40 percent. Why isn't that emblazoned across the front page of the New York Times or the Washington Post? Forty percent. Study co-authors included Janet Daling and Louise Brinton. Amazingly, Brinton was a chief organizer of a 2003 National Cancer Institute (NCI) workshop denying the link. Now a study that she co-authored reiterates the link and reports it as consistent with earlier studies that found induced abortion to be a risk factor for breast cancer.

And now even Time magazine, among many others, has finally reported on another suppressed fact, suppressed by the pro-abortion industry, that abortion adversely affects the health of subsequent children born to women who abort.

A total of 113 studies demonstrated an association between abortion and preterm birth in subsequent pregnancies. Studies have indicated that the risk of preterm birth goes up 36 percent after just one abortion, and a staggering 93 percent after two or more abortions. Similarly, the risk of subsequent children being born with low

birth weight increases by 36 percent after one and 72 percent after two or more abortions. Prematurity and low birth weight, as we all know, are leading causes of disabilities in children. Abortion not only affects the child who is aborted; it affects in a very negative way children born, brothers and sisters born to that same mother in subsequent pregnancies.

All of this begs a very serious question, Mr. Speaker: Why then is the Obama administration expanding this vicious assault on women and children often by massively subsidizing pro-abortion nongovernmental organizations around the world and in the United States to do the dirty work, to do that in the U.S., Africa, Latin America, everywhere?

You know, I said at the opening, How could so many seemingly sane, smart, compassionate politicians buy into the big lie? Well, maybe some politicians aren't so smart or compassionate after all.

Mr. Speaker, I yield to a stalwart in the pro-life movement, the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank Mr. SMITH from New Jersey for the recognition and for his passionate understanding and belief of this most fundamental aspect of human rights and the need for justice in our world today around this essential issue, the protection of our most vulnerable. Thank you, sir, for your leadership.

Mr. Speaker, I would like to add that tomorrow thousands of people from across the Nation will gather just steps away from this very Capitol along the National Mall. They will be huddled against the cold, but nonetheless they have come out to speak out against the 37 years of human rights abuses and affronts to our fundamental rights and liberties.

We especially welcome the youth who will come out tomorrow who will take time away from their studies to stand at the feet of our Nation's seat of power and give voice to the voiceless. They faithfully make the trip to D.C. each year to regret the anniversary of the Supreme Court's passage of Roe v. Wade legalizing abortion in this country. Tomorrow these thousands, young and old, will lift their voices in one resounding cry for one fundamental cause of justice, the idea that women deserve better than abortion; the idea that life gives hope and that we are big enough and we should be loving enough as a Nation to care for the lives of every mother and the child nestled within her.

This idea is essential to the well-being of our entire country. A truly good society must stand for the protection of all persons' rights, above all the right to live. To stand for goodness and justice, we must protect all life, particularly that which is most vulnerable. Wherever it takes place, abortion is so often a decision that is brought on by either physical or emotional abandonment. We must not accept a culture

that says if you have been abandoned, your only option is to abandon the life within you as well. We cannot let this hopelessness breed hopelessness, nor despair breed more despair.

However, many of our leaders here in Washington, Mr. Speaker, send a much different, less-affirming message to those most in need of encouragement and assistance. Last year, Secretary of State Clinton appeared before the House Foreign Affairs Committee and confirmed that it is this administration's goal of including abortion as an integral element of reproductive health care provided by the United States. President Obama has rescinded the Mexico City Policy, making millions of dollars available to foreign entities that promote and perform abortion.

□ 1500

We now export abortion and project, in turn, our own woundedness in this country upon others. The National Institute of Health has created the largest Federal incentive to date to destroy human embryos for research, distracting scientific attention away from adult stem cell research, research that is achieving real results and does not cause ethical divides.

Secretary of Health and Human Services Sebelius may soon rescind a regulation protecting from discrimination our health care providers who choose not to participate in the act of abortion. All four of these, and other actions taken by the administration, are a direct and pernicious assault on the sanctity of human life.

And today, when twice as many black children in this country are eliminated through abortion than are born, we also hear repugnant assaults on the dignity of minority populations from our leaders. Supreme Court Justice Ruth Bader Ginsburg last year commented in the New York Times, and this is a direct quote, "Frankly, I had thought at the time Roe was decided there was concern about population growth, and particularly growth in populations that we don't want to have too many of. So that Roe was going to be then set up for Medicaid funding for abortion," close quote.

Mr. Speaker, let's reflect on that for a moment. Quote, "populations that we don't want too many of," from a Supreme Court Justice. These statements deserve the strongest public rebuke. Abortion is not health care, no matter how much some leaders in Congress would like it to be. Abortion hurts women. Abortion is decimating urban America. And this cannot stand. But together, we can stand for life. We can win this fight for good.

And Mr. Speaker, those who share this deep concern for the sanctity of life, I would say they are the new abolitionists. They are the inheritors of the great American tradition of seeking justice and uplifting the most vulnerable.

On the eve of the 37th anniversary of Roe v. Wade, countless Americans have

awoken to this reality. And the civic engagement of thousands who will gather here tomorrow, and the millions more who remain at home, will hopefully hasten the day when the Nation fully recognizes the unborn as persons worthy of protection under the 14th amendment to the United States Constitution.

Mr. SMITH of New Jersey. If I could with my friend and colleague, and I thank him for his eloquent statement, you mentioned the statements made by Justice Ginsburg. Not only did you not take them out of context, because they were very troubling to me and I think many people—who are “those people?”—but it also follows a line of thought that predates her.

Margaret Sanger, as you know, the founder of Planned Parenthood, was a eugenicist. In the twenties and the thirties she wrote extensively against minority populations, against Africans, against Catholics, against people who didn't look just like her. And I have read her books. One of her books is known as *The Pivot of Civilization*. And in that book, chapter five is called *The Cruelty of Charity*. The Cruelty of Charity. And she makes a case that is pathetic and sickening that somehow we ought to not provide maternal health care to indigent women, to poor women who happen to be of color or of some other minority status that she deems to be unacceptable. *The Cruelty of Charity*.

That organization, Planned Parenthood, kills 305,000 unborn babies in their clinics every year. And I would hope my colleagues, and I really believe it is time to take a second look at Planned Parenthood, Child Abuse, Incorporated. They like to say that the abortion part is only 3 percent of what they do. Of course killing a baby versus handing out a condom hardly are equivalent in terms of actions. And they count just about everything else to get that number low. Three hundred five thousand abortions.

Some people have gone undercover and discovered, to their shock and—maybe not shock, but certainly to their dismay—that there is a racist attitude in those clinics where these undercover individuals have gone. And it is very disturbing. But it is all reminiscent of its founder, who had such a jaundiced and prejudicial view towards minorities. And that was Margaret Sanger.

I would also add that our distinguished Secretary of State got the Margaret Sanger Award last year. I did a floor speech on this and said how can it be that the Secretary of State of the United States of America is in awe of a eugenicist? Because in her speech, and I read it on the State Department Web site, she went on and on about how the work of Margaret Sanger remains undone. Margaret Sanger was a self-proclaimed eugenicist, who felt that certain individuals, and that would include the disabled, their lives are not worth living or protecting. They are

throwaway human beings. And I have asked the Secretary of State to give that award back.

I yield to my friend from Ohio.

Mrs. SCHMIDT. I just want to say a couple of things about the Planned Parenthood organization in my district. As of record, there have been two cases of underage children that have received abortions without parental—well, in one case it was a father who raped his daughter under age. That has been prosecuted in Warren County. And in another case it was a teacher that brought a 15-year-old girl—13-, or 14-, or 15-year-old underage girl into Planned Parenthood. That case is now under review in court.

But right now I really want to have my good friend from Missouri, TODD AKIN, address you, Mr. Speaker.

Mr. AKIN. Thank you, lady, and thank you for your leadership here on the floor. Thank you, Congressman SMITH, for your great leadership.

I came here really in a way to say thank you. Also to deliberate a little bit on the unique history of great leaders. Every great leader in history has had this in common: that at some point, by faith, hope, and love, they have hung tenaciously to some great enterprise in spite of the apparent hopelessness of that cause. The pilgrims on the beach. Washington at Valley Forge. And yet these great leaders found that God providentially provided relief and help in their time of need, sometimes from very unique quarters.

I think of the great threat to lives in America that the socialized medicine bill that we were looking at a day or two ago posed to the cause of life, and of the unique quarter through which God provided relief, the State of Massachusetts. Not something that you would expect politically.

And so today I would like to say thank you to the great leaders in America who have had the perseverance to stay with the pro-life cause year in and year out, when times look good and when they looked bad. And so to you I say thank you and God bless you.

Mr. SMITH of New Jersey. Thank you very much.

And these really are growing numbers of people. The polls certainly reflect it. By over a two-thirds margin the American public have said, in virtually every poll, they don't want abortion in health care, in ObamaCare. They absolutely do not want it in there. It is one of the reasons why ObamaCare is on such thin ice, if you will.

I would want to say to my colleagues something else. There is a reappraisal going on in America. I remember when I got elected in 1980, I would go out to the high schools and schools throughout my district, and whenever the issue of abortion came up, it was very hot and it was very often very antagonistic to my pro-life position. I began to see changes in that in the nineties and after the year 2000. There has been a

dramatic shift among our young people in favor of life.

Every one of the young people that you and I, JEAN, and others might see in our schools, one out of every three of those children had been killed by abortions. One out of every three. Next time you are in a classroom count desks, one, two, missing child killed by abortion. And for every child that is killed by abortion there is a wounded mother in great need of reconciliation and embrace and love.

And that is the part of the pro-life movement that I have always found so absolutely appealing. It is a nonjudgmental movement. It loves even the abortionists who are killing the children so maliciously each and every day. We have embraced so many former abortionists, former clinic workers, like Abby Johnson, who left Planned Parenthood last year, walking out the door when she finally saw an abortion on a screen. She watched it and said, “Never again. I can't be a part of this any more.”

Probably the biggest change of heart in the entire pro-life, of the last 40 years, was a man by the name of Dr. Bernard Nathanson. Dr. Nathanson founded NARAL. He, Betty Friedan, and Lawrence Lader founded NARAL, one of the biggest pro-abortion groups. We all hear them in our mail and as they lobby Capitol Hill. He founded it. He was a primary abortionist in New York City, ran the largest abortion clinic in all of New York City. In the 1970s, he wrote in the *New England Journal of Medicine*, “I have come to the agonizing conclusion that I have presided over 60,000 deaths.” He quit and then he became a pro-life leader. I have met him many times. He is smart, he is articulate, but he was so terribly misguided, somehow believing he was doing right when he was doing so egregiously wrong.

You know what helped bring him to the pro-life side? He began doing microsurgeries. He began working at St. Luke's Hospital in New York. In one room they would be doing everything humanly possible, taking heroic methods and actions to mitigate disease and disability in unborn children, including blood transfusions. And in the other room they were putting in high concentrated salt solutions and other chemicals, poisons, or dismembering the child piece by piece. And he said it is schizophrenic. That child is either a patient, a human being, or he or she is not. And he came down on the side of life.

Add to that the enormous deleterious damage being done to women, which I said earlier in my comments has been documented over and over. Mental health consequences, consequences to subsequent children that are profound and lifelong. The problem of breast cancer. And believe me, the abortion lobby will continue to say it is not true. They will pull out some two or three studies that suggest that it is not true against the huge evidence that

suggests otherwise. And if you want to believe that, then believe what the Tobacco Institute used to say in the sixties and seventies, that there was no linkage of tobacco to lung cancer. They got away with that for decades. The abortion lobby and the industry that makes billions of dollars is getting away with that right now. And we wonder why the sad fact that some of those women who are now marching, some of the survivors, thank God of breast cancer, thank God, but some of those have been precipitated and caused by that abortion. And again, that is 28 studies and counting that have clearly posited that as a very significant negative outcome.

But Dr. Nathanson, he should be the model for politicians. If he can get it, if he who was right there, the one who said, who came up with the idea that women were dying from illegal abortions in America at the rate of 5,000 to 10,000 per year. And you know what he told us in his book when he wrote it? He said, "I made it up." Dr. Nathanson made up that figure, and was shocked and surprised how easily and how gullible the media was and politicians to just take that bogus number and regurgitate it over and over again as if it had a foundation in fact.

The real number, according to the Center for Disease Control, in 1972, prior to the legalization of abortion on demand, was under 40 women. Forty too many. But women are dying today from legal abortions. And let's not forget that. Maternal mortality, we want to cut that and help women with difficult and crisis pregnancies here and around the world. But you do it with essential obstetrical services, you do it with good birthing practices, especially in the developing world, where maternal mortality is a problem. You don't do it by killing babies and wounding their mothers.

I would like to yield to my friend, Mrs. SCHMIDT, for any final comments.

□ 1515

Mrs. SCHMIDT. Thank you to my good friend from New Jersey.

One of my family member's favorite movies is "It's a Wonderful Life." It is a story about George Bailey, who thinks he's losing the family bank, played by Jimmy Stewart, and Clarence Oddbody, played by Henry Travers, the angel who points out to him how important his life is. And in the end, he realizes it, and, yes, Clarence gets his wings.

I think about that because I think of the family member and the fact that if his mother had had the opportunity in 1964 to have had an abortion, she may have made the fatal decision not to have had that person. That person is a wonderful human being. He is a father. He is a husband. He has two children. He has a wonderful life.

I yield back.

Mr. BOEHNER. Mr. Speaker, tomorrow—January 22, 2010—marks the 37th anniversary of the Roe v. Wade Supreme Court deci-

sion, a decision overturning the laws of the various States and setting the stage for the termination of tens of millions of unborn children.

Mr. Speaker, I came to Washington to defend all human life. And in my nearly 20 years serving the House, the Congress and Executive branches have made tremendous progress in protecting the life of the unborn.

We have made certain that federal funds could not be used to pay for elective abortions both domestically and abroad. We passed the Partial Birth Abortion Ban. We gave our schools the choice to offer abstinence education and we limited federal funding for embryo destructive stem cell research.

But within the first 100 days of his administration, President Obama overturned the Mexico City Policy permitting federal funds to international family planning organizations that also perform elective abortions. President Obama also insisted that federal taxpayer funds be directed to UNFPA—the family planning agency at the U.N. that has supported China's one child policy. The President also overhauled the country's embryonic stem cell policy, creating more incentives to destroy human embryos in the name of research.

The current Congress has also taken steps to unravel long-standing pro-life policies. Last December, Democrats eliminated long-standing policy—first established in 1989—that has prohibited the District of Columbia from using its Medicaid funds to provide elective abortions. According to the Guttmacher Institute, the abortion rate of women who are enrolled in Medicaid more than doubles if they live in a state where Medicaid is able to pay for elective abortions.

Over the last year, Democrats have attempted to overhaul the current health care system. Their proposals have included policies that would permit public funding of abortion—through federal subsidies and plans that would be managed by the federal government. More than 65 percent of the American people oppose public funding of abortion.

Mr. Speaker, we need to pause and reconsider the direction the majority and President Obama are headed with regard to protecting human life. All human life has value and it is the role of the branches of the federal government to protect it. I call on my colleagues to put an end to passing destructive legislation and instead fight to defend life.

Mr. QUIGLEY. Mr. Speaker, thirty-seven years ago this week, the Supreme Court issued its opinion in Roe v. Wade, making abortion legal in the United States.

The Court's decision recognized a fundamental, constitutional right to privacy that protects a woman's personal decisions from governmental interference.

This landmark decision greatly advanced women's rights, but we must never take those rights for granted.

Because as I speak, there are groups bent on taking away those rights.

Opponents of women's rights are attempting to hijack the healthcare reform bill, and use it as a vehicle to curtail access to reproductive healthcare.

We cannot and will not allow women's reproductive rights to be sacrificed for healthcare reform.

Thirty-seven years ago we took a historic step forward for women's reproductive rights.

Now we are on the brink of another historic step.

But we must ensure that a move forward for healthcare does not result in a step backward for choice—a step backward for Roe v. Wade.

Mr. ROE of Tennessee. Mr. Speaker, as an obstetrician and gynecologist, I've delivered close to 5,000 babies and I strongly support the sanctity of life. Using technology like the 3-D ultrasound has given us windows to the womb that show unborn children as living, breathing, feeling human beings. I have looked through that window with my own eyes. I have seen human development occur from the earliest stages of human development all the way through birth, which strengthens my conviction in the right to life.

Life is a precious miracle from God that begins at conception. It's our responsibility and privilege as legislators to protect those who do not have a voice. I will always fight for the right to life because it is my conviction that we are all unique creations of a God who knows us and loves us before we are even conceived.

Tomorrow, we will mark one of the most tragic, misguided Supreme Court cases in our nation's history, Roe versus Wade. Since 1973, more than 50 million babies have been denied the right to life. We must make our laws consistent with our science and restore full legal protections to all who are waiting to be born. If government has any legitimate function at all, it is to protect the most innocent among us.

Congress has prevented taxpayer funded abortions for over 30 years, and the healthcare reform bill has reopened the door to change this effort. As we debate the proposed healthcare legislation, we must fight to prevent it from becoming the largest expansion since the pivotal Roe versus Wade decision, and work to ensure that the door to taxpayer funded abortions remains closed.

I am glad to be fighting for the rights of the unborn.

#### GENERAL LEAVE

Mr. SMITH of New Jersey. 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 subject of my Special Order.

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

There was no objection.

#### COMMENDING CBS 60 MINUTES SPECIAL FEATURE, "AMERICAN SAMOA—FOOTBALL ISLAND"

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

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to share with you and our colleagues and to commend the CBS "60 Minutes" program that was aired last week on Sunday, January 17 of this year.

As it was narrated by CBS reporter Scott Pelley, the television program was called, "American Samoa—Football Island." It highlighted the fact

that from an island of less than 70,000 people, there are more than 30 players of Samoan ancestry currently playing professional football in the National Football League and estimated more than 200 playing currently in Division I college football.

Indeed, it is estimated that a boy born to Samoan parents is 56 times more likely to get into the NFL than any other kid in the United States, period. This is an exceptional bit of information considering that the six little high schools that we have there in the program do not have locker rooms, no weight rooms for training, no proper equipment or other needed facilities and resources. This is also considering that most of these athletes do not start playing organized football until they're in high school.

For the first time this year, we have organized a Pop Warner football program. What is interesting about this, Mr. Speaker, is that a good number of these young Pop Warner players would be disqualified if they were playing in the U.S. for the simple reason that they were too big. I know this is true in the State of Hawaii where, in the Pop Warner program, many of these young Samoan football players had to organize their own "Big Boys" football program because they would be disqualified to play Pop Warner. I know this is true in the little town of Hauula in Laie in the State of Hawaii.

Now, I don't want to give the impression to my colleagues that Samoans are a lot of muscle and brawn but no brains; no, this is not true. I know from my own given experience when I played high school football in my alma mater, Kahuku High School in Hawaii, it was like a tradition that all Samoans would play the line, the quarterback would be the Japanese, the Filipinos would be the halfbacks, but the fullback would be a Samoan. Now all that has changed, we also play quarterback these days.

In American Samoa, there were no youth or development programs until this year when they started the American Youth Football Samoa program, but still coaches and recruiters crowd our little territory for raw talent. Mr. Speaker, it was important for the whole world to see some of the challenges that the kids of American Samoa have to go through to make it to the collegiate level so that they can afford an education and for most to play in the highest level of professional football.

The fact that a Samoan boy is 56 times more likely to get into the NFL is most interesting and can be attributed not only to the size of the people but to the values of the Samoan culture. From respect to discipline and making sure that there is respect in the process, one can appreciate that the young men and women of Samoan descent hold true these values of humility. I know that these athletes with these values would be welcomed by any coach in any sport.

I want to take this opportunity to recognize the Polynesian players who were fortunate enough to make it into this year's NFL Conference Championships and will be playing in New Orleans this weekend. They are Aaron Francisco of the Indianapolis Colts; Fili Moala, the Indianapolis Colts; Ropati Pitoitua, the New York Jets; Sione Pouha of the New York Jets; Naufahu Tahi of the Minnesota Vikings. I want to personally congratulate them and their families for their success.

Also, I want to offer special recognition for our first Samoan Polynesian of Tongan ancestry, Mr. Haloti Ngata of the Baltimore Ravens, who is not only headed to his first Pro Bowl in Florida after the Super Bowl, but today is also his 26th birthday. Haloti Ngata is in his fourth year in the NFL, was drafted by the Ravens in the first round of the 2006 NFL draft, and is a graduate of the University of Oregon. At 6 feet, 5 inches and almost 350 pounds, Haloti finished the year with more than 30 tackles, two sacks, and a forced fumble.

The success of this new generation of football players, Mr. Speaker, is a result of the pathway paved by pioneers like Samoan football player Al Lolotai, who played for the Washington Redskins in 1945, Charlie Ane of the Detroit Lions, Jack "The Throwin' Samoan" Thompson, Manu and his son Marques Tuasosopo, Dan Saleaumua, Wilson Faumuina, Frank and his son Brandon Manumaleuna, Jesse Sapolu, Junior Seau, Troy Polamalu, Lofa Tatupu, Domata Peko, Rey Mauaalu, Jonathan Fanene, Joe Salave'a, Pita Elisara, Esera Tuaolo, Falaniko and his brother Al Noga, Junior Ah You, and many others.

I am often asked why Samoan men have so much success on the football field. Well, there are many factors. I am reminded of the late Coach Vince Lombardi of the Green Bay Packers when he said that "Football is like life. It requires perseverance, self-denial, hard work, sacrifice, dedication, and respect for authority." This is very much part of the heart and soul of the Samoan culture which centers on the importance of families sharing each other's needs and respect for others.

#### HAITI

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. Mr. Speaker, since the earthquake hit Haiti on January 12, we have all watched with sadness as the death toll rose, prayed for those affected, and rejoiced when survivors were found. It is an event that has directly touched the lives of people around the world, including many at home in Kansas.

I have heard some incredibly touching stories about Kansans affected by the earthquake. Many were in Haiti al-

ready serving the people of Haiti and caring for people who are less fortunate than they are.

Thirty-one-year-old Ann Varghese, a graduate of Southeast High School in Wichita and the University of Kansas, was trapped under the rubble of a hotel for 55 hours. In a tiny dark space just 3 feet high and 5 feet long, Ann spent over 2 days with five other people without water and sharing only gum and a lone Tootsie Pop. Though nothing short of a miracle, Ann made it out alive, but sadly for two of her colleagues who were trapped, they did not.

Kim Bentrott of Belleville, Kansas, and her husband, Patrick, remain in Haiti. They made it out of their third-floor apartment just before the building collapsed. Employed through Global Ministries, they have lost their headquarters, school, offices, and medical clinic, but must stay to complete the process of adopting a son, Solomon. Now 14 months old, Kim and Patrick rescued Solomon from a Haitian orphanage as a newborn, and their dedication to providing a loving family for Solomon is an inspiration.

Six residents of the Dodge City, Kansas, area, including John Maples and Greg Love of Montezuma, Terry and Martha Major and Doug McGraw of Pierceville, and Clayton Stolzhus of Meade, all survived the catastrophic earthquake. Unfortunately, this team from Independent Christian Alliance Ministries is still awaiting word when a possible return to the United States can be accomplished.

On a brighter note, Naomi Streck, a Norton native and Wichita State graduate, is part of a 21-member team from Center for Children International Lifetime that escaped unhurt and has returned to Kansas.

Then there is Scott and Wanda Miller of Hesston, who are now safely home with their newly adopted Haitian son, 16-year-old Junior Oranvil Miller.

Many others, such as Jake and Amy Glover of Hays, Kansas, are among the families currently in the process of adopting children and awaiting news from Haiti. Even today, we put pressure on the Department of State to see that this adoption is completed and that their child can be returned to them in the United States.

I am proud to recognize these great individuals and many other Kansans who have devoted their lives to the betterment of Haiti through many years before the crisis and will do so into the future. It gives me hope to see so many Americans and people around the world putting aside cultural, racial, and political differences to band together in our effort to rebuild the damaged nation.

All who have donated money and supplies, served on search and rescue teams and have prayed for those affected deserve our gratitude. Today it was announced that the Kansas National Guard will be sending soldiers to Haiti from their current assignment at Guantanamo Bay. We express our appreciation, and we express our support

and concern for them and their families.

As for those of us in Congress, we are committed to doing everything in our power to ensure a swift and safe conclusion to this crisis. The people of Haiti and those affected by this tragedy are in my thoughts and our family's prayers.

#### HEALTH CARE

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, I am going to be joined during the course of this hour by Representative THAD MCCOTTER of Michigan and perhaps others who may chime in during the course of the hour.

Mr. Speaker, the big news on Capitol Hill this week and the big news around the country was the Senate race in Massachusetts where, for the first time since the 1970s, a Republican, Senator-elect BROWN, has been elected in the State of Massachusetts. You know, there are a lot of maps around this place, blue States, red States, and Massachusetts is one of those States that they really should come up with their own color of blue. I mean, it is the deepest of blue States.

And so it was certainly a surprising event, and a lot of pundits and a lot of people are scratching their head and saying, Well, what caused this? Is it voter anger? Are they mad at Republicans? Are they mad at Democrats? Are they mad at everybody? Or how about this health care discussion? And some of the exit polling that went on up in Massachusetts indicated that, yeah, people were concerned. People were concerned about the way that both the House and the Senate health care bill were being fashioned, the process that was being used, and then some of the provisions that were in it as well.

And so I thought during the course of this hour we would spend some time talking about at least what in my opinion are some of the difficulties with the way things are going with the health care discussion, and as well as Mr. MCCOTTER's observations as well.

Before coming to the Congress, I was a prosecuting attorney and I tried cases in front of juries, and I always learned that people pay attention a little bit more and they learn a little bit better, Mr. Speaker, with their eyes than they do with their ears. So I brought with me a visual aid to help us during the course of this discussion.

With apologies to Hasbro, when I was a young person growing up, one of our favorite things to do, if the size D battery was working, was to play the game of Operation. We have modified the Hasbro game a little bit so we can talk about, from head to toe, some of the difficulties with—again, in my opinion and Mr. MCCOTTER's opinion

and apparently a good number of the American people's opinion—what's the matter with this discussion.

□ 1530

I want to start with the head up there in the Operation game. It's called a "brain freeze." I've politely taken out "brain freeze." Instead, we've put in "CMS administrator." CMS is basically the organization that runs the Medicare program in the United States of America. It has a budget of about \$700 billion a year. It's bigger than the Pentagon, and it will be tasked over the next little bit with implementing the rules and procedures of this health care legislation, either bill or some modification of the bill, and putting this thing into place.

So you would think, if you're a supporter of this health care reform that is barreling through the Congress, well, I hope we've got a topnotch guy or gal in charge at CMS.

Sadly, the reason that there is a question mark up there is that there is no administrator at CMS. As a matter of fact, the last time there was a confirmed administrator at the Medicare oversight administration was in 2006, October 2006. Of course, people who watch the calendar know that that wasn't all on President Obama's watch. It was in the last couple of years of President George W. Bush's administration. He nominated a fellow by the name of Kerry Weems, who was acting administrator, but the Democrat-controlled Senate refused to confirm Mr. Weems.

The interesting thing about it as you know—because people get accused of playing politics all the time. So you say, What was Mr. Weems? Was Mr. Weems like Rush Limbaugh? Was he like Glenn Beck? Was he some dyed-in-the-wool partisan? Actually, Mr. Weems—and this was written about him by one of the analysts: The nomination of Mr. Weems will be a departure from tradition. Historically, CMS administrators have either been academics or lobbyists. The academics often lack leadership and executive skills. The lobbyists often come across as too Machiavellian.

Since CMS was formed in 1978—it used to be called HCFA—there have been 30 administrators. Mr. Weems would have been the first administrator, if the Senate had chosen to confirm him in 2006, who actually was a career person who had worked his way up within the CMS structure. He was not a political hack; he wasn't a political appointee, but for reasons known only to them, the Democratic majority in the Senate didn't want to confirm him.

Now fast-forward to a year ago almost exactly, and President Obama is inaugurated. You would think that, if one of the big national priorities that we're going to talk about is health care, one of the first nominations or maybe the second nomination would be to get somebody in charge of this pro-

gram so that when this rather large restructuring of one-sixth of the Nation's economy is passed that we're going to have our best talent on the ground, whether you agree with it or not. We are now 1 year and 1 day into the Obama administration, and we have yet to have a nominee put forward for that position. Certainly, we have not had anyone confirmed for that position.

Mr. MCCOTTER.

Mr. MCCOTTER. Would the gentleman yield for a question?

Mr. LATOURETTE. I'd be happy to.

Mr. MCCOTTER. Obviously, the President has had a very eventful first year since his inauguration.

Would it not be fair to say that the rush of events and the focus on getting things done has precluded this position from being filled?

Mr. LATOURETTE. Well, I think there is some of that, but it's interesting that you should bring that up.

Just yesterday—and this isn't unique to the Obama administration. Every administration has a lot of jobs to fill. Just yesterday, the President of the United States sent up 40 nominations to the Senate to consider for confirmation under the Constitution so that they could begin to serve. There were some judges; there were some U.S. attorneys; there were some United States marshals. Interestingly enough, I found that he even had time to name two people to fill vacancies on the Marine Mammal Commission, but not one of those 40 is the new director of CMS.

Quite frankly—and we're not going to talk about national security today—you know, his nominee for the TSA, who are the folks who frisk you at the airport, just withdrew. We don't have any nominee in the pipeline for that either.

Mr. MCCOTTER. Will the gentleman yield again?

Mr. LATOURETTE. I'd be happy to.

Mr. MCCOTTER. I just want to be clear that, despite the fact that there has been no name forwarded—let alone confirmed—for the position at CMS, we do have two appointees of the Marine Mammal Commission.

Mr. LATOURETTE. We do.

Mr. MCCOTTER. In fairness, as a Detroitter, it sounds like a Matt Millen draft.

I yield back.

Mr. LATOURETTE. I thank the gentleman very much.

So, if you begin at the head, clearly we have a problem in that we don't have anybody in charge should this health care legislation pass and become law.

We next go down to the Adam's Apple. I left the Adam's apple on the chart because the way this thing has gone—and it really epitomizes the entire last year. We were told we had to have an \$800 billion stimulus bill by President's Day. Nobody knows why. It's not because we're going to spend it on Presidential stuff, but we needed to have the stimulus bill, so we got it



done. Now, people were embarrassed. It was 1,200-pages long. It was finally written in its final form at midnight on Thursday, and then we voted on it on Friday. I didn't read the 1,200 pages between midnight and about 11 o'clock in the morning when we voted on it, and I don't think a lot of people did. But when you legislate like that—people woke up, and they found out that that legislation specifically authorized Wall Street bonuses to a company called AIG that the President is now complaining about. He says this executive compensation has to stop.

Well, because we had to get the stimulus bill done by President's Day, nobody really read that, and as a result, anybody who voted for that—and the President signed it—authorized these tremendously large bonuses that they're now complaining about.

You then fast-forward, and we were told that we needed to have cap-and-trade legislation, the national carbon tax, in place by the Fourth of July weekend. Again, I don't know why. The Senate has still not acted on that legislation, and that legislation wasn't completed by midnight. Again, we voted on it on a Friday. The last 300 pages of that were not submitted to the Rules Committee, which meets upstairs in this building, until 3 o'clock in the morning on Friday, and we still then voted on it later in the day on Friday.

Just like the AIG bonuses, the Wall Street bonuses that the majority party sanctioned and voted for in those 300 pages, when you legislate like that, funny things happen. In that particular bill, people found out that things were regulated that they didn't know. If you have a water cooler in your home or in your office, it's regulated in these 300 pages. If you have a hot tub or a spa, it's regulated in this cap-and-trade legislation. Probably the most shocking to my constituents was the Christmas lights. If you have Christmas lights, they are regulated under this cap-and-trade legislation, which, thankfully, isn't going anywhere.

You know, I always tell my folks in Ohio not to worry. Christmas lights are only regulated if your display is 48 inches or above. So, if you are a fan of a short Christmas tree, you're okay. The government is not going to regulate your Christmas lights. If you get that wreath for the door, make sure you get the small one. Don't get the big one.

Well, again, there are people in this Chamber who think we should regulate hot tubs, spas, water coolers, and Christmas lights—I don't happen to be one of them—but again, the American public certainly and at least their representatives here in the Congress should have a chance to read what it is we're passing.

That then brings us to this health care legislation.

I yield to the gentleman.

Mr. McCOTTER. Yes.

To the Chair, the gentleman from Ohio referenced a stimulus bill, which,

as we all know, did, in fact, protect AIG bonuses, and was signed into law.

What is also in the stimulus bill is a provision to set up the comparative effectiveness research advisory board—the positions of which have been filled, by the way.

Now, the point of the comparative effectiveness ideology is to have government determine through this board what is most cost-effective in terms of your health care treatment by a concept known as “life years.” Is the cost worth it to add X number of years to your life or to improve the quality? Many of us consider that inherently inhumane and not the proper function of a limited government. Yet that was approved in the stimulus bill.

So, like the health care bill which has followed it and that the public is having, as you say, shoved down its throat, I think that, as America continues to find out about the comparative effectiveness research council, they are going to find that equally hard to swallow.

I yield back.

Mr. LATOURETTE. I thank the gentleman for his throaty humor.

I would just say, you know, the setting up of that panel led to some of this discussion. People are talking about death panels and so forth and so on. I was never a big subscriber to that rhetoric, but it was strange that, shortly after that, the Department of Health and Human Services appointed a blue ribbon panel, which is what we do around here when we can't figure out what to do, and they came out with a recommendation that women under 45 didn't need to have mammograms as often as had been recommended in the past. Now, some would argue that one way that you could control health care costs is by rationing care or by not providing mammograms, for instance, even though mammograms have proven to really enhance the early detection of cancer and save lives in this country.

So it's that kind of stuff that gives fuel to these theories that there are death panels and all this other business; but if they wouldn't do this stuff, you wouldn't have some of these theories getting legs, if you will.

We went down to the wishbone because, you know, the President is going to come to this Chamber next week and give his first State of the Union Address, but it actually will be his third speech to a joint session of Congress. The last one was on the matter of health care. I remember that I actually applauded the President because he indicated that—and you know, again, there's a lot of misinformation out there about this health care proposal—if you have health care and if you like your health care, you get to keep it.

Well, the wishbone is we have about 8 million people in this country who wish they could keep their health care under either the House or the Senate proposal. Sadly, one group that cannot is the group of people on Medicare Advantage. I don't know how many folks

in the gentleman's district are on Medicare Advantage. I have about 14,000 people. The satisfaction rating is high, but there will be no more Medicare Advantage. So, you know, it's hard to figure out how that statement “if you like it, you get to keep it” fits with the fact that, well, you get to keep it, but there isn't going to be any more of it.

On top of that, health savings accounts will also be eliminated. We've got a lot of people in this country who, in order to sort of take care of their own and to be good consumers of health care, set up health savings accounts as a result of legislation we passed here in 2005, Medicare part D. No more health savings accounts. No more flexible spending accounts.

So the rhetoric—I mean, I think, as a principle, if you like what you've got, you should be able to keep it. Don't mess with me. Let's fix what needs to be fixed, but that's not true, sadly, and that's where the wishbone comes in.

I next want to get to the funny bone because this is one of my favorites. Again, during that speech and during other presentations that the President has made during the course of this discussion, he has—and I think correctly—indicated that the drafting of this legislation should not be done behind closed doors. It should not be done in private. It should not be done by a small group of people. It should be done, you know, certainly with the participation of the 435 Members of Congress and with the 100 Senators and others. I think he even suggested and others suggested that it should be on C-SPAN. So this is funny:

It's not on C-SPAN. Funny. Not only isn't it on C-SPAN, until this thing got derailed by the Massachusetts Senate election, this set of decisions was being made by—I know that our team here in the House was five people. Most of them were from California, strangely enough, and there wasn't a Republican in the bunch. I don't know who the Senate team was, but they met in private, behind closed doors. There were no C-SPAN cameras, and there was certainly no public knowledge of what was going on in those negotiations. So the funny bone is funny. It's not on C-SPAN.

I yield to the gentleman.

Mr. McCOTTER. I thank the gentleman for yielding.

It's certainly not funny, humorous, when we understand that, recently, we've just heard that the election of Senator BROWN from Massachusetts was due to, in many ways, according to the administration, the public's lack of having adequate information about what was in the bill.

We have heard that this administration and this Congress have been too busy acting to do enough talking so that we can do enough understanding as the American people. It would seem to me that, if one wants to make the argument that the American people haven't had sufficient information regarding what's in the bill and why it's

in their best interest, the last place you would wish to hold your meetings regarding that bill would be behind closed doors, out of public sight.

It strikes me that—to use a medical term, actually, a criminal term—do not blame the victim. Do not claim the American people do not understand what's in this bill or that they have not had adequate information when it is you who are, in fact, keeping that information from them, especially because you realize that, when the American people have seen what's in this bill and what you intend to do to have government run their health care and to make some of their most intimate life decisions for them, they've rejected it.

I yield back to the gentleman.

Mr. LATOURETTE. I thank the gentleman.

The gentleman may remember—and I didn't have this experience—that, during the month of August, there were a lot of town hall meetings on YouTube where people were standing up. Basically, they had done some research online, and they had looked at—I think the bill was called H.R. 3200 at that time, or maybe it was 3400. They'd actually read it. I did 18 town hall meetings during that time, and I didn't have any angry mobs or anything like that. What I did have, on more than one occasion, are some senior citizens in the front row with a computer printout. They asked, Well, why is this provision on page 196 in the bill? Why are you doing this?

□ 1545

The greatest concern and what people get, and it is both the House and the Senate bill: when the President was here he said, We agree on 80 percent of this stuff. We do. In America, if you have a preexisting condition, you should have insurance, and you should have the opportunity to be insured. I think if you can't get insurance, we need to find a way to get you covered. I think that you shouldn't have to stay in a bad job just because you are afraid of losing your health care. So the President was right, 80 percent of that.

But if that is the case, why then, to take care of these identifiable problems that people say, yeah, that is not fair, we should fix that—why then do you have to do the other monkeying around? And the other monkeying around truly, as far as the seniors are concerned, both bills take about \$500 billion out of Medicare. Now, why do you have to short the people that are receiving Medicare by \$500 billion to take care of these other problems? And people understand that, and that came through loud and clear during the month of August.

I yield to the gentleman.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

I will point out also, just to continue your point, when you take this \$500 billion out, what is going to happen in 2011 is the first wave of our baby

boomers hit at 3 million to 3.5 million people per year. Which means in the next 10 years when you take half a trillion dollars out, you are going to add 30 million to 35 million people. Three things happen when that occurs.

Number one, you decrease access. Seniors get it. Number two, if you can't get in to see your doctor, the quality of your care goes down. And, number three, to get the care you need, you are going to have to pay more money. You are going to have to pay a higher supplemental to get in.

So those three things are absolutely guaranteed. Our seniors understand it very well.

Back to the point that you were making a moment ago and I think is very important for comparative effectiveness research: I practiced medicine for over 30 years, and there is nothing wrong with finding out what the best treatment for something is. We do that and we do research on that.

The problem comes when you make the next move and say: okay, this person is 80 years old. Their life expectancy is three, four years. Am I going to do an expensive knee replacement? People will say that won't happen. It is already happening.

In England right now, they have an acronym called NICE, which is really an ugly word for that. I have a good friend, a physician in my hometown, whose sister-in-law is English. She was recently treated for chronic lymphocytic anemia and her treatment in England was a blood transfusion. People in this country don't die of that disease. Whatever your age is, you are offered treatment and you are treated.

So this is being used already around in England. Many medications are not allowed because it "costs too much." You will get to take the red pill or the blue pill, and it may not be the best pill.

So what you said is absolutely true. If people don't think it will happen in this country, it will. And I could not agree more. I agree with the President. I think the President would have served himself and the country well to sit down with both sides and find the common denominator on the 80 percent of the things that we agree on and then fix them. It is not that hard to do.

An example I will give you: the Senate bill is going to cover 30 million people, I think, at a cost of \$1 trillion. You can do two things, one of which is in this bill which I like. Two things:

One is if your adult-age children graduate from high school or college and don't have insurance, which three of mine didn't when they got their first job, you simply allow them to stay on their parents' health care plan. You can cover 7 million young people by doing that.

Number two, we already have a State Children's Health Insurance Plan and Medicaid. It is already out there, and so that doesn't require another bureaucracy. If you sign the people up who currently are eligible, you will

cover another 10 million to 12 million people.

You get to almost two-thirds of what the Senate bill wants to do in one page, not 2,500 pages of incomprehensible gibberish. So I would suggest that we do that now.

We have a great opportunity to get this right. As I have said as a physician for years, first of all, patients and their families and their doctors ought to be making the health care decisions, not insurance companies, not the government. And after looking at this bill—and I have read, as probably you have, this entire 2,032-page bill. And some of it is almost incomprehensible. It takes two or three other manuals, the HHS manual and the IRS manual and so on, to even read it to fully understand what you are getting.

So we need to go back and do something that is simple and fixable so that the American people can understand and a doctor can understand. My physician friends are asking me, Phil, what does all this stuff mean? That is basically what we are dealing with. If the doctors don't understand it, I doubt if the general public does.

Mr. LATOURETTE. I thank the gentleman for his observations and hope he can stay with us for the rest of the hour.

I was just reminded, Mr. McCOTTER and I are both lawyers; the gentleman is a doctor. Back home, when people say, I practiced law for 30 years, they say, When are you going to stop practicing and really do it? But it is another subject.

All right. I want to move down a little lower on our buddy here, and we have pork ribs. In the original game, it is just ribs. I call them pork ribs because, interestingly enough, in the Senate bill—I am going to talk about the Senate bill for a minute—they have trouble. Go figure, they have trouble even though they had 60 Members, now soon only 59. But 60 Members who were members of the Democratic Party, which is filibuster-proof and everything else, but they were having trouble getting it across the finish line. So there were some pretty highly publicized slabs of pork that were and are in the Senate bill.

The reason it is relevant is that after the Massachusetts Senate race, there was some discussion—and I see today that the Speaker has rejected it—but there was some discussion that, because they have lost their supermajority in the United States Senate, that they just bring the Senate bill over here for an up-or-down vote in the House of Representatives. So it becomes relevant what is in the Senate bill, as well as what is in the House bill.

There was a column in the Washington Post. Now, I have been here for 15 years. The Washington Post is not a real right-wing, right-leaning newspaper. And it was a column written by a guy named Dana Milbank. Aside from reading his column every once in a

while, I see him on that show with Keith Olbermann, "The Countdown." He doesn't strike me as a Rush Limbaugh, Glenn Beck type, either. But he was apparently moved to put pen to paper, and he talked about the slabs of pork in the bill.

And you can begin with the Louisiana Purchase. Apparently, in order to get the Senator from Louisiana, Senator LANDRIEU, on board, she received \$100 million in 2011 in extra Medicaid money for Louisiana.

Now, why is that important? Because, as both gentlemen have correctly pointed out, the centerpiece of this bill—how do you take, whatever the number is. Some people say it is \$47 million, some say it is \$30 million, some people say it is \$15 million. How do you cover more people without it costing money? Everybody gets that. And so clearly, when you say that some of that is going to be taken up by the Medicaid systems within the States, it is going to cost those Medicaid systems more money.

So Senator LANDRIEU said, Well, in order to get my vote, okay, it can cost more money in Tennessee or Michigan or Ohio in Medicare expenses, and you all can pay more taxes, but not the folks down at the Mardi Gras. We are not going to pay that.

Probably the most famous one, Mr. Milbank wrote about it; I call it the Corn Husker Kickback. Senator BEN NELSON was much publicized, and Senator NELSON got an additional \$100 million in Medicaid money, and he then became the 60th vote that was necessary to clear the Senate.

You have got Gatorade. There is another Senator down in Florida, and he got an exemption. I talked before about, I wish I could keep my health care. Well, there are a lot of seniors in Florida, and about 800,000 of them are in Medicare Advantage, which is eliminated under both bills. In order to get Senator BILL NELSON's vote down in Florida, he got to keep all of his Medicare Advantage people in Medicare Advantage. But in our States, if this were to become law, they are out.

I want to go to Montana. The head of the Finance Committee over in the Senate, Senator MAX BAUCUS, of course is from Montana. He secured Medicare coverage for anybody that has been exposed to asbestos. Now, I think that is okay with me; but you have got to read the fine print in all of this business. And it only applies to people who were exposed to asbestos who worked in a mine in Libby, Montana. So again, Ohio, Tennessee, all the other 49 States, if you were exposed to asbestos, you are not covered; but if you are from Montana, you are.

I yield to Mr. MCCOTTER.

Mr. MCCOTTER. I thank the gentleman. This segues into another point on the chart, the sweetheart deals that were made with big pharmaceutical industries and others to try to get this bill passed. But the converse is the heartless deals that were also made to get this bill passed.

The gentleman has talked about the disparate treatment amongst the States, which helps to explain why the bill is being handled behind closed doors so the public cannot see what Mr. Milbank, thankfully, is able to write under the Constitution.

One of the two heartless deals is the taxpayer funding of abortion which is in the Senate bill. And at this point, I would like to thank our Democratic colleague BART STUPAK for his efforts here to ensure that the House bill carried his provision to prevent the taxpayer funding of abortion. It was a rare moment of bipartisanship and a very difficult issue. He has been a man of strong courage and conviction and held his ground, and hopefully we could still see that provision remain if something is passed.

We have also seen the heartless deal of, as has been mentioned, cutting a half trillion dollars from Medicare. That doesn't sound like a very good deal for the senior citizens.

And in the end, there is also a hidden deal that the American people don't, I think, quite realize the extent to which it is going to hurt them. The deal is this: within these bills is the concept, the quality and continuation of your life and the health care you require to perpetuate it and improve it is tied to the cost to the government.

I want to be clear on this. We discuss this in our Republican House policy pamphlet, "We, the People," which you can see on line at [RepublicanHouse.com](http://RepublicanHouse.com).

The fundamental tenets of the health care bill before us set forward a heartless deal whereby your life and health care will be determinate upon its cost to the government. And that is because the underlying theory is that government can control health care costs by controlling the supply of health care and your decisions. It is absolutely backwards.

A better deal for the American people would be to realize you have an inherent sanctity and dignity and liberty that allows you to pursue your health and wellness and happiness, absent its cost to the government, as long as you don't hurt other people; and to make sure that we go towards a patient-centered wellness that empowers individuals as consumers of health care to be able to make their own decisions, and allow the free market that is born of that to increase the supply of health care to reduce costs. A far better deal for the American people from their servant government.

I yield back.

Mr. LATOURETTE. I thank the gentleman for that observation. And just cueing up on the doctor's comment earlier about NICE and Great Britain, there are a lot of stories. You hear stories of people in Great Britain love their coverage, some people hate their coverage.

One of the stories that I have seen is there is a condition that you probably know, macular degeneration, where the

back of the eye degenerates and eventually can lead to blindness. It is tied in many cases to people who are diabetic. There are a number of drugs that can help slow or even move towards a cure for macular degeneration.

The NICE program, the NICE board which we are now modeling this board that Mr. MCCOTTER talked about in the United States, apparently will not approve the best drug, the drug that has the greatest results. And I get that. I mean, there is a big fight between the boutique drugs and generic. But they will only cover one eye. They won't cover both eyes. So it sets up sort of this strange situation.

I haven't been to England lately; but if you go, it is sort of everybody is going to have an eye patch. It is going to be okay on International Pirate Day, but it is probably not going to work out the rest of the year. But those are the choices that you wind up getting in.

Mr. ROE of Tennessee. I will just continue with that thought for a moment. When I began my practice—and, yes, we practiced like it takes us a while to get it all right, and I am still working on it after 30 years trying to get it right—but when I began my practice in medicine, the survival rate of breast cancer in this Nation was about 50 percent for 5 years. If a patient came to me and said, Dr. ROE, I have breast cancer. What are my chances of living? About 50 percent had 5 years.

Fast forward to now. We get a stage I breast cancer now, which we are finding almost all of them at early detection because of early mammograms; it is over 95 percent. It is one of the great stories. You can tell a patient, no matter how ill you get, no matter how sick you are, you are going to make it. You are going to be fine.

In England what they did was they were doing mammograms, and they discovered and there will be a false positive where the test says you have something and you don't. Well, let me tell you, one of the best days you will ever have is calling a patient up and tell them, You don't have cancer. I have never had a problem with that. But what they found out was that the biopsies, it is a fairly sophisticated biopsy. It requires a radiologist and an X-ray and so forth. That was costing more than providing the mammograms. So what they have done is now they don't do routine screening mammograms. They just wait until you get a cancer, until you can feel a lump, and then biopsy it.

The highest survival rate I have been able to find in English literature is 78 percent. I can promise you, if you follow that pathway, it is going to go right back down to 50 because you will find them too late after the disease has already spread.

So this stuff is occurring. This is not fairytale stuff. It is occurring right now.

□ 1600

I will give—and back to your first point a moment ago, I will give Senator NELSON from Nebraska kudos. I have to say, because in our State, in Tennessee, we have a budget shortfall. As a matter of fact, we can't even fund—we have no capital projects at the university this year. We're not building a library, a dormitory, nothing. We have 50 less highway patrolmen than we had 30 years ago and we've got 2 million more people. That's how dire our budget is.

So what happens with this new bill we're talking about, adding Medicaid, is that you're going to add almost a billion dollars to Tennessee's budget that we don't have, and it's a tax on States. In other words, what you're doing when you add all these people, as you pointed out, is somebody's got to pay for it. And there's a State match. Senator NELSON understood that and he just exempted his State from that match.

So that's why it's important for the viewers to understand that you at home will get not only a tax, an individual mandate tax, you're also going to get a tax. And what the government has done is an unfunded mandate. We see that all the time around here, where bills are passed and local municipalities or States are left to pay the bills. So I think it's important that the folks understand that.

I yield back.

Mr. LATOURETTE. Before yielding to the gentleman from Michigan, I just want to finish the pork rib so we can move on to sweetheart deals and the rest of our patient here. We may have to come back and do this again to get through all of the time.

But the last pork rib I want to talk about is two Democratic Senators from the State of North Dakota, Senators DORGAN and CONRAD. They, through their skill, were able to get a provision bringing higher Medicare patients to hospitals and doctors in frontier counties. Now, they weren't as blatant as some of the other ones that say it's coming to Florida, it's coming to Nebraska, but frontier counties.

I guess I'd yield to the gentleman from Michigan for his thoughts. First, I want to just ask him to answer, Do you have any frontier counties in Michigan, because we don't in Ohio.

Mr. MCCOTTER. If we did, they're not in my district.

Mr. LATOURETTE. Does the gentleman have an observation he'd like to make?

I'd yield to him.

Mr. MCCOTTER. I thank the gentleman for yielding.

On the point about the sweetheart deals and the disparate treatment amongst the States, we have to remember that in the haste to pass this bill and in the haste of the backroom dealing and the haste of trying to "incentivize" their own Democratic colleagues' votes in the Senate, you have to remember that the rule of law

applies equally to all individuals. As a free Republic composed of 50 sovereign States, it is critical that all States be treated equally under the law, under the Constitution. In their haste to pass this bill, they are endangering one of the fundamental foundations of a constitutionally based free Republic. That is a very grave mistake to make, no matter how much you attempt to reform anything, especially when dealing with the body politic.

I yield back.

Mr. LATOURETTE. It's interesting the gentleman should make that point. Senator REID of Nevada, of course, is the majority leader on the other side of the Capitol in the Senate, and he was asked about these special deals. The gentleman's correct; it takes a bill that I think is flawed and now makes it not fair. It's not fair to Ohio, Tennessee, Michigan, and other States that we're going to pay higher taxes to take in the people that can't get insurance into our Medicaid program, and the people in Louisiana and Nebraska and Florida aren't going to have to do that. But Senator REID was asked about that and his quote was: There are 100 Senators here, and I don't know that there's a Senator that doesn't have something in this bill that isn't important to them.

I think I agree with that. If they don't have, then it doesn't speak well of them.

Now, I've got to tell you, our Senators back in Ohio, nobody likes this stuff. But I've been in places where they asked, How come you didn't get? BEN NELSON got. This guy got. Why didn't you get anything? So the gentleman is absolutely right. It's a flawed bill, but now in the Senate it's been made worse because now it's not fair because people in Nebraska and Iowa and North Dakota and Florida and Louisiana are going to be treated better than the constituents in our State. That's not fair. That's not fair.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

The point was made twice that the American people are the fairest people on this Earth, and we live in a place where we have fought a Revolutionary War, established a Constitution that stated that everyone had that right—has a right to be treated equally and under the U.S. Constitution. This does not do that. It absolutely voids those rights for people in certain States and gives more rights to people in other States.

I can tell you, the American people will do a lot of hard things if you're honest with them and you're fair and they feel like the people in California and the people in Ohio and Tennessee and Michigan and Nebraska are all being treated the same. I might add that the people in Nebraska feel the same way. I have seen them and I've seen the people in Florida speak and I've seen the people in other States who got these sweetheart deals. And Louisiana, they're not happy about

that either. They're fair people. I want to point that out. It's not the people of those States. They're very fair people.

I yield back.

Mr. LATOURETTE. Well, thank you.

The gentleman makes a great point, because you would think that the Governor of Nebraska, who doesn't have to go find \$100 million to put into the Medicaid program and a budget that's strapped, would be doing cartwheels over this deal. He was quoted just like Senator REID was, and he said, Nebraskans did not ask for a special deal, only a fair deal. Under no circumstances did I have anything to do with the compromise. I, along with Governors all across America, have expressed concern about the unfunded Medicaid mandate. I have said all along that this bill is bad news for Nebraska and bad news for America. Additionally, I've criticized Senator REID when he got a special deal for Nevada that didn't apply uniformly to all States. Our Senator negotiated this deal rather than a fair deal for both Nebraska and America.

Again, if you're the chief executive of Nebraska, you think you'd be happy about this because part of your budget problems have just gone away as a result of this deal. But they recognize the gentleman's point exactly. As Americans, they want everybody to be treated fairly, even if it's at the cost of they could have gotten something extra.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. LATOURETTE. Sure. Happy to.

Mr. ROE of Tennessee. We have a Democratic Governor in the State of Tennessee, and he and the legislature are right now in session beginning on this very difficult process of balancing the budget. Our Governor in the State of Tennessee said this was the mother of all unfunded mandates. He wants no part of it. He feels like it's bad, just as the Governor of Nebraska and other Governors are realizing; that it's just another huge government entitlement that's going to cost the States and local taxpayers.

Like I said a minute ago, what are we supposed to do? Do away with our highway patrol if the Federal Government passes this? Are we supposed to not do anything for education in the State of Tennessee? I don't know what the Federal Government expects us to do, but I guess they expect us not to build colleges, not to add to our schools. I don't know. Right now, the legislature is working very hard not to cut money from education.

We hear and I've heard all the time about how our side, the Republican side, doesn't have any ideas about health care. Well, it would have been nice to share that with somebody. We have 10 physicians in our caucus on the Republican side. Not one of us was asked about this 2,000-page health care bill. I found that astonishing when I've spent my career in health care and not one person asked my opinion about

what I thought of this bill. I found that amazing to me. And so when I go home and tell people in Tennessee—as a matter of fact, all over the State of Tennessee—when I go, they can't believe it. It is sort of hard to believe.

I yield back.

Mr. LATOURETTE. I thank the gentleman.

Perhaps it's still because you're still practicing after 30 years they didn't feel that they wanted to solicit your opinion. I would say that I actually introduced a bill, and it wasn't 2,500 pages long. It was 85 pages long. It was written by the American Academy of Physicians. I didn't write it because I'm not smart enough to figure that out. They wrote it. It didn't cost what this cost. It covered everybody, took care of preexisting conditions. Around here, when you want an amendment to a bill, you've got to take 50 copies up to the Rules Committee, and so I got a mule and took 50 copies of this 85-page bill up to the Rules Committee. They didn't even think about it.

Now, what's the danger? Here, back to process, you talk about process and people's eyes sort of glaze over. But the stark reality is on this side of the aisle there are only 178 Republicans. Over here there are 257 Democrats, and the magic number here is 218. You get the simple majority, you're able to pass legislation, unlike in the Senate. So what are they afraid of? If they had made in order for 5 minutes the opportunity for me or you, as a physician, or Representative McCOTTER, as a representative of about 700,000 people in Michigan, say, "You know what? We don't like your thing but we have an idea to improve it, maybe make it a little bit more bipartisan," what is the danger in letting us talk for 5 or 10 minutes, vote on it, and then move on? They can squish you like a bug. I've said back home, at 178-257, we can't stop a one-car parade. And so this talk out there that somehow Republicans are stymieing this effort—we can't. We just don't have the ability based upon the makeup of this Chamber.

Their problem has been that some Democrats are fighting with other Democrats. And if you look at how this thing is falling apart, some people think it's gone too far. Some people think it's gone not far enough. Not many people think it's just right or else we'd have the legislation on the floor.

I want to just skip past the next two, and I would invite the gentlemen to come back and maybe we'll spend a whole hour on the next two, but one is an arm and a leg. We could talk all day about what it costs. The one thing I do want to mention about the cost is, you look at CBO. CBO scored the first bill, I think it was \$1.6 trillion over the life of the bill. It was going to be an additional cost. The Senate bill is about a trillion, and they pay for it. And that's where the "hard to stomach" comes from, the new taxes and fees that are going to be hard to stomach to pay for this thing.

But the amazing thing to me is that people around here were bragging that it only costs a trillion dollars, but the taxes—the taxes and the fees would start now. If this bill had been passed and signed into law by the President, they would begin taxing all the things we'll talk about another day today, but the benefits that they are proposing to give to people don't come in until 2013.

Now, the three of us I don't think would be in the Congress if we had invented a business that we could come to people and say, You know what? I would like you to pay me a hundred thousand today and for the next 4 years, and in 2013 I'll get around to building you a house or getting you a car, whatever the case may be.

So it's not just a trillion dollars. It's not just a trillion-and-a-half dollars or whatever the figure is. It is a trillion dollars once you start the benefits after you've been collecting taxes for 4 years.

The gentleman from Michigan.

Mr. McCOTTER. I appreciate that from the gentleman.

I just want to be clear on this. As we put forward in the Republican House Policy pamphlet, We the People, which you can view at [Republicanhousepolicy.com](http://Republicanhousepolicy.com), the government doesn't spend what it makes. It spends what it takes. When the gentleman talked about how, if you started a business, you would have startup costs. You would not be able to go out to people and simply take their money and promise them a product later and talk about what a wonderful profit that you have. What we're seeing here is some of the worst of government accounting, where the government goes out and takes your money on the promise of something later and then it tells you that it isn't as expensive as it's going to be.

I yield back.

Mr. LATOURETTE. I thank you.

I want to get to my favorite one. This is "you've got to be kidney." We talked at the top of the hour about some of the things that were in the stimulus bill, some of the things that were in the cap-and-trade legislation, but when you rush through a 2,000-page bill, it's got a lot of stuff in it. And I have "you got to be kidney," and maybe the two gentlemen have an observation about it. I thought a couple of things came to my mind about "you've got to be kidney."

This is a bill about health care, about taking care of people who are sick, making sure that people get health coverage. There is a provision in the bill that gives veterinary students—people training to be doctors to take care of horses, dogs, and cats—they're able to tap into a \$350 million fund to pay off their student loans. Now, I like veterinarians. I don't want to get in trouble with veterinarians. I think they do a great job. But what in the devil does a veterinarian have to do with a health care bill to provide better health care for people in America?

□ 1615

My second statement, before I yield to the gentleman, is that there is a provision in the bill that somehow—I think some of the drafters of this legislation think the people who we represent are stupid. So it's their proposal that they are going to require—and I'm sure it's not going to be at no cost—every vending machine in America to have a label that tells you whether or not what you're about to buy is good for you and what's in it, what's not in it, and so on and so forth.

Now, I have got to tell you, if you look at me, I'm not such a healthy eater. But I will tell you that I know when I put 80 cents in the vending machine in the Rayburn House Office Building, and I'm going to get one of those Hostess Cupcakes with the delicious cream filling, it's not good for me. I know that. We don't need to make that Ho Ho \$1.50 because the Hostess people have to put a label on there telling me, you know, that if you eat this, you're probably going to gain weight.

Mr. McCOTTER. Will the gentleman yield for a point of order?

Mr. LATOURETTE. I would be happy to.

Mr. McCOTTER. I will ask the Chair, is there a House rule against product endorsement or placement in speeches that are delivered here in the Chamber?

Mr. LATOURETTE. The gentleman is being facetious.

Mr. McCOTTER. I withdraw the request.

Mr. LATOURETTE. So those are two things that jumped out at me. I don't know if either gentleman would like to add to that before we move on.

Mr. ROE of Tennessee. I would like to add to that. I agree with you 100 percent. If you haven't figured out that eating out of a vending machine is not healthy for you, you are not smart enough to be here in the U.S. Congress.

Mr. LATOURETTE. I do take umbrage with that, Doctor.

Mr. ROE of Tennessee. The other little thing that I thought was fascinating about this health care bill was a mention for carbon credits for black liquor. And most people don't know what black liquor is, but I happen to have a paper factory in my district. It's a paper byproduct. Why in the world was that in there? Why was a sewer system on Indian reservations? Why was the calorie content of a doughnut—I don't even eat doughnuts. I started eating a dozen of them because it's not government's business to be telling you that. I want to mention something about—you talked about how they took the money and then provided the service 3 years later. Well, typically you see those furniture store ads on Saturday morning, what they typically give you is zero interest; you don't pay anything, and you get the product. This is just the opposite. I find it fascinating. Let someone try to sell you a couch doing that.

The cost is another thing I wanted to bring up, the government estimates of cost—I think this, to me, was the most amazing thing in the world. Medicare came online in 1965. It was a \$3 billion program. The estimate from the government was that 25 years later, that program would be a \$15 billion program. In 1990, 25 years later, it was a \$90 billion program. Today it's over \$400 billion. In Tennessee, we started in 1993 a program called TennCare to save money, to manage care and save money. It was a \$2.6 billion program. Ten budget years later, it had tripled to an \$8 billion program. It took up every new—almost every new dollar the State took in. So when you see these cost estimates of \$1 trillion or \$1.2 trillion, it's a fairy tale. I mean, every single government program that I have ever heard of, with the exception of Medicare Part D, went over budget.

Mr. LATOURETTE. We have about 10 minutes left, and I know the gentleman from Michigan is sort of an expert on this. This goes, again—if you like your plan, you can keep it. We have called it high-quality plans, which of course is high-quality plans. And in the Senate bill, in order to pay for some of this business, the gentleman maybe could enlighten us on what it is they do to people that have—either provided by their employer, their labor union or by whatever—a plan that really takes care of them and their family, a little pricey, but it takes care of them. I would like the gentleman to share his thoughts.

Mr. MCCOTTER. I thank the gentleman for yielding. The sky-thigh, 40 percent surcharge on health plans, in an attempt to capture, “Cadillac” plans, which we from Detroit prefer to call Lexus plans. The government in the Senate passed a bill that would tax these plans. What they did was, they caught up a whole lot of working people who have collective bargaining agreements from employer-provided benefits. You can imagine that coming from a district like mine, an auto-based district of people who still make things for a living such as cars, this was a very unfair tax to them. It went against the express position of many people in the Democratic Party who, like myself—and I believe the gentleman from Ohio—oppose putting a tax on employer-provided health care benefits.

We've recently seen where the unions had to go to the White House to try to stop this unfair tax from affecting people that they represent. I, for one Republican, am glad that the administration has shown a willingness to back off this tax because I wish everybody would not have to pay this tax. I wish they would go back to the drawing board and get it right. But it goes back to the fact that in the rush to pass this, in a haste behind closed doors to do this, they actually hurt the very working people that so many of us on both sides of the aisle have promised should never have their employer-provided health care benefits taxed.

And if I may very quickly in one moment, I wish to answer your question about vending machines. It goes back to our earlier point. The government is tying your health to the cost to the government. They want to control what you eat because if you eat improperly, it costs them “money.” Now I will just remind people, if you don't want the government in your bedroom, you sure don't want them in your kitchen either.

Mr. LATOURETTE. I thank the gentleman. Just to get to the last two, and then we will come back for another hour another day. This painful business down here on the foot, that's called a corn. And of course during the last election, a lot of people became familiar with an organization by the name of ACORN. Again, when you talk about what was handed out in the Senate, the Senator from Illinois who was the replacement for Senator Obama when he came President Obama, Senator BURRIS, is claiming a provision in Senator REID's manager's amendment that could funnel money to ACORN through the health care bill. Specifically, for those that care, it's on page 150, and it says that “community and consumer-focused nonprofit groups” may receive grants to “conduct public education activities.” So we have ACORN. And again, I'm not going to talk about all the other ACORN stuff. But what does ACORN have to do with lowering the cost of health care and making sure that people are provided?

To wrap up, the last one that we have is a kind of tricky medical, the Achilles' heel. And I put the Achilles' heel on this chart because the Achilles' heel of this entire plan, in my opinion, is the will of the American people. The American people have spoken up. They have spoken up in Virginia and New Jersey and Massachusetts. They're speaking up on the streets. They spoke up in August at town hall meetings, and it's a strange thing. I have seen a couple of articles that say that the Senate has a really tough job after they passed their bill around Christmas because they have to go home and try to convince people that a bill they don't want is good for them. I have been in public life for about 20 years. That's a strange paradigm.

So closing thoughts from the gentleman from Tennessee.

Mr. ROE of Tennessee. Well, I think it brings the point. It is getting harder and harder to pass legislation that people don't want, for sure. And I think, just very quickly, to let people know of a few basic ideas that we have that will help solve this problem. I mentioned to you a moment ago cost and affordability are what people worry about, and preexisting conditions. How do you deal with those things?

One of the things you can do is allow health insurance companies to go across State lines like any other insurance companies. Form association health plans. Preexisting conditions are only a problem for individual mar-

kets, if I'm going out to try to buy it, or small businesses, like I ran. But if you are spreading those risks among hundreds of thousands or millions of people, it's not a problem. Number three is tort reform. We haven't touched on that. Certainly malpractice reform is a major cost bender in this.

Mr. LATOURETTE. Well, just taking back my time for a minute. They say we have 5 minutes left. So we are going to be okay, and we'll get to Mr. MCCOTTER for a closing thought.

But there was a focus group in Massachusetts the night of the election, run by a pollster named Frank Luntz, and there was a physician in the focus group. He mentioned that exact point. He said, Why don't you have malpractice reform? Why don't you stop this needless double testing to make sure that you don't get sued? Actually, when our proposal was put forward, the bean counters indicated that that would save to the system \$56 billion a year.

Now to the gentleman's point about the high-quality plans: Why wouldn't you take that \$56 billion a year out of frivolous lawsuits so that these folks that have negotiated for good-quality health care for their families don't have to pay a 40 percent income surcharge on income that they're not receiving?

Mr. ROE of Tennessee. I could not agree more. And I certainly agree with my colleague from Michigan, Congressman MCCOTTER, about the high plans, the so-called wealthy plans. We don't need to be increasing taxes on—Americans can't stand another tax right now.

The other thing you can do in the State is subsidize at a nominal amount of money high-risk pools so that people who do have preexisting conditions—that's another way you can deal with that very simply. And those four or five things we talked about we could all agree on. We could get this done this 90 days or less, right here in the House in a bipartisan fashion. If the President is ready to work with us, I know our side is. I am. I yield back.

Mr. LATOURETTE. Thank you. And I yield to the gentleman from Michigan for his closing thoughts.

Mr. MCCOTTER. I thank the gentleman. One of the fundamental concepts behind this great Nation is that all power is vested in the sovereign people. It is simply delegated to us, as their servants, to do the work of governance on their behalf. You cannot defy the people who sent you here. You cannot tell your employer who is giving a 2-year, 6-year or a 4-year contract that they don't know what they are talking about, that you know better than they do, and you will take their money to convince them of it over a period in time.

I think that what we have to remember here, the true Achilles' heel is not the American public's lack of understanding about this. It is the Congress' arrogant defiance of the wishes of the American people that have commonsense solutions to problems that affect

their daily lives, especially in a very difficult time of economic recession, with high unemployment, such as in States like mine, Michigan.

When we think about this, it is a very fundamental proposition. Lincoln laid it out a long time ago. Whatever happened in Massachusetts and throughout this country, it's not anger. It's not just frustration. It's not vexation. It's the fact that the American people understand what's happening. They have the information, and they do not give their consent to this radical government-run health care bill that was passed by this House or by the Senate or is threatened to be passed again, because Lincoln was right: Why should there not be patient confidence in the ultimate justice of the people? Is there any better or equal hope in this world? The answer remains no, and I would encourage my Democratic colleagues to heed their wisdom. I yield back.

Mr. LATOURETTE. I thank both the gentlemen for participating. I will just say that in light of this election in Massachusetts, I have hoped that the administration will push the reset button, and we would take the President at his word when he came here to this House. Let's get a bill. Let's get something done on the 80 percent that we can agree about. We can fight for the rest of the couple years on the 20 percent we don't. But let's get something done for the American people.

And not to use percentages, but as our friend here in the Operation game, my folks back home are saying, We need to take care of the things that, Doc, you've talked about. Why though, in order to take care of the 15 percent of the people we have to deal with—that's the estimate—do we have to mess with the other 85 percent? We have to mess with the people who have good quality health care? We have to take \$500 billion out of Medicare? People don't understand it. And I don't blame them for not understanding because I don't understand it either. And I just have to say again, you've got to be kidding.

I thank you both for participating, Mr. Speaker. I thank you and yield back.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 874

Ms. MARKEY of Colorado. Mr. Speaker, I ask for unanimous consent to be removed as a cosponsor from H.R. 874.

The SPEAKER pro tempore (Mr. TEAGUE). Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

#### THE SMALL BUSINESS AID ACT

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

Ms. MARKEY of Colorado. Mr. Speaker, obtaining and maintaining

credit is a serious issue facing most small businesses in this country. The lack of credit has caused a cash-flow crunch on many businesses, impacting their ability to grow, purchase new equipment or hire a worker. Approximately \$2.5 billion in commercial loans will come due in the next year, and many banks will not be willing or able to renew them.

On May 20, 2009, I introduced the Small Business AID Act, H.R. 2527. The Small Business AID Act will allow small businesses to utilize the SBA's 504 loan program to refinance existing debt. Low interest rates in conjunction with this bill allow small businesses to reduce their debt while raising their cash flow. This bill is temporary in nature, limiting debt restructuring for 2 years. The bill is also deficit-neutral. Over 94 percent of my colleagues have certified development companies in their districts which provide loans to small businesses. These loans amount to an average of \$1.6 million investment in small businesses in each of our districts, and the average number of loans per year per district is three. That means almost \$5 million invested in businesses, purchases, employees.

Senator LANDRIEU introduced S. 2869 on December 10th, which includes provisions which are similar to The Small Business AID Act. The Senate Committee on Small Business and Entrepreneurship conducted hearings and has reported the bill favorably.

Our economy needs a shot in the arm. The Small Business AID Act is a simple cost-free fix to infuse more cash into our economy. I urge all members to support H.R. 2527.

#### 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. BRIGHT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. BRIGHT, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. FALCOMAVAEGA, for 5 minutes, today.

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

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. REICHERT, for 5 minutes, today.

#### SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

#### ADJOURNMENT

Ms. MARKEY of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 22, 2010, at 10 a.m.

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Judy Chu, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Conolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr. Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F. H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand\*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb

Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie K. Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh\*, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNeerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J. J. Massa, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Oliver, Pete Olson, Solomon P. Ortiz, William L. Owens, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S. P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Mark Schauer, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner Jr., Jose E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis\*,

Mark E. Souder, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher\*, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler\*, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C. W. Bill Young, Don Young.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

5652. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Inner Harbor navigation Canal, 500 yards North and South of the Florida Avenue Bridge, New Orleans, LA [COTP New Orleans-05-092] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5653. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Posit 29°26.8N 093°25.8W [COTP Port Arthur-06-024] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5654. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.0 to Mile Marker 89.0, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-084] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5655. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.5 to Mile Marker 88.5, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-086] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5656. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker Minus 20 to Mile Marker 1.5, Pilotown, LA [COTP New Orleans-05-087] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5657. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 229 to Mile Marker 229.8, in the vicinity of U.S.S. KIDD, Baton Rouge, LA [COTP New Orleans-05-088] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5658. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 482.2 to Mile Marker 491, Lake Providence, LA [COTP New Orleans-05-089] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5659. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 297 to Mile Marker 298, Angola, LA [COTP New Orleans-05-090] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5660. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 96 to Mile Marker 97, New Orleans, LA [COTP New Orleans-05-091] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5661. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-011] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5662. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway MM58.5 to MM59.5 WHL, bank to bank [COTP Morgan City-07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5663. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 feet east to 200 feet west of the Lewis Street Swing Bridge at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-08-003] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5664. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Above Head of Passes, Mile Marker 293 to Mile Marker 300, Angola, LA [COTP New Orleans-05-055] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5665. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oachita River, Mile Marker 31 to Mile Marker 33, Jonesville, LA [COTP New Orleans-05-057] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5666. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 406.0 to Mile Marker 363.0, Claiborne County Port, MS to the Natchez Front, Natchez, MS [COTP New Orleans-05-080] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5667. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 367.0 to Mile Marker 363.5, in the vicinity of the Natchez Front, Natchez, MS [COTP New



Orleans-05-081] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5668. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 363.0 to Mile Marker 365.0, in the vicinity of the Vidalia Bridge, Highway 84, Natchez, MS [COTP New Orleans-05-082] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5669. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 363.0 to Mile Marker 365.0, in the vicinity of the Vidalia Bridge, Highway 84, Natchez, MS [COTP New Orleans-05-083] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5670. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay FL. Fort Pickens, ICW Mile 180 to Mile 182 [COTP Mobile-07-010] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5671. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Pensacola Bay FL. Bayou Chico [COTP Mobile-07-011] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5672. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bayou Casotte Harbor, Pascagoula, MS [COTP Mobile-07-015] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5673. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Mexico, Santa Rosa Island, FL [COTP Mobile-07-016] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5674. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Santa Rosa Sound, Pensacola Beach, FL [COTP Mobile-07-017] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5675. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; HWY 90 Bridge, Biloxi/Ocean Springs, MS [COTP Mobile-07-020] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5676. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM170.5 to MM171.5 bank to bank [COTP Morgan City-06-001] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5677. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway from MM65.0 to MM67.0, bank to bank [COTP Morgan City-06-006] (RIN: 1625-AA00) received

January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5678. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; West Cote Blanche Bay, 1 mile radius from a point North 29 degrees, 37 minutes, 8 seconds by West 91 degrees, 47 minutes, 12 seconds [COTP Morgan City-06-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5679. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 200 yards east to 200 yards west of the Lewis Street Swing Brige at MM52.5 Bayou Teche, New Iberia, Louisiana, bank to bank [COTP Morgan City-07-007] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5680. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Lower Mississippi River, Mile Marker 87.5 to Mile Marker 88.5, in the vicinity of the Algiers Canal, New Orleans, LA [COTP New Orleans-05-085] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5681. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Hinesville, GA [Docket No.: FAA-2009-0960; Airspace Docket No. 09-ASO-29] received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5682. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; AVOX Systems and B/E Aerospace Oxygen Cylinder Assemblies, as Installed on Various Transport Airplanes [Docket No.: FAA-2009-0915; Directorate Identifier 2009-NM-224-AD; Amendment 39-16049; AD 2009-21-10] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5683. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Vulcanair S.p.A. Modles P 68, P 68B, P68C, P 68C-TC, and P 68 "OBSERVER" Airplanes [Docket No.: FAA-2009-0869; Directorate Identifier 2009-CE-043-AD; Amendment 39-16090; AD 2009-24-03] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5684. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thielert Aircraft Engines GmbH (TAE) Model TAE 125-01 Reciprocating Engines [Docket No.: FAA-2009-0753; Directorate Identifier 2009-NE-31-AD; Amendment 39-16102; AD 2009-24-10] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5685. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira De Aeronautica S.A. (EMBRAER) Model EMB-500 Airplanes [Docket No.: FAA-2009-0870; Directorate Identifier 2009-CE-049-AD; Amendment 39-16108; AD 2009-24-14] (RIN: 2120-AA64) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5686. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Morgan City Port Allen Route Intra-coastal Waterway Canal, Mile Marker 49 to Mile Marker 51, in the vicinity of Bayou Grosse Tete, Plaquemine, LA [COTP New Orleans-05-056] (RIN: 1625-AA00) received January 7, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5687. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2009 base period T-bill rate (Rev. Rul. 2009-36) received December 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## 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. CHAFFETZ:

H.R. 4484. A bill to preclude individuals who have a pending charge or have been convicted of a crime from serving as enumerators for the collection of census data; to the Committee on Oversight and Government Reform.

By Mr. HALL of Texas:

H.R. 4485. A bill to require transfer of the 1002 Area of Alaska to the State of Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HODES (for himself, Ms. SLAUGHTER, Ms. SHEA-PORTER, Mr. MOLLOHAN, Mr. RAHALL, Mr. TIERNEY, Mr. WELCH, Mr. VAN HOLLEN, Mr. ELLISON, Ms. PINGREE of Maine, Mr. MICHAUD, Ms. SUTTON, Mr. OBERSTAR, Mr. WALZ, Ms. SCHAKOWSKY, Ms. KAPTUR, Mr. MASSA, Mr. PETERSON, Ms. MCCOLLUM, Mr. DEFAZIO, Mr. KAGEN, and Mr. COSTELLO):

H.R. 4486. A bill to amend the Internal Revenue Code of 1986 to treat distributions of debt securities in a tax free spin-off transaction in the same manner as distributions of cash or other property; to the Committee on Ways and Means.

By Mr. GRAYSON:

H.R. 4487. A bill to require the approval of a majority of a public company's shareholders for any expenditure by that company to influence public opinion on matters not related to the company's products or services; to the Committee on Financial Services.

By Mr. FILNER (for himself, Mr. FARR, and Mr. GALLEGLY):

H.R. 4488. A bill to implement updated pay and personnel policies in order to improve the recruitment and retention of qualified Federal wildland firefighters and to reduce the Government's reliance on the more costly services of non-Federal wildfire resources; to the Committee on Oversight and Government Reform, and in addition to the Committees on Natural Resources, Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH (for himself, Mr. CONNOLLY of Virginia, and Mr. CUMMINGS):

H.R. 4489. A bill to amend chapter 89 of title 5, United States Code, to ensure program integrity, transparency, and cost savings in the pricing and contracting of prescription drug benefits under the Federal

Employees Health Benefits Program; to the Committee on Oversight and Government Reform.

By Mr. McKEON (for himself, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. AKIN, Mr. FRANKS of Arizona, Mr. FORBES, Mr. ROGERS of Alabama, Mrs. McMORRIS RODGERS, Mr. SHUSTER, Mr. PLATTS, Mr. LOBIONDO, Mr. KLINE of Minnesota, Mr. BISHOP of Utah, Mr. TURNER, Mr. CONAWAY, Mr. ROONEY, Mr. HUNTER, Ms. FALLIN, Mr. LAMBORN, Mr. THORNBERRY, Mr. JONES, Mr. MILLER of Florida, Mr. FLEMING, Mr. COFFMAN of Colorado, Mr. BOEHNER, Mr. CARTER, Mr. SMITH of Texas, Mr. HOEKSTRA, Mr. GINGREY of Georgia, Ms. ROS-LEHTINEN, Mr. KING of New York, Mr. CANTOR, Mrs. MILLER of Michigan, and Mr. MCCARTHY of California):

H.R. 4490. A bill to require the President to submit certain certifications to Congress before transferring or releasing an individual detained at Naval Station, Guantanamo Bay, Cuba, to the custody of another country; to the Committee on Armed Services.

By Ms. SPEIER (for herself, Mr. CLAY, Ms. LEE of California, Ms. JACKSON LEE of Texas, Mr. ABERCROMBIE, Mr. BACA, Ms. BERKLEY, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. CLYBURN, Mr. COHEN, Mr. CONYERS, Mr. COSTA, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Ms. FUDGE, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. HONDA, Mr. LEWIS of Georgia, Ms. MATSUI, Mr. MCGOVERN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Ms. NORTON, Mr. PAYNE, Mr. RANGEL, Ms. RICHARDSON, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SESTAK, Mr. SNYDER, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TOWNS, Ms. WATSON, and Ms. ZOE LOFGREN of California):

H.R. 4491. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS:

H.R. 4492. A bill to amend the Homeland Security Act of 2002 to ensure continuation of the Metropolitan Medical Response System Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, Mr. FALEOMAVAEGA, Mr. FARR, Mrs. CHRISTENSEN, Mrs. CAPPS, and Mr. HONDA):

H.R. 4493. A bill to provide for the enhancement of visitor services, fish and wildlife research, and marine and coastal resource management on Guam related to the Marianas Trench Marine National Monument, and for other purposes; to the Committee on Natural Resources.

By Mr. DAVIS of Illinois:

H.R. 4494. A bill to amend the Internal Revenue Code of 1986 to allow a credit for light-weight coal freight cars; to the Committee on Ways and Means.

By Ms. GIFFORDS (for herself, Mrs. KIRKPATRICK of Arizona, Mr. PASTOR of Arizona, Mr. GRIJALVA, Mr. MITCHELL, Mr. FRANKS of Arizona, Mr. FLAKE, and Mr. SHADEGG):

H.R. 4495. A bill to designate the facility of the United States Postal Service located at 100 North Taylor Lane in Patagonia, Arizona, as the "Jim Kolbe Post Office"; to the Committee on Oversight and Government Reform.

By Mr. GRAVES (for himself, Mr. BARTLETT, Mr. LUETKEMEYER, Mr. BUCHANAN, Mr. AKIN, and Mr. SCHOCK):

H.R. 4496. A bill to ensure that small businesses have their fair share of Federal procurement opportunities, and for other purposes; to the Committee on Small Business, and in addition to the Committees on Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mrs. CHRISTENSEN, Mr. GRIJALVA, Ms. BORDALLO, and Mr. BROWN of South Carolina):

H.R. 4497. A bill to expand the workforce of veterinarians specialized in the care and conservation of wild animals and their ecosystems, and to develop educational programs focused on wildlife and zoological veterinary medicine; to the Committee on Agriculture, and in addition to the Committees on Natural Resources, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 4498. A bill to permit voters to vote for "None of the Above" in elections for Federal office and to require an additional election if "None of the Above" receives the most votes; to the Committee on House Administration.

By Mr. HOEKSTRA:

H.R. 4499. A bill to provide that the voters of the United States be given the right, through advisory voter initiative, to propose the enactment and repeal of Federal laws in a national election; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 4500. A bill to rescind unobligated appropriations and repeal certain health care-related provisions in the American Recovery and Reinvestment Act of 2009 for purposes of reducing the national debt; to the Committee on Appropriations, and in addition to the Committees on Energy and Commerce, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 4501. A bill to require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website; to the Committee on Energy and Commerce.

By Mr. HALL of Texas:

H.J. Res. 67. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. BOSWELL:

H.J. Res. 68. A joint resolution proposing an amendment to the Constitution of the United States prohibiting corporations and labor organizations from using operating funds for advertisements in connection with any campaign for election for Federal office; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 69. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 70. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to propose amendments to the Constitution by an initiative process; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.J. Res. 71. A joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to recall elected officials; to the Committee on the Judiciary.

By Ms. GRANGER (for herself, Mrs.

BLACKBURN, Mr. CARTER, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. BROUN of Georgia, Mr. MARCHANT, Mr. WOLF, and Mr. MCCAUL):

H. Res. 1025. A resolution expressing the support of the House of Representatives for members of the Armed Forces who fight terrorism and the sense of the House of Representatives that the United States Government should pay for the legal expenses of members of the Armed Forces who are accused of committing crimes related to the treatment of a suspected terrorist, if the member is acquitted or the charges are dropped; to the Committee on Armed Services.

By Mr. CHAFFETZ (for himself, Mr.

HUNTER, Mr. KRATOVIL, Mr. NYE, Mr. FLEMING, Mrs. LUMMIS, Mr. COFFMAN of Colorado, Mr. MCCLINTOCK, Mr. POSEY, Mr. ROE of Tennessee, Mr. HARPER, Ms. JENKINS, Mr. BARROW, Mr. BRIGHT, Mr. LUETKEMEYER, Mr. OLSON, Mr. TAYLOR, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MCINTYRE, Mr. KAGEN, Mr. SHULER, and Mr. CHILDERS):

H. Res. 1026. A resolution expressing the sense of the House of Representatives that the continued peace, prosperity, liberty, and national security of the United States and its people depend upon the rule of law and credible and effective immigration enforcement policies which both welcome lawful immigrants and non-immigrants and also prevent the unlawful entry or unlawful continuing presence of foreign persons; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SABLAN (for himself, Mr.

FARR, and Ms. BORDALLO):

H. Res. 1027. A resolution recognizing the 50th anniversary of the historic dive to the Challenger Deep in the Mariana Trench, the deepest point in the world's oceans, on January 23, 1960, and its importance to marine research, ocean science, a better understanding of the planet, and the future of human exploration; to the Committee on Science and Technology.

By Mr. SULLIVAN (for himself, Mr.

BOREN, Mr. LUCAS, Ms. FALLIN, and Mr. COLE):

H. Res. 1028. A resolution honoring the life and achievements of Oral Roberts and recognizing his contributions as a minister to the Christian community; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. EHLERS, Mr. BARTLETT, Mr. BERMAN, Mrs. BIGGERT, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Mr. CASTLE, Mr. COURTNEY, Mr. DOYLE, Mrs. EMERSON, Mr. FARR, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HOLT, Mr. ISRAEL, Mr. LANCE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE of California, Mr. LOEBSACK, Mr. MANZULLO, Mrs. MILLER of Michigan, Mr. MOORE of Kansas, Mr. PASCRELL, Mr. PETRI, Mr. RODRIGUEZ, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Ms. SCHWARTZ, Mr. SIREs, Mr. SKELTON, Ms. SUTTON, Mr. TOWNS, Mr. UPTON, and Mr. YARMUTH):

H. Res. 1029. A resolution expressing support for designation of the week of February 1 through February 5, 2010, as "National School Counseling Week"; to the Committee on Education and Labor.

By Mr. PLATTS:

H. Res. 1030. A resolution congratulating Messiah College men's and women's soccer teams on winning the 2009 NCAA Division III national championships; to the Committee on Education and Labor.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, Mr. GOODLATTE, Ms. JACKSON LEE of Texas, Mr. SENSENBRENNER, Mr. DELAHUNT, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. FORBES, Mr. JOHNSON of Georgia, Mr. GOHMERT, Mr. PIERLUISI, and Mr. GONZALEZ):

H. Res. 1031. A resolution impeaching G. Thomas Porteous, Jr., judge of the United States District Court for the Eastern District of Louisiana, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Ms. CHU:

H. Res. 1032. A resolution expressing the sense of the House of Representatives that the United States should continue to assist the Mexican Government in fighting the drug cartels and curbing violence against Mexican and United States citizens, both in the United States and abroad; to the Committee on Foreign Affairs.

By Mr. REICHERT (for himself, Mr. GERLACH, and Mr. BACHUS):

H. Res. 1033. A resolution expressing support for designation of April 2010 as "National Autism Awareness Month" and supporting efforts to devote new resources to research into the causes and treatment of autism and to improve training and support for individuals with autism and those who care for individuals with autism; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SARBANES (for himself, Mr. ALEXANDER, Mr. LEWIS of Georgia, Mr. SESSIONS, Mr. HARE, Ms. WASSERMAN SCHULTZ, Mr. ROTHMAN of New Jersey, Mr. BISHOP of Georgia, Mr. PLATTS, Mr. RYAN of Ohio, Mr. GRIJALVA, Mr. JACKSON of Illinois, Mr. FILNER, Mr. RAHALL, Ms. ROSLEHTINEN, Mr. BOUSTANY, and Mr. KINGSTON):

H. Res. 1034. A resolution expressing support for designation of July 2010 as "Braille Literacy Month"; to the Committee on Education and Labor.

By Mr. SESTAK (for himself, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. GERLACH, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. SCHWARTZ, and Mr. PITTS):

H. Res. 1035. A resolution honoring Villanova University for winning the 2009 National Collegiate Athletic Association championships in Division I women's cross country and Football Championship Subdivision (formerly I-AA) and for other accomplishments; to the Committee on Education and Labor.

#### ADDITIONAL SPONSORS

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

H.R. 227: Mrs. MYRICK, Mr. DAVIS of Kentucky, Mr. CHAFFETZ, and Ms. FOX.

H.R. 272: Mr. GARY G. MILLER of California.

H.R. 413: Ms. DELAURO, Mr. YARMUTH, Mr. SIREs, and Mr. GONZALEZ.

H.R. 417: Ms. JACKSON LEE of Texas and Mr. SERRANO.

H.R. 450: Mr. BACHUS.

H.R. 460: Mr. CONNOLLY of Virginia.

H.R. 571: Mr. ORTIZ.

H.R. 706: Mr. CALVERT.

H.R. 775: Mr. SCHAUER, Mr. YARMUTH, Mr. CHANDLER, Mr. HOEKSTRA, and Mr. OWENS.

H.R. 847: Mr. DAVIS of Illinois.

H.R. 881: Mr. BOEHNER.

H.R. 893: Mr. ELLISON.

H.R. 1067: Ms. BORDALLO.

H.R. 1136: Mrs. LUMMIS.

H.R. 1158: Mr. LARSEN of Washington.

H.R. 1165: Mr. CONYERS.

H.R. 1378: Mr. ISRAEL.

H.R. 1413: Mr. FILNER.

H.R. 1526: Mr. CLEAVER, Mr. CARTER, and Mrs. CAPPS.

H.R. 1549: Mr. WU, Mr. CONYERS, Mr. SIREs, and Mr. REYES.

H.R. 1552: Mr. COURTNEY.

H.R. 1557: Ms. SHEA-PORTER.

H.R. 1585: Mr. GERLACH and Mr. TIM MURPHY of Pennsylvania.

H.R. 1619: Ms. TITUS.

H.R. 1646: Mr. PERRIELLO.

H.R. 1677: Mr. COSTA and Mr. KAGEN.

H.R. 1702: Ms. WOOLSEY and Mr. BRALEY of Iowa.

H.R. 1806: Mr. GUTIERREZ.

H.R. 2054: Ms. ESHOO and Ms. SUTTON.

H.R. 2118: Mr. MANZULLO.

H.R. 2138: Mr. LUJÁN and Mr. LATHAM.

H.R. 2324: Mr. CAPUANO and Ms. RICHARDSON.

H.R. 2397: Mr. ROONEY.

H.R. 2429: Mr. CUMMINGS.

H.R. 2478: Mr. HEINRICH, Mr. PERRIELLO, and Mr. QUIGLEY.

H.R. 2492: Ms. TITUS.

H.R. 2520: Mr. ROHRBACHER.

H.R. 2546: Ms. BORDALLO.

H.R. 2567: Ms. CLARKE and Mr. MICHAUD.

H.R. 2584: Mr. GONZALEZ.

H.R. 2608: Mr. WOLF.

H.R. 2672: Ms. BORDALLO.

H.R. 2676: Mr. MANZULLO.

H.R. 2698: Mr. SARBANES.

H.R. 2699: Mr. SARBANES.

H.R. 2849: Mr. COURTNEY.

H.R. 2850: Mrs. MALONEY.

H.R. 2927: Ms. LINDA T. SANCHEZ of California.

H.R. 2964: Mr. KISSELL.

H.R. 3024: Mr. BOUCHER.

H.R. 3077: Mr. FATTAH.

H.R. 3190: Ms. JACKSON LEE of Texas.

H.R. 3202: Mr. DELAHUNT.

H.R. 3420: Mr. LUJÁN.

H.R. 3613: Mr. SCALISE.

H.R. 3655: Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. PETERS, Mr. DAVIS of Illinois, and Mr. COHEN.

H.R. 3662: Mr. DOGGETT.

H.R. 3695: Mr. CONYERS and Ms. WATERS.

H.R. 3701: Mr. WEINER.

H.R. 3721: Mr. FRANK of Massachusetts.

H.R. 3734: Ms. BORDALLO, Ms. ZOE LOFGREN of California, and Mr. PRICE of North Carolina.

H.R. 3764: Ms. ZOE LOFGREN of California.

H.R. 3790: Mr. ROONEY and Mr. BOEHNER.

H.R. 3943: Mr. LOBIONDO, Mr. ROONEY, Mr. WAMP, Mr. KENNEDY, Mr. GUTIERREZ, and Mr. TEAGUE.

H.R. 3995: Mr. FILNER.

H.R. 4051: Mr. PLATTS, Ms. PINGREE of Maine, Mr. BRADY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. GERLACH, Mr. ROSS, Mr. ALTMIRE, and Mr. WITTMAN.

H.R. 4088: Mr. LIPINSKI, Mr. SESTAK, Mr. SMITH of Washington, and Mr. MANZULLO.

H.R. 4115: Mr. WATT, Mr. BACA, Mr. SCHAUER, and Ms. BALDWIN.

H.R. 4116: Ms. TITUS, Mr. CARNAHAN, Ms. BALDWIN, Mr. COHEN, Mrs. MALONEY, Mrs. CAPITO, Mrs. EMERSON, Mrs. FALLIN, Ms. GINNY BROWN-WAITE of Florida, Ms. ROSLEHTINEN, and Mr. WELCH.

H.R. 4126: Ms. DELAURO.

H.R. 4138: Mr. YOUNG of Alaska.

H.R. 4144: Mr. ISRAEL.

H.R. 4153: Mr. CAO.

H.R. 4190: Ms. NORTON.

H.R. 4236: Mr. PERRIELLO.

H.R. 4255: Mr. EDWARDS of Texas, Mr. SCHAUER, and Mr. MARSHALL.

H.R. 4260: Mr. KENNEDY.

H.R. 4262: Mr. FORBES.

H.R. 4268: Ms. VELÁZQUEZ, Mr. OLVER, and Mr. SERRANO.

H.R. 4287: Mr. SIREs.

H.R. 4309: Mrs. DAHLKEMPER.

H.R. 4324: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4333: Mr. MCGOVERN, Mr. CARNAHAN, Mr. JACKSON of Illinois, Ms. FUDGE, Ms. DEGETTE, Mr. FILNER, Ms. ROSLEHTINEN, Ms. KILPATRICK of Michigan, Mr. BRALEY of Iowa, Mr. PLATTS, Mr. KILDEE, and Mr. SESTAK.

H.R. 4348: Mr. WOLF.

H.R. 4353: Mrs. MALONEY, Mr. JACKSON of Illinois, Ms. BERKLEY, Ms. JACKSON-LEE of Texas, and Mr. BRADY of Texas.

H.R. 4354: Ms. BORDALLO.

H.R. 4371: Mr. RAHALL, Mr. ACKERMAN, Mr. REYES, Mr. FORBES, Mr. YOUNG of Florida, Mr. GOODLATTE, and Mr. DELAHUNT.

H.R. 4393: Mr. LUJÁN and Mr. MICHAUD.

H.R. 4400: Mr. BUTTERFIELD, Mr. EDWARDS of Texas, and Mr. MCINTYRE.

H.R. 4413: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 4415: Mr. KINGSTON, Mr. BROUN of Georgia, Mr. GERLACH, Mr. LATTI, and Mr. COLE.

H.R. 4426: Mr. GRIJALVA, Mr. OBEY, Mr. CAPUANO, Mr. BOSWELL, Mr. LOEBSACK, Mr. ELLISON, Mr. MORAN of Virginia, Ms. LEE of California, Ms. WOOLSEY, Mr. LIPINSKI, Ms. RICHARDSON, Ms. CASTOR of Florida, Mr. HALL of New York, Ms. SHEA-PORTER, Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mrs. DAVIS of California, Mr. CONYERS, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. INSLEE, Mr. FALCOMVAEGA, Mr. DINGELL, Mr. JOHNSON of Georgia, Mr. CONNOLLY of Virginia, Mr. OLVER, Ms. EDWARDS of Maryland, and Mr. LARSON of Connecticut.

H.R. 4427: Mr. WITTMAN, Mr. MILLER of Florida, and Mr. MICHAUD.

H.R. 4428: Mr. WEINER, Ms. LEE of California, and Mr. GRIJALVA.

H.R. 4459: Mr. SENSENBRENNER.

H.R. 4463: Mr. POSEY, Mr. MARIO DIAZ-BALART of Florida, Mr. STEARNS, Mr. COBLE, Mr. MILLER of Florida, Mr. ROGERS of Michigan, Mr. LEE of New York, Mr. GUTHRIE, Mr. HUNTER, Mr. MCHENRY, Mr. GINGREY of Georgia, Mrs. McMORRIS RODGERS, Mr. EHLERS,

Mr. DENT, Mr. REICHERT, Mr. WILSON of South Carolina, Mr. LAMBORN, Mr. BOOZMAN, Mr. FORBES, Ms. GINNY BROWN-WAITE of Florida, Mr. DREIER, Mr. BACHUS, and Mr. PENCE.

H.R. 4464: Mr. WESTMORELAND and Mr. PAULSEN.

H.R. 4466: Mr. PASCRELL, Ms. HERSETH SANDLIN, Mr. THOMPSON of Pennsylvania, Mr. POE of Texas, and Mr. SULLIVAN.

H.R. 4472: Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, and Mr. UPTON.

H.R. 4475: Mr. ELLISON.

H. Res. 704: Mr. COBLE, Mr. CRENSHAW, and Mr. KLEIN of Florida.

H. Res. 747: Ms. TSONGAS, Mr. ANDREWS, Mr. LANGEVIN, Mr. MILLER of Florida, Mr. TONKO, Mr. JOHNSON of Georgia, and Mr. LOBIONDO.

H. Res. 771: Mr. ABERCROMBIE.

H. Res. 847: Mr. PRICE of Georgia.

H. Res. 902: Mr. WHITFIELD, Mr. WATT, Mrs. BLACKBURN, Mr. MCCAUL, Mr. MCCOTTER, Mr. BUCHANAN, Mr. LAMBORN, Mr. MANZULLO, Mr. GINGREY of Georgia, Mr. HUNTER, Mr. CHAFFETZ, Mrs. MYRICK, Mr. LUCAS, Mr. DOYLE, Ms. SUTTON, Mr. RUSH, Mr. GONZALEZ, Mr. POLIS, Mr. HONDA, Mr. DINGELL, and Mr. MARIO DIAZ-BALART of Florida.

H. Res. 936: Mr. WILSON of South Carolina, Mr. CONAWAY, and Mr. LANGEVIN.

H. Res. 943: Mr. KAGEN.

H. Res. 959: Ms. GINNY BROWN-WAITE of Florida.

H. Res. 977: Mr. KINGSTON.

H. Res. 990: Mr. HONDA, Mr. HINCHEY, Ms. SUTTON, Mr. NEAL of Massachusetts, Mr. HOEKSTRA, Mr. SHERMAN, Mr. LANGEVIN, Mr. LATHAM, Mr. SULLIVAN, Mrs. MILLER of Michigan, Mr. CAMP, Mr. ELLISON, and Mr. UPTON.

H. Res. 997: Mr. FARR.

H. Res. 1003: Ms. JACKSON LEE of Texas, Mrs. LOWEY, Mr. BISHOP of Georgia, Mr. BOREN, Ms. LORETTA SANCHEZ of California, Mr. COURTNEY, Mr. LOEBSACK, Mr. CAPUANO, and Mr. MURTHA.

H. Res. 1021: Mr. BURTON of Indiana, Ms. DEGETTE, Mr. DELAHUNT, and Mr. WEINER.

H. Res. 1022: Mr. CONAWAY, Mr. RYAN of Ohio, Mr. CARNAHAN, and Mr. GRIJALVA.

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#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 874: Ms. MARKEY of Colorado.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

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No. 7

## Senate

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

### PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Alan Keiran, the Chaplain's chief of staff.

The guest Chaplain offered the following prayer:

Let us pray.

Most gracious God, the source of all light and wisdom, give to our lawmakers renewed powers to honor You in this national Chamber of deliberation. Help them to find a clear path through the tangled maze of these challenging times. Give them a consuming passion not for their own way but for Your holy will. Lord, empower our Senators to meet the stupendous dimensions of these epic days with courage and faith. Give them receptive minds to follow Your guidance each step of the way. We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 21, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND,

a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Madam President, I thank the majority leader for giving me a chance to make my very brief opening remarks, as I must leave the building shortly.

### SENATOR-ELECT SCOTT BROWN

Mr. MCCONNELL. Mr. President, the Senate's newest Member is coming down from Massachusetts today. We will have a chance to welcome Senator-elect BROWN to the Capitol. Obviously, we are delighted to have him.

Senator-elect BROWN has captured the attention of the entire country, but he has captured the attention of Massachusetts voters first. The people of Massachusetts sent a very strong message. They were looking for someone who would help change the direction in Washington. They put their hope in the candidate whose views reflected the kind of change they were looking for.

So we welcome Senator-elect BROWN to the Senate, and we look forward to working with him to bring about the change that Americans are telling us they want. We need to show them we are listening.

### NATIONAL SECURITY

Mr. MCCONNELL. Madam President, yesterday, several members of the administration's national security team testified before the Senate concerning the attempted Christmas Day attack

by the Nigerian terrorist, Umar Farouk Abdulmutallab. This testimony was troubling indeed and left some wondering why the administration is subjecting this terrorist to criminal prosecution instead of gaining the valuable intelligence that is needed in our war on al-Qaida.

Admiral Dennis Blair, the Director of National Intelligence, stated quite frankly that the Christmas Day bomber should have been questioned by the High Value Detainee Interrogation Group. Blair went on to say that neither he nor other important intelligence officials were even consulted on the matter. This raises several troubling questions: First, why were Miranda rights given to the obvious terrorist after only a brief session of questioning, which predictably ended his cooperation?

Second, at what level of authority was this decision taken to treat him as a criminal defendant instead of an unlawful enemy combatant? Who made that decision?

I asked this question last night of John Brennan, the President's senior counterterrorism adviser, three times, and he refused to answer. I think the Senate is entitled to know precisely who authorized this.

A year ago, the President decided to revise the Nation's interrogation policies and to restrict the CIA's ability to question terrorists. The administration created a High Value Detainee Interrogation Group precisely for the purpose of questioning terrorists. Why wasn't this group brought in once this terrorist was taken into custody?

Americans are going to need to know the answers to those questions.

I yield the floor.

### RECOGNITION OF THE MAJORITY LEADER

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

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



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## SENATOR-ELECT SCOTT BROWN

Mr. REID. Madam President, I had a good conversation with Senator-elect SCOTT BROWN yesterday. He is coming to Washington today. I look forward to visiting with him. We have a time set for him to come by my office.

In my conversation with him, he seemed very pleasant and excited about coming to Washington, which I am sure he is. We talked about his daughter going to Syracuse and the fact that JOE BIDEN graduated from Syracuse, and he knew that. I look forward to our meeting with him.

## THE NIGERIAN TERRORIST

Mr. REID. Madam President, I will speak briefly on the statement of my friend, the senior Senator from Kentucky, about the Nigerian terrorist.

The one thing we need not do is politicize the fight against terrorism. John Brennan did testify yesterday in our classified briefing. It was classified. The things that took place there should be classified. People should not be talking about it. The reason that is the case is that we want people who come to classified briefings to be able to speak freely.

We have had a long history in our country of people who commit crimes on our territory in the United States being tried in the United States, including Richard Reid, the shoe bomber. It isn't as if this is the first time something like this happened. Even though they are proceeding under civil courts, they can always drop back and fall into the category of war criminals if, in fact, that choice is made. Just because they are going forward in this manner today doesn't mean they cannot drop back in some other manner at a subsequent time.

Even though I don't like to discuss what went on in a closed briefing, in a classified setting, I was there from the very beginning to the very end of Mr. Brennan's presentation. I never heard him refuse to answer. In fact, he answered the question that was asked in a number of different ways by my friend, the Republican leader, and another Republican Senator. So if there are any questions about anything that Mr. Brennan had to say, I hope that those questions will be asked directly to him. We have had some open hearings.

My point is that there is a war on terror taking place now. I tried to be as supportive of President Bush during his years as President when this was going on after 9/11. I hope my Republican colleagues will be supportive of President Obama. This is not a partisan issue.

## SCHEDULE

Mr. REID. Madam President, this morning, following leader remarks, the Senate will proceed to a period of morning business for an hour, with Senators allowed to speak therein for

up to 10 minutes each. That time will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first half; the majority will control the final half. Following morning business, the Senate will resume consideration of H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt. Currently, we have three amendments pending. We hope we can reach short time agreements so we can schedule votes on these amendments.

MEASURE PLACED ON  
CALENDAR—S. 2939

Mr. REID. Madam President, I understand that S. 2939, which was introduced by Senator DEMINT, is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The bill clerk read as follows:

A bill (S. 2939) to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal Reserve banks, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard, and the bill will be placed on the calendar under rule XIV.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee is recognized.

## HEALTH CARE

Mr. ALEXANDER. Madam President, during our recent health care debate I heard a number of times from our friends on the other side of the aisle this question: What are Republicans for?

Well, they will wait a long time if they are waiting for the Republican leader, Senator MCCONNELL, to roll into the Senate a wheelbarrow filled with a 2,700-page Republican comprehensive health care bill or, for that matter, a 1,200-page climate change bill or a 900-page immigration bill.

If you have been listening carefully to the Senate debate, you will know

that on health care, as well as on clean energy, debt reduction, and immigration, for example, Republicans have been offering the following alternative to 1,000-page bills: going step by step in the right direction to solve problems in a way that re-earns the trust of the American people.

Comprehensive immigration, comprehensive climate change, and comprehensive health care bills have been well intended, but the first two fell of their own weight, and health care, if enacted, would be a historic mistake for our country and a political kamikaze mission for Democrats.

What has united most Republicans against these three bills has not only been ideology but also that they were comprehensive. As George Will might write: "The Congress. Does. Not. Do. Comprehensive. Well."

Two recent articles help explain the difference between the Democratic comprehensive approach and the Republican step-by-step approach.

The first, which appeared in the new journal, National Affairs, and was written by William Schambra of the Hudson Institute, explains the "sheer ambition" of President Obama's legislative agenda as the approach of what Mr. Schambra calls a "policy President."

Mr. Schambra says the President and most of his advisers have been trained at elite universities to govern by launching "a host of enormous initiatives all at once . . . formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms of functions."

This is governing by taking big bites of several big apples and trying to swallow them all at once. In addition, according to Mr. Schambra, the most prominent organizational feature of the Obama administration is its reliance on "czars"—more than the Romans, said one blogger—to manage broad areas of policy. In this view, systemic problems of health care, of energy, of education, and of the environment simply can't be solved in pieces.

Analyzing the article, David Broder of the Washington Post wrote this:

Historically, that approach has not worked. The progressives failed to gain more than a brief ascendancy and the Carter and Clinton presidencies were marked by striking policy failures.

The reason for these failures, as Broder paraphrased Schambra, is that "this highly rational comprehensive approach fits uncomfortably with the Constitution, which apports power among so many different players." Broder then adds this:

Democracy and representative government are a lot messier than the progressives and their heirs, including Obama, want to admit.

James Q. Wilson, a scholar, writing in a memorial essay honoring Irving Kristol in the Wall Street Journal a few months ago, says the law of unintended consequences is what causes the failure of such comprehensive legislative schemes. Explains Wilson:

Launch a big project and you will almost surely discover that you have created many things you did not intend to create.

Wilson also writes that neoconservatism, as Kristol originally conceived of it in the 1960s, was not an organized ideology or even necessarily conservative, but “a way of thinking about politics rather than a set of principles and rules. . . . It would have been better if we had been called policy skeptics.”

The skepticism of Schambra, Wilson, and Kristol toward grand legislative policy schemes helps to explain how the law of unintended consequences has made being a member of the so-called “party of no” a more responsible choice than being a member of the so-called party of “yes, we can”—if these three recent comprehensive bills on health care, climate change, and immigration are the only choices.

Madam President, it is arrogant to imagine that 100 Senators are wise enough to reform comprehensively a health care system that constitutes 17 percent of the world’s largest economy and affects 300 million Americans of disparate backgrounds and circumstances.

How can we be sure, for example, that one unintended consequence of spending \$2.5 trillion more for health care over 10 years will not be higher costs and more debt? Won’t new taxes be passed along to consumers, raising health insurance premiums and discouraging job growth? Won’t charging insolvent States \$25 billion over 3 years for a Medicaid expansion raise State taxes and college tuitions? Ask any Governor. And how can a Senator be so sure that some provision stuck in a 2,700-page partisan bill in secret meetings and voted on during a snowstorm at 1 a.m. will not come back around and slap him or her in the face, such as trying to explain why Nebraska got a cornhusker kickback to pay for its Medicaid expansion and my State did not?

James Q. Wilson also wrote in his essay that respect for the law of unintended consequences “is not an argument for doing nothing, but it is one, in my view, for doing things experimentally. Try your idea out in one place and see what happens before you inflict it on the whole country,” he suggests.

If you will examine the CONGRESSIONAL RECORD, you will find that Republican Senators have been following Mr. Wilson’s advice, proposing a step-by-step approach to confronting our Nation’s challenges 173 different times during 2009. May I say that again? During 2009, Republican Senators, 173 different times on the floor of the Senate, have proposed a step-by-step approach toward health care and other of our Nation’s challenges.

On health care, for example, we first suggested setting a clear goal; that is, reducing costs. Then we proposed the first six steps toward achieving that goal: No. 1, allowing small businesses

to pool their resources to purchase health plans; No. 2, reducing junk lawsuits against doctors; No. 3, allowing the purchase of insurance across State lines; No. 4, expanding health savings accounts; No. 5, promoting wellness and prevention; and No. 6, taking steps to reduce waste, fraud, and abuse. We offered these six proposals in complete legislative text. It totaled 182 pages, all 6. The Democratic majority rejected all six of our proposals and ridiculed the approach, in part because our approach was not comprehensive.

Take another example. In July, all 40 Republican Senators announced agreement on 4 steps to produce low-cost, clean energy and create jobs: No. 1, create 100 new nuclear powerplants or at least the environment in which they could be built; No. 2, electrify half our cars and trucks; No. 3, explore offshore for natural gas and oil; and No. 4, double energy research and development for new forms of energy. This step-by-step Republican clean energy plan is an alternative to the Kerry-Boxer national energy tax which would impose an economy-wide cap-and-trade scheme, driving jobs overseas looking for cheap energy and collecting hundreds of billions of dollars each year for a slush fund with which Congress can play.

Here is another example. In 2005, a bipartisan group of us in Congress asked the National Academies to identify the first 10 steps Congress should take to preserve America’s competitive advantage in the world so we could keep growing jobs. The academies appointed a distinguished panel, including now-Secretary Chu, that recommended 20 such steps. Congress enacted two-thirds of them. The America COMPETES Act of 2007, as we call it, was far-reaching legislation, but it was fashioned step by step.

Another example. When I was Governor of Tennessee in the 1980s, my goal was to raise family incomes for what was then the third poorest State. As I went along, I found that the best way to move toward that goal was step by step—some steps smaller, some steps larger—such as changing banking laws, defending right-to-work policies, keeping debt and taxes low, recruiting Japanese industry, and then the auto industry, building four-lane highways so suppliers could get to the auto plants, and then a 10-step better schools program, 1 step of which made Tennessee the first State to pay teachers more for teaching well. I did not try to turn our whole State upside down all at once, but working with leaders in both parties, I did help it change and grow step by step. Within a few years, we were the fastest growing State in family incomes.

According to a recent survey by On Message Inc., 61 percent of Independents, 60 percent of ticket splitters, and 77 percent of Republicans answered yes to the following question: I would rather see Congress take a more thoughtful step-by-step approach focusing on commonsense reforms.

Human experience has always taught that enough small steps in the right direction is one good way to get you where you want to go and also a good way along the way to avoid many unexpected and unpleasant consequences.

Tuesday’s election in Massachusetts is the latest reminder that the American people are tired of risky, comprehensive schemes featuring taxes, debt, and Washington takeovers, as well as lots of hidden and unexpected surprises. It is time to declare that the era of the 1,000-page bill is over or the era of the 2,000-page bill is over or the era of the 2,700-page bill is over. A wise approach would be to set a clear goal, such as reducing health care costs, take a few steps in that direction and then a few more so that we can start solving the country’s problems in a way that reearns the trust of the American people.

Madam President, I ask unanimous consent to have printed in the RECORD an article from the Wall Street Journal of Monday, September 21, written by James Q. Wilson, an article by David Broder from the Washington Post of September 24, and an article from the magazine National Affairs written by William Schambra.

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

[From the Wall Street Journal, Sept. 21, 2009]

#### A LIFE IN THE PUBLIC INTEREST

(By James Q. Wilson)

Irving Kristol not only helped change the country, he changed lives. He certainly changed mine.

When I was a young faculty member at Harvard, I learned that he, along with Daniel Bell, had just created The Public Interest. I wrote him to say how enthused I was to find a magazine that published serious but jargon-free essays in which scholars analyzed public policy. Irving called back to invite me to join him and his wife, Gertrude Himmelfarb, for dinner when I was next in New York City.

I was overwhelmed. The founding editor of an important magazine was inviting an unknown young writer to have dinner with him. I went as soon as I could. It was a nice meal, and Irving asked me to “write something” for the journal. “Write what?” I replied. “I will send you a government report you should discuss,” he suggested. He did, and I wrote about it for the magazine’s second issue. My piece was, at best, pedestrian, but I was hooked.

Reading the magazine became the center of my nonteaching life. I learned what Pat Moynihan, Robert Nisbet, Jacques Barzun, Martin Diamond, Daniel Bell, Nathan Glazer, James Coleman, Peter Drucker and countless others thought about public policy. It was a new world: Thoughtful people with real knowledge were discussing public policy at a time, the mid-1960s, when the federal government was acting as if anything were possible.

These writers were discussants, not pundits. They wrote long essays (happily, free of footnotes) analyzing which policies might work and which would not. They did not utter slogans, they assumed there were intelligent readers out there, and for the most part did not embrace a party line. A magazine that later was said to be the founding

document of the neoconservative movement published work by Robert Solow, James Tobin, Christopher Jencks, Charles Reich, Charles Lindblom and many other conspicuous nonconservatives.

It was the right moment. President Lyndon Johnson was trying to create a new political era by asking the government to do things that not even Franklin Roosevelt had endorsed, and to do it in a period of prosperity. The large majorities his party had in Congress as a result of Johnson's decisive defeat of Barry Goldwater in 1964 made it possible to create Medicare and Medicaid and to adopt major federal funding for local school systems. He created the Department of Transportation and the Department of Housing and Urban Development. Johnson himself called what he was doing the creation of a "Great Society."

I was a small part of that world. I chaired a White House task force on crime for the president. It was a distinguished panel but after much effort we made very few useful recommendations. It slowly dawned on me that, important as the rising crime rate was, nobody knew how to make it a lot smaller. We assumed, of course, that the right policy was to eliminate the "root causes" of crime, but scholars disagreed about what many of those causes were and where they did agree they pointed to things, such as abusive families, about which a democratic government can do very little.

The view that we know less than we thought we knew about how to change the human condition came, in time, to be called neoconservatism. Many of the writers, myself included, disliked the term because we did not think we were conservative, neo or paleo. (I voted for John Kennedy, Lyndon Johnson and Hubert Humphrey and worked in the latter's presidential campaign.) It would have been better if we had been called policy skeptics; that is, people who thought it was hard, though not impossible, to make useful and important changes in public policy.

Whatever the authors were called, their best essays reflected one general view: Let us use social science to analyze an existing policy to see if it works at a reasonable cost. This meant that these writings were backward looking in a world when liberals were relentlessly forward looking. If you look carefully at what has been done rather than announce boldly what ought to be done, you will be called, I suppose, a conservative. We were lucky, I imagine, not to be called reactionaries.

Irving Kristol smiled through all of this. He did not care what we were called and he gave to one of his published collections of essays the title, "Neoconservatism: the Autobiography of an Idea." He explained why that tendency differs from traditional conservatism: Neoconservatism is not an ideology, but a "persuasion." That is, it is a way of thinking about politics rather than a set of principles and rules. If neoconservatism does have any principle, it is this one: the law of unintended consequences. Launch a big project and you will almost surely discover that you have created many things you did not intend to create.

This is not an argument for doing nothing, but it is one, in my view, for doing things experimentally. Try your idea out in one place and see what happens before you inflict it on the whole country.

I recall when Nathan Glazer and I spoke at a conference on neoconservatism organized by The Partisan Review. Nat and I made all of these points about caution, experimentation and unintended consequences only to be told by one of the Review's editors that this was not enough: To be serious about politics, one had to have an organized ideology. Well, the Review certainly did.

In time I think The Public Interest began to speak more in one voice and the number of liberals who wrote for it declined. Every magazine acquires a character just as every human has a personality. That character was sharpened and reinforced by the cultural revolution of the late 1960s, which required of liberal skeptics that they become not merely critics of ill-advised policies but defenders of the nation to which those policies might apply.

Irving Kristol's talents were remarkable: He did for The Public Interest what he had earlier done for Commentary, the Reporter and Encounter—find good people and induce them to say important things even when it did not improve the revenues of the magazine. The Public Interest always relied on financial support from a few friends and rarely sold more than 12,000 copies. That didn't bother Irving at all: What counts is who reads it, not how many read it. And for 40 years a lot of important people did read it.

I was upset when the magazine ceased being published in the spring of 2005. With others I struggled to find a new home. There were some good possibilities for a new venture, but in time Irving said no, "Forty years is enough." And now for Irving, 89 years is enough—he died Friday of lung cancer. Losing him is like losing your favorite uncle: A wise and cheerful man who knew so much about so many things and would always help you out.

[From the Washington Post, Sept. 24, 2009]

#### MR. POLICY HITS A WALL

(By David S. Broder)

A new publication came across my desk this week containing an essay that offers as good an insight into President Obama's approach to government as anything I have read—and is particularly useful in understanding the struggle over health-care reform.

The publication is called National Affairs, and its advisory board is made up of noted conservative academics from James W. Ceaser to James Q. Wilson. The article that caught my eye, "Obama and the Policy Approach," was written by William Schambra, director of the Hudson Institute's Bradley Center for Philanthropy and Civic Renewal.

Schambra, like many others, was struck by the "sheer ambition" of Obama's legislative agenda and by his penchant for centralizing authority under a strong White House staff replete with many issue "czars."

Schambra sees this as evidence that "Obama is emphatically a 'policy approach' president. For him, governing means not just addressing discrete challenges as they arise, but formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms and functions. In this view, the long-term, systemic problems of health care, education, and the environment cannot be solved in small pieces. They must be taken on in whole."

He traces the roots of this approach to the progressive movement of the late 19th and early 20th centuries, when rapid social and economic change created a politics dominated by interest-group struggles. The progressives believed that the cure lay in applying the new wisdom of the social sciences to the art of government, an approach in which facts would heal the clash of ideologies and narrow constituencies.

Obama—a highly intelligent product of elite universities—is far from the first Democratic president to subscribe to this approach. Jimmy Carter, and especially Bill Clinton, attempted to govern this way. But Obama has made it even more explicit, regularly proclaiming his determination to rely

on rational analysis, rather than narrow decisions, on everything from missile defense to Afghanistan—and all the big issues at home.

"In one policy area after another," Schambra writes, "from transportation to science, urban policy to auto policy, Obama's formulation is virtually identical: Selfishness or ideological rigidity has led us to look at the problem in isolated pieces . . . we must put aside parochialism to take the long systemic view; and when we finally formulate a uniform national policy supported by empirical and objective data rather than shallow, insular opinion, we will arrive at solutions that are not only more effective but less costly as well. This is the mantra of the policy presidency."

[From National Affairs]

#### OBAMA AND THE POLICY APPROACH

(By William Schambra)

Nine months into his tenure, the patterns of President Barack Obama's style of governing are becoming clear. Obama had no executive experience when he took the presidential oath last winter—but he did come in with a particular idea of what politics and government are for, and how they ought to work. It is a view grounded in Progressive politics, and shared by a number of Democratic chief executives in recent decades. But Obama has articulated it, and his administration has embodied it, more fully than most.

Perhaps the most distinctive political characteristic of the Obama administration thus far is the sheer ambition of its early legislative agenda, which seeks to move a host of enormous initiatives all at once. The administration's most prominent organizational feature, meanwhile, is its reliance on issue "czars" to manage broad areas of policy. By the end of his first summer in office, Obama had named some 35 such policy superintendents—"more czars than the Romans," as one blogger quipped—overseeing matters ranging from health-care reform, energy, and regulation to stimulus accountability, corporate executive compensation, cyber security, and the Great Lakes.

Both his ambition and his unique style of issue management show that Obama is emphatically a "policy approach" president. For him, governing means not just addressing discrete challenges as they arise, but formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms and functions. In this view, the long-term, systemic problems of health care, education, and the environment cannot be solved in small pieces. They must be taken on in whole, lest the unattended elements react against and undo the carefully orchestrated policy measures.

The "policy approach" Obama seems to be embracing was best articulated by Daniel Patrick Moynihan in his classic essay "Policy vs. Program in the 1970s," published in the Summer 1970 issue of The Public Interest. "A policy approach to government," Moynihan wrote, begins "by seeking to encompass the largest possible range of phenomena and concerns." This means, to begin with, that "everything relates to everything," and therefore that "there are no social interests about which the national government does not have some policy or other." But these policies cannot simply consist of discrete interventions meant to address particular concerns. Public problems, arising in intricate social systems, are just too complex for that. Instead, policy should aim to give the system as a whole the proper shape, and then the elaborate array of programs, rules, incentives, pressures, and intentions will better fall into place.



Writ large, this approach suggests that government exists not to attend to the various problems in the life of a society, but to take up society itself as a problem—and improve it. The consequent expansion of the reach of government, proponents of this view contend, is not driven by anything as crude as presidential ambition or “socialist” ideology. It is simply a realistic and pragmatic response to the inexorable demands of the web of social reality.

To address social problems this way, the policymaker must put himself outside the circle of those whom he governs, and, informed especially by social science, see beyond their narrow clashing interests. This presents a problem in the politics of a democracy, of course, since most citizens (and the self-interested politicians they elect) either are baffled by or deliberately ignore social complexity and interrelatedness. The resulting truncated policies, reflecting unenlightened popular prejudices or arbitrary ideologies, tend to make a hash of the underlying network of causes and effects. The practitioner of the policy approach must gently chide these citizens and politicians for their short-sightedness. He must insist that they put away their childish things, and get down to the hard and serious work of attending to the complicated causes of society’s problems. And he must recruit to his administration a cadre of experts who can detect those causes—experts professionally trained in the natural or social sciences, which alone enable us to fully grasp social complexity and to design appropriate interventions.

Hence policy czars, mandated to follow the causal threads wherever they may lead, passing freely across the anachronistic and arbitrary boundaries of executive departments without undue concern for political turf. Hence Obama’s ill-concealed frustration with what he so often calls the “tired old arguments” that compose our day-to-day politics. Hence also the immense ambition of his first-year agenda—and the immense obstacles and complications he will no doubt face as he moves forward.

#### THE SCIENCE OF GOVERNMENT

The ideal of the policy presidency is deeply rooted in the enduring American Progressive movement, and particularly in its understanding of the social sciences. In the late 19th and early 20th centuries, new economic and technological developments—factory production, mass markets, railroads, the telegraph and telephone—shattered the old boundaries of what historian Robert Wiebe aptly called our “island communities.” Instead, we seemed to be increasingly intertwined, our existence affected by distant developments whose ramifications arrived unbidden in our lives through steel rail and copper wire.

That growing interdependence, writes Thomas Haskell in *The Emergence of Professional Social Science*, meant that the “effective cause of any event or condition . . . became more contingent and more difficult to trace.” Everyday common sense now failed to explain the world, which seemed to be shaped instead by “long chains of causation that stretched off into a murky distance.” Human behavior was no longer directed by autonomous moral choice, but rather by “a host of determinants external to the conscious mind.” For the early Progressives, this brought into question the ideal of the free, self-governing, and personally responsible human being and citizen. And it led to the elevation of those equipped with sciences of society that promised to trace the chains of causation into the murk—those who appreciated, as sociologist Lester Frank Ward put it, that “every fact and every phe-

nomenon is indissolubly linked to every other.”

The professional social scientist—the economist, sociologist, psychologist, and political scientist—now had a critical role to play in society because, as Haskell points out, “it was largely through his explanatory prowess that men might learn to understand their complex situation, and largely through his predictive ability that men might cooperatively control society’s future.” As the prominent Progressive (and founder of the New Republic) Herbert Croly put it, “in the more complex, the more fluid, and the more highly energized, equipped, and differentiated society of today,” the “cohesive element” would be “the completest social record,” which could be assembled only by social-science experts “using social knowledge in the interest of valid social purposes.”

This conviction became the basis for the Progressive political movement in early 20th-century America. The politics of that era seemed dangerously corrupt and tumultuous, with politicians either despoiling the public for personal and constituent enrichment or roiling public opinion with radically divisive new ideologies like socialism. In tones resembling Obama’s rhetoric today, the Progressives condemned such behavior as short-sighted, parochial, and irresponsible. These reckless political practices, they argued, ignored growing social interdependencies that demanded empirically grounded, objective, far-sighted decisions focused on the larger national interest.

Progressivism’s solution was to shift the administration of public affairs out of the hands of citizens and politicians still in the thrall of fragmented (and therefore dysfunctional) views of social reality, and into the hands of a new professional class steeped in the social sciences. They alone could formulate coherent intellectual maps of an interrelated world, and interventions sophisticated enough to bend the causal chains in the desired direction. In Croly’s words, Progressivism believed that a “better future would derive from the beneficent activities of expert social engineers who would bring to the service of social ideals all the technical resources which research could discover and ingenuity could devise.”

Progressive doctrine—particularly as extended and elaborated in President Franklin Roosevelt’s New Deal and President Lyndon Johnson’s Great Society—thus demanded the centralization of political power in the American presidency and its bureaucratic apparatus, organized according to the rational and orderly doctrines of scientific management and public administration. Progressive reformers throughout the 20th century came to denigrate the wisdom and relevance of the American Constitution, which frustrated centralization and coordination by dispersing governing power across the states and over the branches of government. Once thought essential to American freedom, these institutions now came to be seen as impediments to coherent national governance.

The apogee of social science’s influence in American public life came with Johnson’s Great Society and its vast proliferation of professionally designed programs to address housing, poverty, education, urban affairs, and other public problems. “There was a prevailing faith that social science could diagnose the causes of human problems and develop sound and effective public policy cures,” note Calvin Mackenzie and Robert Weisbrot in their history of the 1960s.

This brought on what Moynihan (in the first issue of *The Public Interest*, in 1965) called “the professionalization of reform.” The expert class had become persuaded that our supply of social-science knowledge had

accreted to the point that we now had reasonable assurance of bending society and economy to our will, he argued. And the project of reform was attracting larger segments of the middle class—who, benefiting from expanding higher education, were introduced to the allure of the “independence of judgment, esoteric knowledge, and immunity to outside criticism that characterize professionals.” Public policy now tended to respond not to social movements, but rather to the concerns of the professionals—not only because of their superior expertise, but also because they were reaching a critical mass within the institutions of government and the economy.

Political scientist Samuel Beer summarized the increasingly autonomous role played by experts in the Great Society and subsequent administrations as “the technocratic takeover.” As he put it, with all major contemporary policy problems, “it has been, in very great measure, people in government service, or closely associated with it, acting on the basis of their specialized and technical knowledge, who first perceived the problem, conceived the program, initially urged it on the president and Congress, went on to help lobby it through to enactment, and then saw to its administration.”

The professionalization of reform and technocratic takeover went beyond government boundaries, however. As Hugh Heclo, Lester Salamon, and other scholars have observed, much of the expansion of federal programs in the Great Society and beyond involved not adding more federal bureaucrats, but rather subsidizing third-party providers at lower levels of government and throughout the non-profit sector. These institutions, too, took on a professional cast, as they recruited experts to design, execute, evaluate, and report on the federal programs for which they were responsible. They also inevitably became advocates for sustained government support for their services. Private charitable foundations, which had previously been mainstays of support for non-profit service providers, now chose instead to join them in pushing for increased government funding of services. Philanthropy was then left free to fund experimental projects that would blaze trails for yet more government programs.

Over time, “issue networks” (to use Heclo’s term) began to develop, linking government bureaucrats, congressional staff, non-profit administrators, foundation program officers, and policy advocates around a shared interest in specific policy areas. Though they didn’t always agree on policy particulars, Heclo maintains, they shared a “common language for discussing the issues, a shared grammar for identifying the major points of contention, a mutually familiar rhetoric of argumentation.” These networks would provide quiet but self-sustaining momentum for federal programs, even in the face of hostile presidents.

Frank Baumgartner and Christine Mahoney have argued that as new government initiatives were established, “the programs and spending associated with them generated new interests themselves, as affected constituencies, service providers, and others entered into long-term relations with the government officials responsible for these new programs.” As Michael Greve explains, even the Reagan administration eventually gave up trying to make a dent in federal support for liberal advocacy groups, concluding that “defending was a fight it could not win without mounting an extraordinary effort,” and that “government funding of advocacy groups had become too deeply engrained in the structure of American government.”

Thus, the policy approach to governing, and especially to the executive branch, came

to take hold on the left and in Washington policy circles. It has played a role in the work of every recent administration—whether as implicit *modus operandi* or as exasperating foil—but not until President Obama has it had a genuine, life-long true believer in the Oval Office.

#### THE POLICY PRESIDENT

Obama's early life primed him for this way of thinking about politics. The circumstances of his family and his globally peripatetic youth acquainted him with a variety of strong traditional cultures—Kenyan, Kansan, Indonesian—that had not yet been entirely pulverized by modern cosmopolitanism. Obama's first book, *Dreams from My Father*, is in part his account of trying on several of the tightly woven cultural garments that his background made accessible to him. As he often puts it himself, this experience endowed him with a remarkable capacity to appreciate the most diverse moral and cultural beliefs, coolly and objectively assessing their strengths and weaknesses. Because he was in but never entirely of several cultures, he was left with a wistful sense that he would always somehow be on the outside looking in.

But his cosmopolitan childhood ensured that Obama would not be burdened by a crippling illusion so common in the traditional community: that its way is the right way, and that it can autonomously shape its common life accordingly, free of the sprawling chains of social causality. From his earliest days—helped by the guidance and example of his mother, who held a Ph.D. in anthropology—Obama understood and easily glided through the network of interdependency that, as the Progressives had predicted, was eroding traditional communities and pulling us all together in vast systems of relationship.

When a Chicago non-profit accepted his application for a job as a community organizer, Obama put on the garment of a Chicagoan. That he was not born and reared in one of the strong and often insular ethnic neighborhoods of the city of broad shoulders was not particularly relevant. He was not there to help a local neighborhood rebuild a coherent sense of community that would enable it to solve its own problems according to its own values. Rather, he was there to help local residents understand the larger networks of power and influence that determined their lives, and which alone could provide the resources and knowledge to alleviate their poverty. What the South Side of Chicago needed was not an illusory sense of community efficacy, but rather the clout to force the importation of professional expertise—in the form of city-paid employment specialists at a new job center, and hazardous waste-removal workers to clean up asbestos at the Altgeld Gardens housing complex.

After his legal education, Obama found his way into the "issue networks" that had come to dominate Chicago politics—the non-profits, advocacy coalitions, and foundations committed to ever more extensive and sophisticated interventions by trained professionals into the lives of Chicago's distressed neighborhoods. In all major American cities today, as the Manhattan Institute's Steven Malanga observes, this constellation of forces—along with the municipal and educational unions—has replaced the traditional urban political machine; it is the new engine driving the perpetual expansion of municipal services and budgets. In addition to ongoing work with local advocacy groups, Obama served on the boards of two major foundations that are leading national proponents for the development and expansion of government services.

The mode of thought inculcated by this sort of work is reflected in the final report of

the Chicago Annenberg Challenge—a massive local school-reform project (co-founded by the former Weather Underground radical William Ayers) that Obama chaired. The report suggests that the effort fell well short of expectations precisely because it left too much discretion to the untutored leaders of local schools. It would have been better to "provide guidance for local initiatives in the form of well-researched and well-thought-out maps for change," the report maintained, which would "present sound theories and principles that might enhance the effectiveness of local thinking and action." It was too much to expect everyday citizens to understand the complex forces affecting their schools without substantial, theoretically informed intervention by the professionals.

Obama's chief complaint as a new U.S. senator was that Washington's discourse seemed to be dominated by the bitter, tired, ideologically driven politics that had characterized the pre-Progressive era. Most Americans, he insisted in his second book, *The Audacity of Hope*, exhibited a "pragmatic, non-ideological attitude" and were "weary of the dead zone that politics has become, in which narrow interests vie for advantage and ideological minorities seek to impose their own versions of absolute truth."

Obama preferred an approach to public policy that would make greater use of objective evidence, scientific facts, and expert counsel. For example, he suggests in the book, we could take on the health-care problem by "having a nonpartisan group like the National Academy of Science's Institute of Medicine determine what a basic, high-quality health-care plan should look like and how much it should cost," examining "which existing health-care programs deliver the best care in the most cost-effective manner." In other words, the beginning of reform lies in the formulations of professional expertise.

During Obama's presidential campaign, journalists were clearly impressed by his willingness to consult and rely on the policy professionals. But the candidate's adamancy about seeking out proven experts came as no surprise to Obama advisor Cass Sunstein, who observed that "in his empiricism, his curiosity, his insistence on nuance, and his lack of dogmatism, Obama is indeed a sort of anti-Bush" from whom we will see "a rigorously evidence-based government."

In January, the Boston Globe reported with hometown pride that the newly elected president had turned particularly to Harvard University for key administration officials. It seemed only natural, since Obama was "a preternaturally self-confident product of the meritocracy" and had a "reputation as a seeker of the expertise and intellect that Harvard prides itself on attracting."

Small wonder, then, that as president, Obama's explanation for today's economic crisis reflects a distinctively Progressive tone, with a call to renounce short-term and selfish private indulgence in the name of empirically based, objective analysis of the long-term, system-wide view. There has "been a tendency to score political points instead of rolling up sleeves to solve real problems," he suggested in his "New Foundation" speech at Georgetown University in April. The problems we face, he continued, "are all working off each other to feed a vicious economic downturn," so "we've had no choice but to attack on all fronts of our economic crisis at once."

To address these challenges, Obama insists, we must come up with comprehensive policies that account for the entire sweep of interconnected social and economic factors contributing to the problem, and whose coordination will contribute to its solution. Echoing Moynihan's understanding of the implications of the policy approach, Obama

suggests that tackling only isolated pieces of the problem, or trying to solve only one problem at a time, will merely introduce further distortions into what should be treated as a unified and coordinated system. A comprehensive policy approach will enable us to take maximum advantage of natural- and social-science expertise, displacing expensive or ineffective local practices by spreading system-wide those programs that have proven to be more effective and less expensive, as documented by thorough research and experimentation.

Approaching the problems of the health-care system individually and incrementally, Obama insisted in a speech in July, "is precisely [the] kind of small thinking that has led us into the current predicament." The inefficiencies and shortcomings of health-care financing will be done away with only if an extensive system is built that assigns and regulates roles for all the players, including federal and state health programs, medical personnel, hospitals, insurance companies, and all American citizens. Once this new universal network of relationships is established, science and technology—comparative effectiveness research, electronic medical records—can make their contributions. And once all Americans receive the treatments judged most effective according to rigorously empirical measurement, the nation's health care will be delivered everywhere as it is today at the Mayo Clinic.

Likewise, Obama and his allies insist that our national approach to energy and the environment must be based on the recognition that we are embedded in an intricate system of ecological linkages. In Obama's view, we have recklessly spewed carbon into the atmosphere because of poor decisions about housing, transportation, and electricity use—ignoring the web that ties them all together. Here, too, the answer is a system of energy supply that brings to bear the latest scientific research: A proposed "cap-and-trade" program will establish standards for measuring and regulating the emission of carbon; and a nationally interlinked web for energy transmission will carry renewable energy from wherever it is produced to wherever it is needed, no matter the distance.

Our education system, too, is chaotic and disorganized, according to Obama. Too many states and localities are going in too many different directions, and Washington "has been trapped in the same stale debates that have paralyzed progress and perpetuated our educational decline," as he put it to the Hispanic Chamber of Commerce. Again, the president argues, the solution is a more uniform application of expert guidance and direction. "It's time to give all Americans a complete and competitive education from the cradle up through a career," he said in March. And that trajectory should be enabled by one overarching system, because "it's time to move beyond the idea that we need several different programs to address several different problems—we need one comprehensive policy that addresses our comprehensive challenges."

In one policy area after another—from transportation to science, urban policy to auto policy—Obama's formulation is virtually identical: selfishness or ideological rigidity has led us to look at the problem in isolated pieces rather than as an all-encompassing system; we must put aside parochialism to take the long systemic view; and when we finally formulate a uniform national policy supported by empirical and objective data rather than shallow, insular opinion, we will arrive at solutions that are not only more effective but less costly as well. This is the mantra of the policy presidency.

And overseeing each of these policy areas will be a "czar," attuned to the big picture.

This key presidential aide—almost invariably a policy expert rather than a political figure—will coordinate the activities of the various departments through which the intricate policy web is woven, and focus the latest expert advice and counsel on his particular segment of the problem of the whole.

#### POLITICS AND POLICY

How will the Obama policy-approach presidency fare? We can find a clue in the unrest stirred by his growing list of “czars.” Senator Robert Byrd of West Virginia, Obama’s fellow Democrat, objects to this new structure, complaining that the czars “rarely testify before congressional committees and often shield the information and decision-making process behind the assertion of executive privilege.” Indeed, he argues, “the rapid and easy accumulation of power by the White House staff can threaten the constitutional system of checks and balances.” Liberal law professor Bruce Ackerman suggests that “we need to seriously consider requiring Senate approval of senior White House staff positions.”

These cavils are unlikely to prompt serious action, but they do remind us of the persistence of our constitutional system of checks and balances and of a Senate jealous of its prerogatives. And that points to a central vulnerability of the policy-approach presidency. To be successful by its own definition, each of its policies must necessarily be rational, coherent, and all-encompassing, whether the issue is health care, energy, or education. And yet, as the early Progressives knew all too well, critical elements of the constitutional system—the executive cabinet, federal decentralization, the separation of powers, and the extended commercial republic—serve to shred and fragment policy proposals as they make their way from the minds of their expert designers through departmental bureaucracy and legislative committees (not to mention their hearings in the court of public opinion). Once enacted, the execution of policy is similarly trammelled by our political system’s fragmented dispersal of administrative authority. The result is often policy that is irrational, incoherent, and partial. Policies not designed to take account of that reality usually turn to mush in practice.

This failure to heed the realities of our politics often first presents itself in the form of an overly ambitious agenda that ignores the nature of the legislative process. Pressed to take on too much at once in pursuit of holistic reform, the system overheats quickly and easily. President Jimmy Carter discovered the risks of this approach when, as political scientist James Ceaser reminds us, he pursued his own version of a policy presidency. “Imbued with a technocratic perspective toward problem solving,” Ceaser writes, “Carter seemed to view the task of governing in terms of the management of complex and interrelated policies.” Or, as Carter speechwriter James Fallows noted toward the end of Carter’s administration, he “thinks he ‘leads’ by choosing the correct policy,” and so he came to hold “explicit, thorough positions on every issue under the sun.”

The Carter administration therefore generated a flood of elaborate and complex proposals covering energy, housing, welfare reform, income policy, families, neighborhoods, and urban affairs, among other issues. To take urban affairs as an example, Carter’s call for “A New Partnership” insisted that we “must carefully plan the total range of Federal, State, and local actions” in urban areas. To accomplish this, the partnership laid out, as urban planner Charles Orlebeke put it, an “elaborate edifice” of seven governing principles, four goals, ten policies,

and 38 strategies for implementation. Carter promised to “work with, encourage, support and stimulate every other level of government plus the private sector and neighborhood groups—all at the same time with equal fervor.” This is precisely the sort of expansive and encompassing programming demanded by a genuinely comprehensive policy approach.

The administration’s “complex and ambitious program seemed to confuse the public and ultimately to paralyze the operation of government,” Ceaser notes, leaving it little to show for all its technocratic bustle. By contrast, Carter’s successor Ronald Reagan deliberately limited his proposals to Congress to one or two top priority items at a time, having learned precisely this lesson from Carter’s failures.

Obama has taken his stand with the comprehensive approach, noting repeatedly that while there are “some who believe we can only handle one challenge at a time,” in fact “we don’t have the luxury of choosing between getting our economy moving now and rebuilding it over the long term.” Outdoing Carter, Obama doesn’t just view each separate area of public concern as a realm for the development of a comprehensive policy. He insists that, following the intractable interconnectedness of the pieces of his recovery plan, all the areas of concern must be covered immediately, simultaneously, and in a coordinated fashion. The comprehensive policies themselves must all fit into a larger comprehensive policy. Only thereby will they cohere into a uniform and truly comprehensive “new foundation” for the revival of the economy.

But as Obama’s proposals begin their journeys through the requisite institutional hoops, they will inevitably begin to lose their coherence and uniformity. A policy czar may entertain a single, overarching vision, but the various and often conflicting cabinet secretaries under his supervision, along with their vast attendant bureaucracies, may have very different interpretations of that vision and of how it is to be implemented. And congressional bargaining is never kind to fragile policy gems containing numerous carefully interconnected parts that must all be preserved intact in order to work.

The Obama agenda is particularly vulnerable to congressional distortions of executive intentions, owing to what might be an over-corrective reaction to the lessons of President Bill Clinton’s health-care reform proposal—which died without a congressional vote in 1994. The Clinton administration, too, embraced a version of the policy approach, believing that health-care reform could be accomplished only by addressing all the pieces within a coherent and unified system. Clinton, too, argued that the nation’s economic recovery from the recession of the early 1990s depended on it. His Task Force on Health Care Reform brought together more than 500 experts from all relevant federal departments, legislative staffs, governors’ offices, and universities to produce a massive, 1,000-page proposal. It covered every conceivable aspect of health care—down to establishing limits on the number of specialists that medical schools could produce.

In Boomerang, her account of the Clinton reform plan, Harvard sociologist Theda Skocpol suggests that since the task force “made such a gargantuan effort to come up with a truly comprehensive plan for reform—a plan thought at the time to be both technically and politically workable—there was a natural tendency for administration planners to see their proposal as a logical achievement to be ‘explained.’” That is, the planners could not bring themselves to dicker with Congress over the specifics, because

they were convinced that all the pieces had to fit together in order for the policy to succeed. Yet as the New York Times’s Matt Bai has observed, “Ever jealous of its prerogative, Congress took a long look, yawned and kicked the whole plan to the gutter, where it soon washed away for good—along with much of Clinton’s ambition for his presidency.”

On the surface, Obama seems to have absorbed the moral of that failure. He has begun the process of revamping health care and environmental policy by proclaiming general principles that any plan must feature, while leaving the specifics of the programs to Congress. But it remains to be seen whether a Congress reflecting a vast array of contending geographic and economic interests can produce the sort of internally consistent and comprehensive proposal that the policy approach considers essential for success. Obama has articulated criteria for measuring the value of a plan that are out of line with his decision to leave the plan’s construction to Congress.

In reality, the Clinton and Obama models are not all that different. Sooner or later, one way or another, the exquisite workings of policy experts must be subjected to the brute judgment of elected officials, who have not lost their quaint (if inefficient) attachments to the varied desires, needs, and interests of their constituents. The sheer intellectual coherence of a plan does not protect it from the need to justify itself to the American constitutional system. The policy approach has not overcome democratic politics, and so remains a profoundly problematic way to try to govern our democracy.

#### THE PERSISTENCE OF THE POLITICAL

Progressivism was initially attracted to social science precisely because it would permit us to avoid or transcend political conflict grounded in irresolvable economic and moral differences. Meticulous empirical research that assembled all available data about a given problem would, Progressives believed, provide a solid, indisputable, shared ground for subsequent deliberation. Indeed, social-science data would be so compelling that the solution to the problem would likely emerge from its own scientifically rigorous description. It’s not just that facts would be more important than values: Facts would suggest the most plausible values. Or, as the American pragmatists believed, what works best to help us grasp and shape reality becomes the moral good.

We find traces of this thinking in The Audacity of Hope. “I understand that facts alone can’t always settle our political disputes,” Obama concedes, but “the absence of even rough agreement on the facts puts every opinion on equal footing and therefore eliminates the basis for thoughtful compromise.” He insists, however, that “sometimes there are more accurate and less accurate answers; sometimes there are facts that cannot be spun, just as an argument about whether it’s raining can usually be settled by stepping outside.” Clearly, Obama’s heavy reliance on policy expertise is designed not just to produce more accurate answers, though that is surely a critical goal. It also aims to quell the shrill exchange of equal (because equally baseless) opinions that, in his view, has come to characterize American politics. Where available—and Obama intends to multiply the situations where they are available—pure non-political facts will provide the grounds for the resolution of policy questions, fulfilling Progressivism’s faith in the natural and social sciences.

But what then to say about the increasing use of social-science data by conservative scholars, who seem to use it to provoke and

sustain, rather than to ameliorate, partisan conflict with Progressive reformers? Some liberals simply insist that what conservative scholars produce is inferior or false social science, because it is produced in service of ideology rather than objective truth. Eric Wanner, former president of the liberal Russell Sage Foundation, insists that “the AEIs and the Heritages of the world represent the inversion of the Progressive faith that social science should shape social policy.” In his Paradox of American Democracy, John Judis complains that conservative think-tank scholars “did not seek to be above class, party, and ideology” like earlier, disinterested social scientists, but rather “were openly pro-business and conservative.” They thereby “rejected the very idea of a dispassionate and disinterested elite that could focus on the national interest.”

But the notion that there is true and false social science relies on our ability to locate a fixed and universally accepted standard according to which we can say that some conclusions are beyond dispute because they are empirically true. Certainly that was the initial Progressive vision for social science. Yet the policy and social sciences have come nowhere close to such a standard in assessing society. In 1979, Edward Banfield wrote that the “persistent efforts of reformers to do away with politics and to put social science and other expertise in its place are not to be accounted for by the existence of a body of knowledge about how to solve social problems,” because no such body exists. Indeed, he continued, “there are few social science theories or findings that could be of much help to a policy maker.”

Ten years later, Ronald Brunner noted in *Policy Sciences* that it was difficult to assess the usefulness of the policy movement, because its “various parts tend to differ in their judgments of the relevant standards, data, and inferences to be drawn from them, whenever their judgments are made explicit”; nonetheless, the policy approach’s “results typically have fallen short of the aspirations for rational, objective analysis.” Positivist social science had “assumed that if the behavioral equivalents of Newton’s laws could be discovered, they would provide a basis for rational and objective policy. Rationality would be served because the consequences of policy alternatives could be predicted with precision and accuracy,” while the “valid system of generalizations would reduce controversy in the policy arena.” But still, according to Brunner, “after roughly four decades of behavioral research, positivists have not yet discovered universal covering laws that predict human behavior with accuracy and precision.”

In short, policy science cannot be depended upon to dampen or eliminate conflicting points of view because it is itself riven by deep divisions over how best to develop, analyze, implement, and evaluate public policy. And these divisions cannot be explained away by a conservative conspiracy to dilute genuine, objective social science with a spurious, ideologically driven imitation. Social science begins from one place or another in society, and can do great good that way. But it cannot step outside the circle of our social life; no human activity can.

The Obama administration will of course insist that its policy plans are rooted in unassailably objective research. But there may well be equally compelling research supporting contrary conclusions, and the debate between them cannot be resolved by insisting that true science supports only one kind of conclusion. Often the origins of the dispute have to do with people’s sense of the most important questions to ask, the most critical goals to set, or the highest ends of society. These are generally determined by

those outmoded, yet stubborn, values—not social science.

President Obama knows, however, that whatever the state of the policy approach’s epistemological foundations, it is vital to making the case for his political project. For example, he can insist that he is undertaking only reluctantly, and certainly without selfish ambition or ulterior motive, a massive and ambitious expansion of government into major segments of the American economy because it has been shown necessary. “I don’t want to run GM,” Obama told reporters as he initiated a government takeover of the company. The decision was not driven by personal choice, he seemed to suggest. It was simply what a thoroughgoing and effective policy approach demands. As Ceaser points out, “to speak of a policy for any given area of activity already implies that that area is a matter for legitimate superintendence by government.” Only an unsophisticated rube would mistake the pristinely objective dictates of the policy approach for “socialism.”

But the mention of unsophisticated rubes points to a final possible problem for President Obama’s policy approach, this one related to America’s commitment to democratic self-government. Obama’s technocratic rhetoric is meant to be soothing and reassuring to an American public fed up with intractable ideological division: Many of our problems will resolve themselves once we have collected the facts about them, because facts can ground and shape our political discussions, deflating ideological claims and leaving behind rational and objective answers in place of tired old debates. But in spite of several decades of data production by social science, American politics has proven itself to be remarkably resistant to the pacifying effects of facts. It has continued to be driven, as James Madison predicted, by the proliferation and clash of diverse “opinions, passions and interests.”

Indeed, as Madison put it, “as long as the reason of man continues to be fallible, and he is at liberty to exercise it, different opinions will be formed.” It may be that, in the end, the proponents of the policy approach disagree with Madison’s premise that reason is fallible. But if that is their view, they can hardly claim much empirical evidence for it.

Though Madison believed the most common source of different opinions to be property, he also understood that Americans were likely as well to divide along religious and moral lines, reflecting convictions about ultimate questions of good and evil that cannot be resolved through scientific reason. This does not mean they take in only part of the picture, but that they disagree about what is best for the whole, for reasons that run deep. These disagreements, although they do not always lend themselves to scientific analysis and technical solution, speak to genuine human yearnings and concerns. They are often rooted in many centuries of experience and wisdom, and can hardly be dismissed as irrelevant to the life of a liberal society—let alone as illegitimate subjects for political debate.

This leads to the most troublesome implication of Obama’s policy approach, which revealed itself in what might have been the chief blunder of his presidential campaign: his offhand remark that some Americans continue to “cling” to guns and religion in the face of adversity. The comment betrayed Obama’s debt to the Progressive view that such parochial values are poor substitutes for a sophisticated understanding of the larger networks of causality that determine the lives of everyday Americans. In light of such an understanding, the old debates that grip American politics may well look rather ridiculous.

The policy approach begins from the assumption that those old disagreements are

fundamentally an error, or a function of a temporary lack of information. It begins, in other words, from the contention that democracy is an illegitimate, or at least a highly inadequate, way to govern a society. This is a deeply anti-political way of thinking, grounded in a gross exaggeration of the capacity of human knowledge and reason. American politics as we have known it appreciates the fact that fallible men and women cannot command the whole—and so must somehow manage the interactions and the tensions among parts. Social science—however sophisticated it might now be—has come nowhere near disproving that premise. Unless it does, social science will always best serve politics by helping to address the particular problems that bedevil society as they arise, rather than treating society itself as one large problem to be solved.

This is not because society is not in fact an intricate web as the early Progressives asserted, but precisely because it is—a web far too intricate to be reliably manipulated. We are not capable of weaving our society anew from fresh whole modern cloth—and so we should instead make the most of the great social garment we have inherited, in its rich if always unkempt splendor, mending what is torn and improving what we can.

Our constitutional system is constructed on this understanding of the limits of reason and of the goals of politics. Every effort to impose the policy approach upon it has so far ended in failure and disappointment, and done much lasting harm. President Obama is now attempting the most ambitious such effort in at least 40 years. He brings considerable talent and charm to the attempt—but the obstacles to its success remain as firm and deeply rooted as ever.

Mr. ALEXANDER. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

#### THE NATIONAL DEBT

Mr. JOHANNIS. Madam President, I rise today to speak in support of a pending amendment. This amendment is called the Erasing Our National Debt Through Accountability and Responsibility Plan. I wish to start out today by saying I am very proud to be a cosponsor of what I consider to be a very commonsense amendment.

The Troubled Asset Relief Program, known as TARP, was enacted in the fall of 2008 for the U.S. Treasury to buy toxic assets, primarily mortgage-backed securities. It was sold to Congress as having a sole purpose of getting bad assets out of the market. It was sold as an idea of stabilizing the economy. At the time this was sold, this was it. This is what we told people this was going to do. Supposedly, it was going to be a one-time, very narrowly focused program during a time of the worst economic crisis we had seen in decades. Lawmakers at that time were warned that if we do not act now, if we do not take this action, the failure to act is going to be devastating. Yet Washington, after it got approval of this plan, almost immediately threw out the original game plan. Money was not used to buy those troubled assets. Instead, it was given to large banks with very few strings attached. The government hoped banks would generate small business loans, and would

send the money out to allow people to do auto loans and mortgage loans. That simply did not happen. There is plenty of finger-pointing going on as to why that did not happen, but the bottom line is that consumers were left to battle the credit crunch alone, and they felt abandoned in their fight. What did Washington expect when it gave away practically free money? From the get-go, the TARP rule book was simply tossed out the window. Since then, TARP has morphed in so many ways that most people cannot even remember, cannot even think about its original purpose.

The American people have unquestionably lost faith in the \$700-billion taxpayer-funded boondoggle. They expected it to get the economy up and lending. Now they feel duped, and I do not blame them. Instead of jump-starting lending in the economy, what this has turned into is a revolving slush fund for unrelated spending projects. It just goes on and on.

Let me run through a sample of what TARP has been used to fund:

No. 1, buy General Motors. Who knew that the U.S. Government would spend about \$50 billion of TARP buying not only an ownership interest in General Motors but a controlling interest? Back home in Nebraska, when I have talked to Nebraska citizens about this, I say to them: If I had come out during my campaign and suggested that the President of the United States would literally over a weekend have the ability to buy General Motors without any kind of congressional approval, no one—no one—would have believed me. Yet that is exactly what happened.

No. 2, there is a plan called cash for caulkers. We all know about that plan.

No. 3, the House passed a second stimulus—\$150 billion in TARP to fund more unrelated spending. Let me give a few examples: \$800 million for Amtrak; \$65 million for housing vouchers; \$500 million for summer youth employment; \$300 million for a college work study program.

No. 4, the doc fix— $\frac{1}{4}$  trillion in TARP that will never be paid back, an immediate loss to the taxpayers.

No. 5, off-budget highway funding.

I could go on and on. The list just does not end. The projects being funded out of this now new slush fund do not seem to have an ending point. Some of these projects might be quite meritorious. One might look at them and say: Gosh, in the normal budgetary process, I would want to be a part of voting for those projects. I might support some of them in the normal budgeting process but not through some no accountability slush fund.

TARP has spiraled out of control, and it needs to end today—immediately. TARP was never intended to finance a wide array of spending programs where the taxpayer literally was going to be the loser. We must find a way to pay for government spending, not try to disguise it in TARP.

I am asking my colleagues to adopt the Thune amendment and end the no-

accountability TARP slush fund. This amendment would immediately stop the Treasury Department from spending more from the TARP funds. It would repeal the administration's ill-advised extension of TARP through October 2010. It would require TARP repayments to reduce our national debt. There would be no clever statutory interpretations to get around the debt reduction requirement. A payment comes in, the debt ceiling goes down. No more reckless spending. No more Russian roulette with taxpayers' money. Not only is this common sense, but it is good fiscal sense, and it is the right thing to do.

One thing is absolutely obvious: Taxpayers are asking us to work together to get deficit spending under control, to find solutions to problems that trouble this great Nation. This amendment, in my judgment, is absolutely the first step, a good start to get a handle on out-of-control spending, to start restoring faith with the American people. If TARP is ended, we show the American people that we are listening and that Congress is, in fact, serious about protecting taxpayers' money.

Madam President, I yield the floor, and I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

#### TARP

Mr. DURBIN. Madam President, a speaker on the floor earlier—Senator JOHANNIS of Nebraska—was talking about TARP, and many of us recall this was a program started under the previous administration. President Bush and his Secretary of the Treasury, Henry Paulson, came to us, along with Federal Reserve Chairman Ben Bernanke, and basically told us America's economy was on the edge of an abyss; that we could see what looked like an economic downturn turn into not only a recession but worse if we didn't act and act quickly.

The proposal they made was to go after what they called toxic assets, and so they created a program called the Toxic Assets Relief Program—TARP. They asked for some \$80 billion—an enormous sum of money—in order to go to financial institutions that were teetering on the brink of collapse and save them, in the hopes that in doing so, they could stabilize our economy.

Even though I took a few economics courses in college and have followed the course of American business, at least as a casual observer, it was hard to argue against their request because my fear was that failure to do anything would, in fact, bring this economy

down, costing us dramatic numbers of jobs and failures in the business community. So I voted for TARP. It seemed like one of the few things we could do that might have some chance of stabilizing the economy.

Of course, it is not the most popular program in America. The idea of taking hundreds of billions of dollars of taxpayers' money to give to banks and investment operations that have failed—literally to the point of failure—seemed to be a rescue effort for a group that doesn't usually garner much sympathy, in terms of the activities they are engaged in day to day. The money went to a large share of these banks and financial institutions, and the net result is, virtually all of them were saved from collapse—all but Lehman Brothers, which had failed before this request.

So the economy moved forward. Then the bankers repaid the effort of the American taxpayers by announcing—many of them—they now felt times were so good for them they could start declaring bonuses for their officers and their employees—bonuses.

In the real world of 40-hour work weeks and day-to-day grind, most people see a bonus as a reward for good performance or successful performance. Many of these financial institutions were literally the victims of their own greed and their own malice and their own poor planning. Then, after taxpayers rescued them with TARP money, they wanted to turn around and reward themselves for good conduct. It grated on the American people and this Senator as well.

TARP, which was initiated to keep these banks from failing, is one which few of us would step up and say: Well, let's try that again. That was a great idea. I, frankly, think it was probably a necessary thing to do at the moment, but it is not a model I wish to recreate, certainly when you look at the reaction of the banks after we helped them. But the Senator from Nebraska comes to the floor and basically says: Let's liquidate and end this program. On its face, that sounds like a good idea but for one thing: Now some of these banks and financial institutions are paying us back with interest. We had hoped they all would. Maybe most of them will. The taxpayers deserve that.

Money that is coming back in is not like found money. We anticipated a payback. But it is money which creates an opportunity. Now the Senator from Nebraska would have us basically eliminate that program and the money coming in could not be spent for other purposes. I think that is a mistake. We spent up to \$800 billion to rescue Wall Street. As the cliché goes, it is time for us to consider spending that money to rescue Main Street. For instance, if we took a substantial portion of the TARP money coming back from the big banks, and the interest coming back from the big banks, and redirected it to community banks expressly for the purpose of providing credit for small

business, then I think we would be engaged in an effort that most Americans agree will save businesses, save jobs, and even create the opportunity for more jobs. If we do not take the TARP money to do this, we know what is going to happen: banks, large and small, will continue to deny credit to small businesses. As a result, many of them will fall, few of them will expand, and the economy will continue to move forward in a more positive way but at a glacial pace.

I would say to the Senator from Nebraska, if he went back to Omaha as I go back to Chicago and Springfield in my State and meet with small business owners, he would find they are desperate for this credit. Why not take the money that once was directed to the large banks, now paid back to our Government, and redirect it to smaller businesses? That really is the bedrock of our economy. I hope the Senator from Nebraska will reflect on that. His anger about what the big banks did after we rescued them should not be vented on small businesses in Nebraska and Illinois that need credit assistance.

It is also possible to take some of these TARP funds and turn them into a rescue for a lot of victims of the current recession. For one, we should be spending this money to help a lot of projects get underway which will help build the economy.

I just had a meeting in my office with a group of mayors from Illinois. The mayors from across the Nation are here in Washington. The story they bring is common no matter where they are from. They have seen a downturn in revenues—sales tax revenues and property tax revenues—and an increased demand for services. That is being played out at every level of government—local, State, and Federal—so many of them do not have the resources to take care of basic problems, from the repaving of streets to the building and rebuilding of essential infrastructure. What they are asking us for is help so they can meet those basic needs and at the same time create jobs in doing it.

There was a TIGER grant application under this new administration's stimulus bill that gave local units of government a chance to put on the table critical projects they could initiate and create jobs in so doing. The competition was fierce—\$60 billion in applications for \$1.5 billion in funds. It shows you there is a pent-up demand there for these infrastructure projects.

The rate of unemployment in the construction industry in America is much higher than the average—almost twice the average in most States. If we take these TARP funds coming back to our Treasury and redirect them into infrastructure grants such as TIGER grants, we would be creating new opportunities for building infrastructure critical to our economy and creating jobs immediately. That construction worker who goes back to work making certain we have good roads and bridges

is going to take that paycheck home and the family is going to spend it. As they spend it, the shopkeepers and others where they do business are going to profit and they will respond it. That is how the economy starts to churn forward, and that is how jobs are saved and created.

We should not let our frustration over the greed and selfishness of the biggest banks in America and financial institutions that literally thumb their noses at taxpayers lead us to close down an opportunity to take these TARP funds and turn them into jobs in America, turn them into a lifeline for small businesses.

Many people look at our economy today and say it is not good enough—and they are right. I have to echo the sentiments of one of my colleagues in our delegation, Congressman PHIL HARE, who says if he hears the phrase “jobless recovery” one more time, he is going to get sick to his stomach. I agree with him. A recovery is a recovery if, in fact, jobs are restored and created. We need to focus on that as well.

Make no mistake, we have made some progress over the course of last year since President Obama took office. I just remind my colleagues and those following in floor comments that last April the Dow Jones index was at about the 6,000 to 7,000 range. Today, it is 10,000. It indicates more confidence in the future of our economy, more investment in our stock market, and I hope an end to the fear and lack of confidence which were part of the worst of our recession.

We have also seen the unemployment figures. Job losses were more than 700,000 a month when President Obama took office. Now they are coming down, and that is good. I will not be satisfied, nor will the President, until they are on the positive side of the ledger. But we have made some progress. I think the latest unemployment monthly figures were in the range of 80,000 to 100,000. That is a long way from 700,000, but it gives us a lot of ground to travel before we catch up.

I would say the administration has us moving in the right direction. We not only have to stick by the stimulus bill which the President proposed and which we supported on the Democratic side of the aisle with a handful of Republican Senators, but we also have to think about the next stimulus, the next jobs program which will create good-paying jobs and help small businesses survive. That is essential. I hope we do not let some amendment come along which literally takes away the source of funds we may need for this next jobs stimulus. Whether you are in a Republican State with Republican Senators or a Democratic State with Democratic Senators, it makes no difference; unemployed people need a fighting chance to get their jobs back.

#### TERRORIST DETENTION

There were comments on the floor by the minority leader, the Republican

leader, as well as the majority leader, Senator REID, about the so-called Christmas bomber who was caught in the act trying to detonate some type of explosive or inflammatory device on an airplane. We have had extensive hearings.

The President has gone into quite an extensive investigation in terms of any failure in our security efforts and what happened on that day. I believe the President's candor and honesty have been helpful. He has acknowledged the fact that we could have done a better job. We collected a lot of information, and pieces of it, when they were considered together, really pointed toward a problem—that this man never should have been allowed to get on this airplane. The President has acknowledged that, as well as his national security advisers.

Now a question has arisen as to what to do with this suspected—alleged terrorist from Nigeria. He is currently being held, incarcerated in a Federal prison in Milan, MI, which is 60 miles west of Detroit. That is not unusual. In fact, 350 convicted terrorists are being detained in Federal prisons across America, including in my home State. They are being safely held without any fear in the surrounding community because our professionals at the Federal Bureau of Prisons know how to do their job and do it well.

The question is whether he should be investigated and prosecuted in a military commission or in the courts of the land. Some say that if he is a suspected terrorist and not a citizen of the United States, then send him to a military commission because terrorism is, in fact, a war against America. That on its surface has some appeal. They also argue that if he goes through the courts of our land, he is going to be given certain privileges we accord to citizens when they are arrested and tried which he might not otherwise have if he goes through a military commission. There is some value to that statement as well.

Here is what we have found. Here is the track record. Since 9/11, we have had over 190 convictions of terrorists in the courts of America, the criminal court system of America, our Federal courts—190. We have had three, literally three who have been prosecuted by military commissions. So those who are trying to push more and more prosecutions into military commissions should look at the scoreboard. The scoreboard tells us we have a strong track record of prosecuting terrorists in our courts, whether it is Richard Reid, the shoe bomber, with a similar mode of operation as the man who was arrested on the Northwest Airlines plane, or a suspect arrested in Peoria, IL, Mr. Al-Marri, who was incarcerated in Marion, IL, the regular prison. They went through the regular court system, successfully prosecuted and put away. Moussaoui, the suspected 19th terrorist on 9/11, has been given a life sentence and is now in a maximum security facility in Florence, CO. We will never

hear from him again, nor should we. He went through our regular court system.

Those who want to close off our regular court system to the prosecution of terrorists ignore the obvious: that has been the most successful way to prosecute and to incarcerate and keep those who are accused of terrorism and to keep America safe. Let's not have an automatic, visceral reaction that every time terrorists are somehow arrested, they need to be tried in a military commission. Let's give this administration the option. Let them decide which forum works best to bring justice and to protect America. In some cases, it may be military commissions. We recently had Attorney General Holder testify that he sent five suspected terrorists to be tried through military commissions and five through the courts of our land. Give the Department of Justice and the Department of Defense that latitude to pick the best place to achieve this type of prosecution.

I understand that in this case, the so-called Christmas bomber, there was a fumbling in terms of which direction the case should go. There is no excuse for that. We have to learn from that mistake, and we have to make certain it does not happen again. But to say that automatically every suspected terrorist has to go to a military commission is to send them into a venue, a court venue, with rules that are currently being developed and tested and are likely to be challenged by courts all over the land. To send them into our regular court system is to bring them into a system with an established set of laws, established precedent, where we have successfully prosecuted over 190 alleged terrorists since 9/11, while in military commissions only 3—190 to 3. The score is overwhelming. I think we ought to take some consolation in the fact that our court systems have worked so well.

Let me make one other point. The administration has asked, in my State of Illinois, if our Governor and general assembly will accept the creation of a new Federal prison in Thomson, IL, which will be used for both Bureau of Prisons regular detainees and those who are incarcerated, as well as a section where fewer than 100 of the remaining Guantanamo detainees will be held under military supervision. Our State has considered it. We recently, in December, had a commission decide that this surplus prison, which is 8 years old—a state-of-the-art, modern, super-max prison—will be sold to the Federal Government. We are now negotiating between the State of Illinois and the Federal Government about the price of that facility. I hope that negotiation is resolved soon. I look forward to its completion.

The critics of opening the Thomson Federal prison in Illinois argue that it is unsafe for us to detain any of the Guantanamo prisoners in the continental United States. Those critics overlook the obvious. As I mentioned

earlier, 350 convicted terrorists are being held in Federal prisons across America today, including other prisons in Illinois. Second, this Christmas bomber, who was caught on the Northwest Airlines plane, is being held in Milan, MI, a Federal prison 60 miles west of Detroit, without incident or concern. It is an indication to me that our Federal prison system is fully capable of incarcerating suspected terrorists and those who have been convicted. Those who would spread fear that somehow bringing them to the continental United States is going to compromise our security have yet to point to one single instance where a prisoner detained in a super-max facility has ever escaped.

This Thomson prison, incidentally, is going to build a new perimeter fence which will make it the safest, most secure prison, not only in the United States but perhaps in the world.

The people in this community, with the prospect of 3,000 new jobs in this weak economy, are anxious for this prison to get up and running.

They have come out politically, both political parties, those who have been elected to office at every level, supporting this Thomson prison. I think what has happened to this alleged terrorist from the Northwest Airlines flight in Milan, MI, is proof positive that we can continue to hold these terrorists. We do not have to stand in awe or fear. We should stand without quaking and trembling and understand that we can look these terrorists in the eye and say: We can put you in this prison, and you are going nowhere, buddy. That is what has happened to this person and will happen to those who are detained in Thomson, IL.

I see my colleague from Louisiana is here. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

#### HAITIAN ADOPTIONS

Ms. LANDRIEU. I thank my colleague from Illinois for his passionate and coherent and convincing arguments about the issue of how to detain terrorists and knowing that we can do that very well in the United States, and also his explanations about the financial situation and some of the things the President is doing to correct that situation.

But I came to the floor this morning in morning business to talk about a different subject, and one that is quite troubling to Americans as we watch the unfolding horror in Haiti. As we stand ready and willing to do everything we can, not only as leaders in the Senate and Congress, our constituents are leaning forward wanting in every corner of this country to do everything they can to help.

It is very frustrating to see, again, some of the similar, almost eerily similar scenes from having lived through Katrina and Rita, Gustav, and Ike along the gulf coast. Whether those

scenes were from New Orleans, as we remember, or Plaquemines Parish or St. Bernard or Galveston or Gulfport or Biloxi, those scenes are still quite fresh in the minds of Americans.

I think people are thinking the same way I am, which is, when will we ever get this right? We know sometimes things happen that are unpredictable, but this is not one of those cases either. Just like some parts of the Katrina disaster were quite known and predictable, this too, and that is a story for another day.

But as we struggle through this situation, I want to thank the administration, not only ours but administrations around the world, for what they are trying to do, and say I know we can do better and everybody watching this knows we can do better and one day we will. We are going to do what we can as quickly as we can. I am going to stay focused, with many of my colleagues here, on one aspect of this response and recovery; that is, the aspect of children and particularly orphan children.

I have been very proud to be the leader of the coalition in this Congress of over 220 Members. We are completely united and completely nonpartisan in our advocacy for orphans in America and around the world. This is a moment where I would like to spend, although my time is short, saying this is a good time for us as a country and as Members of Congress to try to understand the magnitude of the challenge before us.

Let me begin, before I go into the situation, to personally and by name thank the Members of the Senate who have stepped up to date quickly and forcefully to join this effort. Your name, Madam President, is at the top of the list, the junior Senator from New York. We thank you for your extraordinary leadership. I also thank the Senator from Colorado, MARK UDALL; the Senator from Massachusetts, JOHN KERRY; the Senator from Michigan, CARL LEVIN; CHRIS BOND from Missouri; ARLEN SPECTER from Pennsylvania; BOB CASEY from Pennsylvania; HERB KOHL from Wisconsin; MARK WARNER from Virginia; Senator BARRASSO; Senator JOHNSON; Senator BENNETT; Senator STABENOW; Senator BILL NELSON from Florida; Senator LAUTENBERG; Senator THUNE; Senator MCCAIN; Senator MENENDEZ; and Senator HUTCHISON; and my cochair in all of this, obviously, Senator INHOFE.

We are a bipartisan group. Our numbers are growing every day, numbers of Senators who say we want to focus on the welfare of children and particularly orphans and come up with a better plan to respond to this humanitarian disaster as it relates to them. We are committed to the fundamental—almost a concept that I do not know how anyone could argue, but people do, that all of us understand that children actually belong in families. I know this is a difficult concept for some people in our country and the international community to grasp. But children do not do

well alone. Children do not do well in orphanages, no matter how well they are run. Children do not want to grow up in group homes of which we have thousands of children in our own country in group homes.

Actually, children want to grow up in families. This may be a startling concept for some but not for us. That is why we advocate for child welfare policies that at its beginning, middle, and end advocate the basic fundamental truth that children are best raised in a family with one responsible parent if not two. We do not think there should be any argument about that. So we are puzzled as to why we have so many difficulties sometimes explaining that in situations like Haiti or in America or in places in Africa or Central America around the world. There are so many barriers to adoption. It breaks our hearts. It just breaks our heart. One barrier after another.

We think this is quite simple. We think these barriers have to come down, and we are determined to pull this out.

I want to give some numbers to you that will be startling to you because they are to me.

In America we have 320 million people approximately. We have 100,000 orphans. There are a lot of orphans in our own country. They are invisible to people. We try to bring their pictures to the Senate floor sometimes and tell people there are 100,000 magnificent children of all races, shapes, and sizes who are in need of a family right here at home. We do our best to promote domestic adoptions and have been doing a much better job.

Americans adopt about 120,000 children a year, mostly from our foster care system, some infant adoptions in America, and, happily, 20,000 international adoptions. But when you hear this number, you would fall down if you were not sitting down. Haiti has 9 million people. Remember, we have 320 million, they have 9 million. They had 380,000 orphans before the earthquake struck.

I am going to repeat that. They have 9 million people. They had 380,000 orphans before the earthquake struck. We cannot begin to estimate how many orphans there are today, but I promise you that number has at least doubled.

Now, I am not going to be part of a system that says, with those numbers and that truth, our job is to find those children, dust them off, fix their broken limbs, heal them physically, try to help them emotionally, and then stick them in orphanages for the rest of their lives. I am not going to support that. I am hoping the Members on this side will not support that either.

That is what we have had for the last 50 and 100 years in terms of policy all around the world, even in Haiti. We cannot have that anymore. The international treaty that we have all been a part of trying to help says this: It says every child should stay in the family to which they were born with the parents

who brought them into the world. When they are separated from those parents, through death or disease or famine or war, they are then to be placed, as quickly as possible, with a relative who is willing and able to raise them.

If I passed away, the Presiding Officer knows my sisters or one of my brothers would step in. If my husband and I died, my sisters and brothers would step in to raise our children. That is normally what is done all over the world. It is no surprise. But when there is no family member to take in a child, then the treaty says you shall find a home for that child somewhere in their country, in their community, which makes sense. Culturally, that makes sense.

While I am a big believer in cross-cultural adoption and biracial adoption—I am a huge supporter of that—but I understand we want to try to place children as close to their initial beginnings as possible. When that becomes impossible, it is our job to find them a home somewhere else in the human family because, after all, we are one human family. If anybody would like to come to the Senate floor to disagree with me, I look forward to debating that with them. I do not think I will find any arguments here among Senators, from the very conservative to the most liberal. It is just a basic moral tenet that we are one human family. So it makes me so angry when I see governments, sometimes even our own, sometimes even our own bureaucracy, sometimes even our own embassy fighting that concept. They throw up their hands and say: We just cannot. It is overwhelming. We cannot find a way to do it. Every excuse in the world to keep these children from the one thing they need most, which is a parent, someone to love them.

If anyone thinks that just feeding children and clothing children is what God is calling us to do, I would beg to differ. Yes, we have to keep them alive. Yes, we have to give them care. But what most importantly little human beings need are bigger human beings to raise them. If they do not get that, they end up not growing up in a strong way. They end up in our prison systems. They end up in homes. They end up sick. Not that every child that is in a family in America, even with the most loving parents ends up always wonderfully, but they most certainly have a better opportunity.

So I am just putting a line in the sand here and saying to my colleagues that I am proud of the 40 Members of Congress, House and Senate Members, who sent a letter to Secretary of State Hillary Clinton, who all of her life has been a leader on this subject. We are so grateful she is there as Secretary of State. We sent this letter to Secretary Napolitano. I am going to put this letter in the RECORD.

I am pleased the letter we just sent 3 days ago has already been responded to. The Departments have issued hu-

manitarian parole for the orphans who were in the process of being adopted, and there were a couple hundred. Parents here have been desperate. They have already been matched with their children. They have pictures of their children. They were in the process of adopting those children. You can imagine how desperate they are. That process is underway.

We are going to continue to press to make sure that not just the green light was held up, but that our government at every level, from Defense to Homeland Security to Transportation, is doing everything they can to execute the swift and safe removal of these children in Haiti to American families who will nurture them and support them.

Then the next step—I see my colleague from Utah here—I am going to end in just a moment. The next step will be to work with a broad coalition of faith-based communities in our country and around the world, with private sector corporations, large and small, with individual Americans who want to contribute and be a part of this effort.

I intend to lead and set up a framework so that thousands and thousands, hundreds of thousands of orphans in Haiti can find the family to which they were born. We are going to try very hard. If not, a relative in Haiti, if not someplace in Haiti for them to live in the joy and comfort of a supporting and loving family, and then if not here, then somewhere in the world where these hundreds of thousands of orphans—and I hope not to say this, but potentially 1 million; but let's hope that number does not ever reach this—find families.

This is not going to happen in the next 24 hours or 48 hours. But with our concerted help and vision and leadership, it can happen not just in Haiti but around the world, including right here in the United States of America.

So I want to thank my colleague, JIM INHOFE, who is the cochair of the Adoption Caucus. I want to thank the Members of the Senate and the House, particularly JIM COOPER, MICHELE BACHMANN, and others who have stepped up so quickly.

We will be speaking on this floor quite a few times in the future as we get updates about this issue. I thank Americans for the outpouring of support for children in Haiti, for all people of Haiti, but particularly the children and particularly the orphans who need our help.

I yield the floor.

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#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

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#### INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the



Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security.

Thune amendment No. 3301 (to amendment No. 3299), to terminate authority under the Troubled Asset Relief Program.

The PRESIDING OFFICER (Ms. LANDRIEU.) The Senator from Montana is recognized.

Mr. BAUCUS. We are now on the debt limit legislation. In a second I will cease speaking so the Senator from Utah can address the Senate.

I think we are making progress. Three amendments are now pending. The first is the substitute amendment raising the debt limit amount; second, an amendment by the Senator from South Dakota on TARP; and third, an amendment by this Senator to protect Social Security. We anticipate the Senators from North Dakota and New Hampshire will be offering their amendment to create a budget commission sometime midday today. I am hopeful the Senate can schedule votes on my Social Security amendment, the Conrad-Gregg commission amendment, and, perhaps, the pending Thune amendment as well early this afternoon. We are hopeful we can continue to process amendments, with the goal of wrapping up this legislation early next week.

Before I take a few moments to describe the amendment I offered yesterday to protect Social Security, I yield the floor so the Senator from Utah may address the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

AMENDMENT NO. 3301

Mr. BENNETT. Madam President, I thank the chairman of the Finance Committee for his courtesy. He has always been most accommodating, even to those of us who disagree with him. That contributes to a sense of comity in the Senate. I am grateful to him.

I am in favor of the Thune amendment, which will be voted on sometime this afternoon. I do not come to this brand new. This is an amendment I co-sponsored with Senator THUNE back in October 2009. It has to do with the question of the survival or continuation of TARP. My constituents are often confused as to what TARP is. There is an attempt many times to wrap the whole question of bailout together in any vote that has to do with the expenditure of Federal funds, in the face of the financial crisis we faced last year, as being called a bailout. So I explain to my constituents that there is a significant difference between TARP and stimulus funds or bailout funds that were spent outside TARP and take them back to the definition of what TARP stands for. We use so many acro-

nyms around here that we sometimes confuse voters. Since I was part of the negotiations that produced the bill known as TARP, I wish to lay that predicate for a moment. TARP stands for Troubled Asset Relief Program. We were focusing, at the time that bill was passed, on the impact of troubled assets on the financial system.

Those who were present when Chairman Bernanke and Treasury Secretary Paulson spoke to us will remember that they came to the Congress and said: We are facing a crisis, and we have 4 days before there is an entire meltdown worldwide. One of my colleagues made the comment: I feel as though I am in a "James Bond" movie with this kind of threat hanging over us.

So a group of us who were members of the Banking Committee met under the leadership of Chairman DODD and began the discussion. I will make it clear, the discussion was completely bipartisan. There was no attempt on the part of anybody, with maybe one or two exceptions, to do any kind of partisan gamesmanship. It was, we are focusing on the problem and what we have to do to deal with it. The proposal was made by the Secretary of the Treasury that he had to be equipped with the authority to stand before the entire world and say: I have authority from the Treasury to spend \$700 billion to deal with this problem of troubled assets.

I called an economist whose judgment I trust before I entered into those activities and said: Tell me if this is going to work.

His first comment was: I am afraid \$700 billion may not be enough. Because the crisis is so serious and the challenge to the confidence of the banking system so deep, we do need something very dramatic, and \$700 billion might not be dramatic enough.

But then he made a comment which I found very useful: But, in fact, Senator, the Treasury Department cannot shovel \$700 billion out the door in any kind of rapid pattern. So this is more of a public relations kind of statement than it is a practical matter.

I said: OK, how fast could the Treasury spend the money in an effort to start acquiring these troubled assets and deal with this problem?

He said: \$50 billion a month is probably the fastest people could spend the money, actually disburse the money.

So when we got into the meeting and started discussing what became TARP, I made the proposal, instead of giving them \$700 billion, since they can only disburse \$50 billion a month, why don't we give them \$250 billion, which is 5 months' worth, and see if it works. The response that came back from Secretary Paulson's office was: \$250 billion will not satisfy the marketplace as a whole that we are serious.

I went back to the comment, again, of my economist friend who said even \$700 billion might not be enough.

Without going into any further details, we went through the situation

and came up with a solution that was accepted in a bipartisan fashion. I said: All right. We will give Secretary Paulson his \$700 billion headline. We will allow him to say the Congress has authorized the Treasury Department to spend \$700 billion dealing with this problem of troubled assets. However, the fine print makes it clear, they are only going to have authority for \$350 billion without coming back to Congress to get approval for the second \$350 billion. So the headline was there. Secretary Paulson was able to get on the telephone and call all the central bankers all over the world and say: The Congress is going to approve \$700 billion of authority. But the fine print said: You are going to break it up into two tranches, the first 350 for immediate disbursement—and, again, that will take months to do—and then come back for the second 350 after you see how it works.

In the Senate, we approved that by a large margin and it went forward. I voted for that first tranche of 350 because I was convinced the challenge was there and the crisis was real.

Looking back on it and having testimony from a wide range of economists and observers before the Banking Committee, I am convinced that first vote was the right vote. The crisis was there, and the \$700 billion headline did indeed avert the crisis.

Then, the administration came back and said: We need the authority for the second \$350 billion. At that point, I felt the crisis had passed, and I looked at the way the administration had handled the first 350, which was different than what we were told, and I said: I am not going to vote to approve the second 350. I don't think you can make a case for the second 350, in the face of the facts we have before us, that is, in any way, as compelling as the case for the first 350. So I voted against the second 350.

Then, we saw this start to be used in ways that were never, ever discussed when we adopted that first tranche of 350. We saw it used for the auto bailout after the Congress refused to appropriate money for the auto bailout. We said: OK. These are not necessarily troubled assets of the kind that TARP was supposed to address, but it is something we are going to do. As a result of that, the auto companies got \$25 billion and the U.S. Treasury got stock in two bankrupt companies—not my idea of a good deal for the taxpayers. Then we have seen stimulus packages and other bailout packages and other activities and the TARP money being used in a variety of different ways contrary to what we were told at the time we made the first decision.

One of the issues that was important to understand about that first decision was, we were going to acquire assets and that when the crisis passed, those assets could be liquidated and money would come back into the Treasury. Yes, money would go out to the tune of \$350 billion, but as the crisis passed,

money would come back, we hoped, to the tune of \$350 billion and maybe even more because there was interest to be paid on those areas where there were loans. There were warrants that were established on those areas where there were investments. The assets themselves were assumed to have more value than they might have when we acquired them. There were economic studies at the time that said the taxpayers will make money off TARP. We will get the money back with interest, with additional revenue.

That has started to come to pass. At least of that first tranche of TARP, the money has started to come back. Over \$100 billion has come back for a variety of reasons. In some cases, because the firms are capable now of paying it back; in some cases, because the firms want to get out from under the control of the Treasury, the control that goes with having a Treasury investment, the money is coming back in.

In that meeting where we decided we would do the 350 rather than the full 700, we made another decision. It was very clear to all Senators in that meeting and who drafted that bill—and I was not one of the ones who drafted it; I am not a lawyer; that was handed over to others—when the money comes back, it can be used for only one purpose. That purpose is to pay down the national debt. If we are going to raise the national debt by \$350 billion, when we get the \$350 billion back, it should go solely to retire the debt that was created when the money went out. Everyone agreed to that. I believed that was written into the bill. So it came as a great surprise to me, as the money started to come back, that Secretary Geithner said: We are going to recycle it. We are going to use it for other kinds of rescues, other kinds of financial circumstances.

Along with many of my colleagues who were privy to the original discussion, I said: Wait a minute. That is not what the law says. The law says, as it comes back, it has to go to pay down the national debt.

No, said Secretary Geithner in the hearing, that is not the way our lawyers interpret it. Our lawyers look at this and say: You in the Congress gave us the authority to recycle this and spend it on other things, in addition to the original crisis.

It is for that reason, among others, that I joined with Senator THUNE in offering an amendment earlier last year, earlier in this Congress, saying, no, we are going to end TARP on December 31, which was the original date we set for this. We were unsuccessful in that amendment. Now we are going to try again. We are going to offer the amendment that says: All right. We feel there has been a bait and switch. We feel this administration has changed the rules from the way we thought we wrote them. There may even, indeed, be a lawsuit here, because if the law says what we believe it said, the administration is breaking the law. But let's deal

with this in a congressional way. Let's simply end TARP right now, making it clear that the money, as it comes back, cannot be used for any other purpose.

The underlying resolution to which this amendment is being offered is one to raise the national debt. This amendment is one that will take steps to lower the national debt. I think it is consistent with the history. It is certainly consistent with the history I have had on this issue trying to deal with the TARP problem right from the very beginning. I think it is the right thing to do.

I am grateful to Senator THUNE for offering this amendment. I am happy to be one of the lead cosponsors, as I was previously when we tried to sunset TARP on December 31. I will do everything I can to try to convince my colleagues that while the recession clearly continues, the crisis that spawned TARP is over. There is no international financial crisis of confidence in the banking system anymore. The crisis of the toxic assets that had us worried about having only 4 days to act has passed. Yet the instrument that was created to deal with that crisis lives on under a new heading being used for new purposes. It is, indeed, an example of bait and switch.

For that reason, I urge my colleagues to get behind the Thune amendment, which we will vote on later today, recognize that a promise made to the taxpayers a little more than a year ago is a promise we need to keep. Responsible government says, when we are debating increasing the debt limit, a step that will reduce the national debt is clearly one we ought to take.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I thank my colleague, Senator BENNETT from Utah, for his statement. He makes some very good points. Although I will not be able to support the amendment, I wish to say his presentation and the points he is making are quite good.

#### AMENDMENT NO. 3300

Madam President, I have an amendment which I would like to explain. It is very simple. It will protect Social Security from cuts in the fast-track process proposed to be created in the Conrad-Gregg amendment.

It is clear from the public statements of Senators CONRAD and GREGG, they have painted a big red target on Social Security and Medicare. That is what this commission is all about. It is a big roll of the dice for Social Security and Medicare.

Millions of American seniors rely on Social Security. Social Security is a commitment to America's seniors. I might say, if we did not have Social Security, as to estimates I have seen, about half of American seniors today would be living in poverty. Social Security basically has kept a lot of senior Americans from living in poverty. We should, therefore, prevent a fast-track

process from reneging on Social Security's commitment to those people and putting a lot of people back in poor economic straits.

Numerous groups representing seniors have called for excluding Social Security from this fast-track process.

AARP, for one, recommends that Social Security be excluded from the commission's deliberations. This is what AARP says:

[W]e urge that Social Security not be considered in the context of debt reduction; this program does not contribute to the annual deficit, and its long-term solvency can be resolved by relatively modest adjustments if they are made sooner rather than later.

The National Committee to Protect Social Security and Medicare also focused on Social Security, arguing that it is inappropriate for such a commission. Here is what they wrote:

Incorporating Social Security into such a commission would signal to America's seniors that the President is willing, and even eager, to cut Social Security benefits. Ultimately, older Americans will accept changes in Social Security only if they have a voice in the decision and feel confident that changes are solely for the purpose of improving and strengthening the program. For this reason, Social Security solvency should not be taken up in the context of a fiscal commission.

A consortium of groups from the AFL-CIO to Common Cause, to NOW, once again, focused on the problems with allowing the budget commission to change Social Security. Here is what they wrote:

[A]n American public that only recently rejected privatization of Social Security will undoubtedly be suspicious of a process that shuts them out of all decisions regarding the future of a retirement system that's served them well in the current financial crisis.

The idea of excluding Social Security from fast-track processes is not new. Congress already excludes Social Security from the fast-track reconciliation process.

The text of my amendment is very similar to a provision that appears right now in section 310(g) of the Congressional Budget Act. That Budget Act section prohibits using reconciliation to make cuts to Social Security. That is in the law today. My amendment would do the same for the fast-track procedures in the Conrad-Gregg amendment.

The Senate added the Budget Act section on which my amendment is patterned to the law in 1985. Senator Hawkins of Florida offered the amendment, and the Senate adopted it by voice vote on October 8, 1985. It has been the law for nearly 25 years.

Let me read from some of the debate that occurred that day in 1985. Much of that debate is directly relevant to the amendment I propose today.

Senator Hawkins explained the purpose of her amendment. She said:

This amendment states that changes in Social Security cannot be made in reconciliation.

Senator Hawkins continued:

The whole idea behind removing Social Security from the unified budget is to make

changes in the program based on the needs and constraints of the program itself and not for short-term budgetary reasons. Social Security is self-financed and has long-term goals. It should not be subject to the same constraints of programs competing for scarce general revenue funds. If my amendment is . . . adopted, it does not mean that changes in Social Security could never be made. It merely means that if and when changes are made to Social Security, it would not be in the context of the budget.

Senator Heinz of Pennsylvania supported the Hawkins amendment. Here is what Senator Heinz said. This is 1985:

I think we first do agree that the legislation needs language that does what the Senator from Florida suggests this does; namely, to put an extra lock on the door so no one can say that Social Security is going to end up in reconciliation. That is the intent.

Senator Heinz continued:

This language . . . does a very important job by making a point of order in order against any reconciliation bill that comes to the floor with Social Security cuts in it.

Senator Heinz made clear that under the provision the Senate was adding to the Budget Act, Congress could still make changes to Social Security, just not in a fast-track vehicle. Senator Heinz went on to say:

[T]he Finance Committee retains jurisdiction over the programs involving the Social Security Act. And were it required, for reasons having to do with solvency of Social Security, reasons of equity, having to do with either the taxes or the benefits involving Social Security, or any other reason having to do with it that we might see fit, but not having to do with reconciliation and the budget process, we could work our will, as we have in the past, on the Social Security Program. But not as part of the reconciliation.

Senator Rudman of New Hampshire, a cosponsor of the Gramm-Rudman-Hollings budget process, spoke in favor of the amendment. Here is what he said:

[T]he language offered by the Senator from Florida has one single effect. That effect is that any reconciliation taken by the Senate Finance Committee would have to survive a point of order if it dealt with anything that had to do with old age assistance.

Senator Domenici of New Mexico, then the chairman of the Budget Committee, also explained the Hawkins amendment in the same way. This is what Senator Domenici said:

This amendment would with specificity say that any reconciliation bill containing provisions with respect to Social Security would be subject to a point of order. That is what this amendment does.

That is what Senators said when they adopted a prohibition on using the fast-track reconciliation process to make changes in Social Security. That is why all those Senators supported excluding Social Security from the fast-track reconciliation process, and I argue that all the same arguments apply today as well.

Let us prevent Social Security from being cut in a fast-track commission process. Let us keep America's commitment to our seniors. I urge my colleagues to adopt my amendment to protect Social Security.

I might also say, Social Security is not the cause of our deficit problem.

Social Security is running surpluses. For years into the future, Social Security is going to run surpluses. Social Security, thus, reduces the current unified budget deficit. Social Security is not the reason for our fiscal problem.

Furthermore, over the longer term, Social Security is growing with the rate of growth in the economy. Social Security is growing more slowly than health care expenditures. Social Security is not the primary source of long-term fiscal imbalance—all the more reason, I submit, why my amendment should be adopted.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 3301

Mr. VITTER. Madam President, I rise to strongly support an amendment on the floor that I have coauthored. I have joined Senator THUNE, Senator BENNETT, and many others on this amendment to immediately end TARP, the so-called Troubled Asset Relief Program—to end that, to wind it down immediately, once and for all.

Again, the amendment is very simple and straightforward. It terminates TARP immediately when this provision is signed into law. Just as importantly, the amendment ensures that all TARP money that is repaid to the Federal Government goes to debt reduction, as clearly intended under the law, under the original language for TARP.

I have long fought for this termination. First of all, I had grave reservations about TARP from the beginning, and I voted against that proposal. Looking back, I do not think it is at all clear that was necessary to avert some impending disaster. Looking at the last year, I think it is perfectly clear TARP has become a slush fund and has led to all sorts of continuing spending abuses.

Because of those concerns from the very beginning, I have been working to end TARP. On January 5 of last year, I offered the resolution of disapproval to try to block the release of the second half of TARP funds, the second \$350 billion.

On April 2, 2009, I offered an amendment to the budget to rescind unspent TARP funds and to end it then.

On April 30 of last year, I offered an amendment to S. 896 to remove any obstacles to the repayment of TARP funds because, at that time, the bank regulators and the Department of Treasury were forcing, in some cases, financial institutions to actually keep their TARP money and not repay it back to the taxpayer sooner rather than later.

On August 6 of last year, I offered an amendment to H.R. 3435, a bill which provided extra money for the Cash for Clunkers Program, to end TARP on a date certain; namely, the end of last year.

Unfortunately, those efforts failed. But those efforts picked up steam and support every step of the way and certainly they helped illustrate—and recent discussion and debate and elections, I think, helped illustrate—the

American people want to end TARP, want to end too big to fail, and get back to our normal economic rules grounded in the free market.

Why should we end TARP? First of all, in the original bill, the end date to TARP was supposed to be December 31 of last year. That was the normal end date. Last December, the Secretary of the Treasury, under authority he had, on his own, under the language of the bill, extended TARP for almost another year. I believe that was the wrong decision, unjustified, and I believe we should act to stick by the original end date and end TARP immediately.

I do not think there is anyone on this floor or around the country who can argue we need a continuation of TARP because our financial system is in some imminent danger. There is no imminent danger out there. Hopefully, that will not develop. But, clearly, it does not exist now.

Secondly, the right response to future failures is not to pump taxpayer money without limit to individual institutions. The right response is to end too big to fail and to have an orderly resolution regime. That is exactly what I am working on with Democrats, with other Republicans on the Banking Committee, to pass regulatory reform, including an orderly resolution regime to end too big to fail.

Then, the third reason we need to end TARP is it has become, in the last year, a purely political slush fund to spend on whatever the political whim of the moment is. It was never executed to achieve its original purpose. TARP stands for Troubled Asset Relief Program. Yet, ironically, that is about the only thing TARP funds have never been used for, the actual purchase of troubled assets.

From the very beginning, just after it was named the Troubled Asset Relief Program, it has been used for everything else under the Sun—first, pumping money directly into specific mega financial institutions, then pumping money directly into the auto companies. Clearly, the car companies are not banks, are not financial organizations. They were never intended to be included under TARP.

Since then, during 2009, the proposals to use TARP as just a pot of money to spend at everyone's political whim have gone on and on. There have been proposals to use TARP money to fund highway projects. There are proposals right now to use TARP money for a new jobs program. There are proposals, at least on the House side, to start a brand new housing program funded by the TARP assets.

Perhaps we should do new activity regarding highway construction, job creation, housing, but we should not use TARP as a political grab bag, a slush fund, to pay for that and whatever else is the whim of the majority in Congress. That is a clear abuse of the program, and it is a clear ongoing threat if TARP is allowed to exist.

If we go back to the origination of TARP and discussions and talks made

at the time, it is clear that then-Senator Obama, then-Presidential candidate Obama pledged to the American people that TARP would only be used for certain purposes, and every penny would be repaid to the taxpayer. On October 1, 2008, then-Senator Obama, then-Presidential candidate Obama, clearly spelled out his conditions that he required to support TARP. He said:

If the American taxpayers are financing this solution, then they have to be treated like investors. They should get every penny of their tax dollars back once the economy recovers.

I don't think there is any mistake in the law or the President's comments, but because he didn't want to be misunderstood, he didn't want to communicate in any sort of vague way, he reiterated that, and he said in addition, "every penny of which will go directly back to the American people."

The problem is, that is not what is happening. Every month, every week, every day that TARP continues to exist, raids on the slush fund, raids on TARP, bright new ideas to spend the money so that it will never be returned to the taxpayer abound.

Unfortunately, since he explained his initial conditions for supporting TARP, the President has acted in a wholesale different way. He supported TARP money going to the car companies which was never intended under the original bill. He supported these new ideas coming from liberals in the House and Senate to use TARP money for highway construction or a new jobs program or a new housing program, which was never intended under the original bill.

We need to get back to the President's original promise: to treat the American taxpayers like the investors they are, to honor their wishes, to protect their funds, and to get all of that money returned to the American taxpayer.

I find it pretty ironic that during the last few weeks the President has bashed big banks and proposed a big new tax against big financial institutions. Yet, at the same time, he wants to continue TARP, and he wants to continue the ability to give those same big financial institutions taxpayer dollars virtually without limit. Why don't we start on the path to fiscal responsibility by at least not showering those big financial institutions with more taxpayer dollars? We are out of the crisis. We don't need TARP. Let's end it, end it immediately, wind it down.

So, again, I urge all of my colleagues—Democrats, Republicans—to honor the President's initial words back in the fall of 2008 about what TARP was supposed to be about and how all of the money should be repaid to the taxpayers. Let's honor those words. Let's honor the initial promises about TARP, and let's end it immediately since the crisis has passed and ensure that all of the money, as it is repaid over time, goes back to the American taxpayer by reducing debt.

Let's stop this continuing threat that TARP is just used as a political slush fund to fund spending, programs, and ideas at the whim of the majority of Congress as it develops week to week. Let's return that money to the American taxpayer. Let's reduce the debt. Let's reduce the deficit.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I have further correspondence which I wish to read into the RECORD with respect to my amendment which is pending, as well as with respect to statements by organizations that essentially oppose the Conrad-Gregg amendment. The first is from the Leadership Council of Aging Organizations. It is entitled, "Proposed Bipartisan Task Force for Responsible Fiscal Action."

It says:

Dear Representative: The Leadership Council of Aging Organizations (LCAO) is a coalition of national not-for-profit organizations focused on the well-being of America's 87 million older adults. Today, we write to you and your colleagues regarding recent efforts to create a commission that would force changes to entitlement programs, among other things, through the use of a Congressional fast-track procedure. We firmly believe that Congress, through its regular legislative process, is best suited to consider and address any changes to these programs. While we have additional concerns regarding the use of such a commission on Medicare, Medicaid, Supplemental Security income, community service and Federal civilian military retirement programs, this letter is directly focused on Social Security. The LCAO will be sending, under separate cover, a letter devoted to expressing its concerns with the impact a fast-tracked commission would have on Medicare and Medicaid.

Last month's Budget Committee hearing on Bipartisan Process Proposals for Long-Term Fiscal Stability considered the creation of a commission that would be tasked with addressing rising Federal debt by "closing the gap between tax revenue coming in and the larger cost of paying for Social Security, Medicare and Medicaid benefits." This is a weighty responsibility, requiring careful review of these critical social programs on which so many depend. But there is no guarantee that the members of this commission would have the necessary expertise to conduct such an intensive review.

That is very valid. How would this commission know how to make those cuts? They don't have expertise on the programs. This would be an outfit that just cuts without having any sense as to how these programs operate and what changes might be made.

Continuing to quote from the letter:

Our concern is that their recommendations, nevertheless, would be forced through Congress, without amendment(s), under extremely short timelines and with no opportunity to debate individual issues or consult with constituents.

In addition to our objections about the proposed commission process, we are concerned that its mission would imply that Social Security has somehow contributed to the Nation's economic woes. Social Security is not a part of the deficit problem nor is it part of an "entitlement crisis." Its cost is projected to consume only 6.2% of GDP by

2030 and to remain slightly below that level for 50 more years. In fact, the 2009 Annual Report of the Board of Trustees pointed out that Social Security ran a surplus of \$180 billion last year and had accumulated a reserve of \$2.4 trillion.

That is a reserve, a surplus, of \$2.4 trillion.

The most recent projections of the Congressional Budget Office forecast that Social Security will continue to pay full benefits until 2043.

That is a surplus at least until the year 2043.

Moreover, Social Security, with its dependable, guaranteed benefits, is the very program that helped us most recently avoid a 1930s-style depression.

Again, I am reading from the letter from the Leadership Council of Aging Organizations. Continuing:

Even as the banking and financial systems threatened to collapse, Social Security continued to provide a reliable economic lifeline to millions of children, disabled workers, retired workers, and spouses (including widowed and divorced spouses) dependent on those benefits. These benefits helped to offset lost earnings and stimulated the economy by maintaining purchasing power. According to a recent study by the National Academy of Social Insurance and Benenson Strategy Group, nearly nine in ten (88%) Americans say that Social Security is more important than ever as a result of today's economic crisis.

Social Security remains the bedrock of retirement security for over 33 million older Americans: On average, households with Social Security beneficiaries aged 65 and older received about 64 percent of their income from the program in 2006.

It then gives a reference in parenthesis. The reference is in the letter.

Additionally, Social Security provides a lifeline to 4.1 million children, 7.7 million disabled workers, 2.4 million spouses or divorced spouses of retired workers and 4.4 million surviving spouses.

The importance and value of Social Security to so many Americans demands that proposals to change the program be given the due weight, consideration and debate in Congress that they deserve. With this in mind, the undersigned members of the LCAO oppose the creation of a fast-track entitlements commission.

I am going to read some of the signatories to this letter:

AFL-CIO, AFSCME Retirees, Alliance for Retired Americans, the American Association of Homes and Services for the Aging, American Society on Aging, Association of Jewish Aging Services of North America, B'Nai B'Rith International, Center for Medicare Advocacy, Inc., Gray Panthers, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW; Military Officers Association of America, National Academy of Elder Law Attorneys, National Active and Retired Federal Employees Association, National Alliance for Caregiving, National Asian Pacific Center on Aging, National Association of Area Agencies on Aging, National Association of Professional Geriatric Care Managers, National Caucus and Center on Black Aged, Inc., National Committee to Preserve Social Security and Medicare, National Council on Aging, National Senior Citizens Law Center, National Consumer Voice for Quality Long-Term Care, OWL,

The Voice of Midlife and Older Women, Service Employees International Union, the Jewish Federations of North America, Volunteers of America, Wider Opportunities For Women.

I think that letter speaks for itself, but I ask unanimous consent that it be printed in the RECORD.

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

LEADERSHIP COUNCIL OF AGING  
ORGANIZATIONS,  
December 8, 2009.

Re: Proposed Bipartisan Task Force for Responsible Fiscal Action

DEAR REPRESENTATIVE: The Leadership Council of Aging Organizations (LCAO) is a coalition of national not-for-profit organizations focused on the well-being of America's 87 million older adults. Today, we write to you and your colleagues regarding recent efforts to create a commission that would force changes to entitlement programs, among other things, through the use of a Congressional fast-track procedure. We firmly believe that Congress, through its regular legislative process, is best suited to consider and address any changes to these programs. While we have additional concerns regarding the use of such a commission on Medicare, Medicaid, Supplemental Security Income, community service and federal civilian and military retirement programs, this letter is directly focused on Social Security. The LCAO will be sending, under separate cover, a letter devoted to expressing its concerns with the impact a fast-tracked commission would have on Medicare and Medicaid.

Last month's Budget Committee hearing on Bipartisan Process Proposals for Long-Term Fiscal Stability considered the creation of a commission that would be tasked with addressing rising federal debt by "closing the gap between tax revenue coming in and the larger cost of paying for Social Security, Medicare and Medicaid benefits." This is a weighty responsibility, requiring careful review of these critical social programs on which so many depend. But there is no guarantee that the members of this commission would have the necessary expertise to conduct such an intensive review. Our concern is that their recommendations, nonetheless, would be forced through Congress, without amendment(s), under extremely short timelines and with no opportunity to debate individual issues or consult with constituents.

In addition to our objections about the proposed commission process, we are concerned that its mission would imply that Social Security has somehow contributed to the nation's economic woes. Social Security is not a part of the deficit problem nor is it part of an "entitlement crisis." Its cost is projected to consume only 6.2% of GDP by 2030 and to remain slightly below that level for 50 more years. In fact, the 2009 Annual Report of the Board of Trustees pointed out that Social Security ran a surplus of \$180 billion last year and had accumulated a reserve of \$2.4 trillion. The most recent projections of the Congressional Budget Office forecast that Social Security will continue to pay full benefits until 2043.

Moreover, Social Security, with its dependable, guaranteed benefits, is the very program that helped us most recently avoid a 1930s-style depression. Even as the banking and financial systems threatened to collapse, Social Security continued to provide a reliable economic lifeline to millions of children, disabled workers, retired workers, and spouses (including widowed and divorced spouses) dependent on those benefits. These

benefits helped to offset lost earnings and stimulated the economy by maintaining purchasing power. According to a recent study by the National Academy of Social Insurance and the Benenson Strategy Group, nearly nine in ten (88%) Americans say Social Security is more important than ever as a result of today's economic crisis.

Social Security remains the bedrock of retirement security for over 33 million older Americans: On average, households with Social Security beneficiaries age 65 and older received about 64 percent of their income from the program in 2006 (Social Security Administration 2009b: Table 9.A1). Additionally, Social Security provides a lifeline to 4.1 million children, 7.7 million disabled workers, 2.4 million spouses or divorced spouses of retired workers and 4.4 million surviving spouses.

The importance and value of Social Security to so many Americans demands that proposals to change the program be given the due weight, consideration and debate from Congress that they deserve. With this in mind, the undersigned members of the LCAO oppose the creation of a fast-track entitlements commission.

Sincerely,

AFL-CIO; AFSCME Retirees; Alliance for Retired Americans; American Association of Homes and Services for the Aging; American Society on Aging; Association of Jewish Aging Services of North America; B'Nai B'Rith International; Center for Medicare Advocacy, Inc.; Gray Panthers; International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW; Military Officers Association of America; National Academy of Elder Law Attorneys; National Active and Retired Federal Employees Association; National Alliance for Caregiving; National Asian Pacific Center on Aging; National Association of Area Agencies on Aging; National Association of Professional Geriatric Care Managers; National Caucus and Center on Black Aged, Inc.; National Committee to Preserve Social Security and Medicare; National Council on Aging; National Senior Citizens Law Center; NCCNHR: The National Consumer Voice for Quality Long-Term Care; OWL, The Voice of Midlife and Older Women; Service Employees International Union; The Jewish Federations of North America; Volunteers of America; Wider Opportunities for Women.

Mr. BAUCUS. Madam President, I might also add that there is another letter I have. I have referred to this organization already, but I will read their letter. This is from OWL, the Voice of Midlife and Older Women:

Dear President Obama, Speaker Pelosi, and Senate Majority Leader Reid:

We, the undersigned, urge you to preserve and protect two of the most important and successful government programs in the history of the United States—Social Security and Medicare. We ask that you resist the pressure by Wall Street and conservative members of Congress to form an undemocratic and unaccountable fast-track "deficit commission" that would cut these programs that are so crucial to the well-being of the people of our country.

Social Security is not responsible for any part of the deficit. The 2009 Annual Report from the Board of Trustees stated that Social Security ran a surplus of \$180 billion last year with a reserve of \$2.4 trillion.

That is a reserve of \$2.4 trillion.

The Congressional Budget Office, in its August 2009 forecast, said that full benefits can continue to be paid until 2043. There is ample time to make the necessary adjustments through the usual legislative process.

The best way to get the cost of Medicare under control is by reforming the health care system as you are currently trying to do, not by cutting benefits to the millions of people whose health is at stake.

That is a very important point. Let me just read it again because it is so true:

The best way to get the cost of Medicare under control is by reforming the health care system . . . rather than by cutting benefits to millions of people whose health is at stake.

Continuing in the letter:

There are many ways to cut the deficit—once our economy has recovered. In the meantime, Social Security and Medicare provide a measure of economic stability during a time of financial crisis in our communities. As Frances Perkins said on the 25th anniversary of Social Security, "We will go forward into the future, a stronger nation because of the fact that we have this basic rock of security under all our people."

In 2010, we'll celebrate the 75th anniversary of Social Security.

We urge you to stand firm against the proposal for a fast-track commission that would diminish these programs that speak so deeply of America's values.

Respectfully yours.

Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

AMENDMENT NO. 3301

Mrs. HUTCHISON. Madam President, I rise today to speak in support of the Thune amendment, which I cosponsored. It would put the brakes on the TARP train wreck.

TARP was originally conceived to purchase toxic assets from banks in order to clean up their balance sheets and provide them the capability and liquidity to begin lending again. At the time, Federal Reserve Chairman Ben Bernanke said that we were facing the most severe financial crisis in the post-World War II era. President Bush stated that the unprecedented challenges of such a financial crisis required unprecedented response and, without action, the American people would face massive job losses, significant erosion in the value of retirement accounts and home values, and a lack of credit availability. Treasury Secretary Hank Paulson said that unless Congress took action, the financial system of our Nation and the world would collapse in short order.

My constituents said at the time that they could not get loans to keep their businesses up and running. Something needed to be done. Secretary Paulson proposed an emergency plan to authorize as much as \$700 billion to purchase toxic assets, such as devalued mortgage securities, from the financial institutions holding them. It was stated that the plan would restore consumer confidence in the economy as the Treasury would show faith in our financial system by purchasing these assets and managing them while the market stabilized, and selling them later. The proceeds from the sale of these assets would then go to pay down our national debt.

In response, Congress proposed the Emergency Economic Stabilization Act, which created the Troubled Asset Relief Program, called TARP, and authorized \$350 billion not \$700 billion in Federal assistance.

The Republican and Democratic Governors Associations wrote jointly to ask Congress to act immediately on the legislation to provide economic security to the financial system and stabilize the crisis. Congress did act in overwhelming majorities.

Almost immediately, however, the Treasury Department deviated from the intent of the program and design they told Congress they would pursue. It did not purchase toxic assets as planned. Instead, the Treasury used TARP funds to take equity stakes in over 300 of our Nation's financial institutions. The program was further expanded to nonfinancial companies, pouring billions of dollars into AIG, GM, and Chrysler. When the administration asked for the second tranche of \$350 billion, I said no, and so did many of my colleagues.

We have especially seen the misuse of TARP in capital repayments to the Treasury. Since the program began, the Treasury has received over \$165 billion in paybacks, with interest. Under the Stabilization Act, proceeds from these paybacks were meant to be used to pay down our national debt. That was a key condition to its approval.

In a hearing last November, before the Banking Committee, of which I am a member, I spoke with the Assistant Secretary of the Treasury, Herb Allison, regarding the State of the TARP program 1 year later. Secretary Allison told us that these repaid funds "go directly into the general account of the U.S. Treasury to reduce the Treasury's funding need"—to reduce our debt. Yet, when I asked him to confirm that the money repaid was no longer part of the total authorization of \$700 billion, Secretary Allison said that when TARP funds are repaid, headroom is created within the program to provide additional commitments to maintain the \$700 billion funding level. Thus, as the Treasury puts repaid funds back into one pot, it reaches into another for more—basically recycling the \$700 billion. This is not what was promised. It is not what was passed. It is not what

was envisioned. I most certainly never voted to authorize a revolving fund to remain in our economy indefinitely. I didn't even vote for \$350 billion of this \$700 billion that is now becoming a revolving fund.

According to the most recent TARP report from the Office of Financial Stability, approximately \$545 billion in TARP funds has been committed. Repayments through TARP were over \$165 billion. This leaves roughly, with the amount of the \$545 billion which has been committed, about \$374 billion being paid out with roughly \$319 billion of unobligated TARP funds, or TARP authority.

The recent report issued by the Congressional Oversight Panel for TARP stated that although TARP authority ends October 3, 2010, any funds committed by that date but not yet spent can still be spent under TARP past this deadline. This could create an indefinite time period for expenditures through TARP.

The amendment offered by Senator THUNE, me, and many others would allow us to truly put an end to TARP expansions, and it would put an end to it immediately. It would show taxpayers that Congress finally gets it, and that we are serious about reducing our Nation's skyrocketing debt. This would indeed be the first step in putting our financial house in order.

Today, we can begin the process of lowering this huge debt that our country, which just in the last year, has increased exponentially. We are looking at a bill that would increase our debt to \$14 trillion. If we pass the amendment before us today, we can cut that back instead of adding to the debt. That is what we ought to do.

While we are at it, we need to stop the spending binge we are on. We need to stop the stimulus package, whatever is not authorized, because that, too, will add to our debt. We need to recommit to cut taxes. We need to say our financial house must get in order. It is time to reauthorize the tax cuts that were put into place that caused our financial stability after 9/11. It is the tax cuts that caused our financial stability. It is lowering the capital gains rate, lowering the dividends rate of taxation. This is what would open our markets and open our ability for businesses to hire people. It would restore consumer confidence. What about the death tax that will come back in full force next year? People don't know how to plan their giving to their children or giving to their employees and their businesses because they don't know what Congress is going to do. If there is anything Congress ought to do, it is stabilize our tax system and make the tax cuts permanent. We need to lower the capital gains and dividends rate permanently. These are funds that have already been taxed. They were taxed when they were earned. They should not be taxed for savings—dividends and capital gains are savings. That is how people plan for their future.

We need to recommit today to reorder our financial priorities. We need to get our financial house in order. That means cutting down on the debt, not adding to it. It means cutting spending, and it means making our tax cuts permanent. Capital gains and dividends rates should be lowered permanently so that our stock market would be permanently stabilized. And we should lower the rate for everyone because the people who can hire others will be paying at the highest rates when the rates go up. That includes schedule C corporations. We need to lower capital gains rates. We need to lower the burden on businesses. We need to lower the burden on families. We need to help people, not hurt people, who are trying to plan for their financial retirement.

Today, we have a chance to take the first step by saying that TARP is going to end, that we are not going to expand something that was authorized for an emergency purpose. This emergency purpose should be a commitment of Congress. We should not allow the expansion of TARP. We can take the first step by voting for the Thune amendment of which I am a cosponsor. We need to start the process today, and we can say to the American people that Congress is finally listening.

Many on my side of the aisle have been making these points day after day. We were here almost every day in December, Saturdays and Sundays included, trying to make the point that people don't want a government takeover of their health care system. Now I think we have a clear message from the people of Massachusetts that they don't like this either. The exit polling showed that 48 percent of them voted to keep this health care bill from going forward. The rest of them voted to say: Stop all of this takeover by government of so much of our lives—whether it is the cap and trade that will raise energy and fuel costs or whether it is letting the tax cuts lapse, which would give us more money for our own families to spend as we wish, not as government wishes; it is to stop the growth of big government; it is to stop the ending of the death tax for all intents and purposes so that we can pass on to our children the fruits of our labor.

Most of all, we have a chance today to say we are not going to raise the cap on our debt limit and we are not going to \$14 trillion, which is now above 17 percent of our gross domestic product. It is our debt burden. This is not healthy.

The people of Massachusetts said: Get your house in order, Congress; get your house in order, Mr. President.

Let's do it. We can take the step today to do it. It is time for Congress to hear the American people and act, to hear their cry that we must get our house in order for the future of every American and every American's child and every American's grandchild. That is what we owe them. I hope we will take the first step with the Thune amendment and then the rejection of

the resolution to raise the debt ceiling. Then we can lower taxes permanently, and then we can take to the American people a new agenda that will really create jobs because the jobs will be in the private sector, not the government sector.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we anticipate the Senator from North Dakota will join us momentarily. Pending his arrival, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. 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.

Mr. CONRAD. Mr. President, I have come to the floor to discuss an amendment I am offering with Senator GREGG to create a bipartisan fiscal task force. The task force would be designed to develop a bipartisan legislative package to address the Nation's long-term fiscal imbalances. There would be a requirement that the package come before Congress for a vote.

Under the rules of the Senate, our amendment requires 60 votes to pass. If we do not reach the 60-vote threshold, I will continue to push for the creation of a special process to deal with our debt, and I will fight to ensure any special process results in legislation that will get a vote in the Senate and in the House. We cannot afford another commission whose recommendations sit on a dusty shelf somewhere at the Library of Congress.

I believe our country is at a critical juncture. We have seen in the previous administration the debt of the United States double. We are on course over the next 8 years for at least another doubling of the debt. And already we are reaching precarious levels, record levels—record levels that have never been seen before in this country.

I believe nothing short of the economic future of the country is at stake. I point to this recent Newsweek cover from December 7 of last year entitled "How Great Powers Fall; Steep Debt, Slow Growth, and High Spending Kill Empires—and America Could Be Next."

Here is what the article went on to say:

This is how empires decline. It begins with a debt explosion. It ends with an inexorable reduction in the resources available for the Army, Navy, and Air Force. . . . If the United States doesn't come up soon with a credible plan to restore the Federal budget to balance over the next five to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.

The process has already begun. As I indicated, in the previous administration the debt doubled. Foreign holdings

of U.S. debt more than doubled. We can see the track we are on. From 2001, at the beginning of the Bush administration, the debt skyrocketed, and it continues to grow with the economic downturn and the projections from the Congressional Budget Office for the future. In fact, we now estimate that the gross debt of the United States could reach 114 percent of the gross domestic product of the United States. That has only been equaled in U.S. history after World War II. At that point, the debt came down very rapidly.

There is no forecast that shows this debt coming down and certainly no projection and no forecast that it will come down rapidly. Instead, what we have is a forecast by the Congressional Budget Office that the debt will continue to explode. Instead of being 100 percent of the gross domestic product of the United States, the debt will rise to a level of more than 400 percent of the gross domestic product of the United States.

By any account, that is an unsustainable course. We have had before the Budget Committee the testimony of the head of the Congressional Budget Office saying the course we are on is clearly unsustainable. We have had the testimony of the head of the General Accounting Office saying the current course is clearly unsustainable. We have had the testimony of the Secretary of the Treasury, both in the previous administration and this one, saying this trajectory is clearly unsustainable, and we have had the testimony, clear and compelling, by the Chairman of the Federal Reserve that this course is absolutely unsustainable.

I have said to my colleagues repeatedly that the debt is the threat. It is something we must face up to. We have been through a very sharp economic downturn. In the midst of a sharp economic downturn, you do not raise taxes or cut spending. That would only deepen the recession. In fact, we could have seen this country plunge into a complete collapse, and we would not have been alone. I think many of us believe we just narrowly averted a global financial collapse. One reason it was averted is because of actions by this administration and the previous administration and this Congress—steps that were taken to provide liquidity to prevent a global collapse. But those steps also added to the deficit and debt. We have to acknowledge that. We have to be very straight with people that those steps were necessary to avert a collapse, but they also contribute to the long-term crisis we confront—a crisis of a debt growing too rapidly and forecasts to reach a level unprecedented in our national history, a debt level that could threaten the economic security of the United States.

Many people have asked me: How does this threaten the economic security of the country? Very simply, this debt is increasingly financed from abroad. In fact, last year 68 percent of

the new debt created by the United States was financed by foreign entities—68 percent. China has now become our biggest creditor. They have signaled publicly and privately that they are increasingly concerned with the fiscal policy of the United States. They are increasingly concerned about the security of their loans to the United States. Other countries have expressed concern as well. If those countries decided they would no longer extend loans to the United States, we would then be very quickly in a serious situation. It would mean we would have to either cut spending sharply or raise taxes dramatically or raise interest rates in a significant way to attract new borrowing, new lenders. The consequences of a failure to address these issues goes right to the heart of the economic strength of the country.

As I said, in the article in Newsweek, they say:

If the United States doesn't come up soon with a credible plan to restore the Federal budget to balance over the next five to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.

For those who believe there is no crisis and we can just stay with the status quo, this is a quote from the National Journal cover story in November. The article was titled "The Debt Problem Is Worse Than You Think." It stated:

Simply put, even alarmists may be underestimating the size of the [debt] problem, how quickly it will become unbearable, and how poorly prepared our political system is to deal with it.

I believe the National Journal got it about right. We are on a course that is clearly unsustainable. Virtually every expert says to us that this is so.

The consequences of a failure to deal with the debt are enormous. They could go right to the heart of the economic strength of the country. So Senator GREGG and I have come to the floor with a proposal to have everything on the table, to have a bipartisan commission evaluate various options for dealing with our long-term debt threat and to come back with a proposal. But they can only come back if 14 of the 18 members of that commission agree on a future course, a supermajority, a bipartisan majority. If 14 of the 18 agree, that plan comes to Congress for a vote. Members here will decide. This is not outsourcing the responsibility. This is giving an independent commission the responsibility to come up with a plan, but that plan would have to be voted on by Members of the Senate, Members of the House, and under our formulation it would require a supermajority in both Chambers to pass. Of course, the President would retain his veto powers. He would be able to veto any proposal passed by the Senate and the House. I believe the prerogatives of the Senate and the House are preserved. It will require a vote of supermajority here and in the House and, of course, signature by the President.

The former Chairman of the Federal Reserve has talked about the urgent need to address the long-term debt situation. This is what he said on December 17 of last year in testimony before the Homeland Security and Governmental Affairs Committee:

The challenge to contain this threat is more urgent than at any time in our history. . . . [Our] nation has never before had to confront so formidable a fiscal crisis as is now visible just over the horizon.

I believe the former Chairman of the Federal Reserve has it right. We face an unprecedented threat. Never before in our Nation's history have we looked forward and seen the prospect, if we continue current policies, of a debt that would equal 400 percent of the gross domestic product of the United States. That has never, ever faced this country. That is a threat with which we are unfamiliar.

The response Senator GREGG and I have crafted over 2 years of debate and discussion with many of our colleagues is one that is based on the principle of accountability. All of the task force members would be directly accountable to the American people. There would be 18 members—10 Democrats, 2 from the administration, and 8 Republicans. So in terms of Members of Congress, it would be even: 8 Democrats, 8 Republicans. They would have to be currently serving Members of Congress selected by the Democratic and Republican leaders. The Secretary of the Treasury and one other administration official would serve representing the administration, for a total of 18.

The bipartisan fiscal task force would provide broad coverage. Everything would be on the table—entitlements, revenue, discretionary spending. Spending and revenues all would be before them for a judgment on how we deal with the debt threat.

The work of the fiscal task force would enjoy expedited procedures—procedures we have used before to bring especially difficult issues to both the Senate and the House. The recommendations would only be submitted after the 2010 election. There would be fast-track consideration of the proposal in the Senate and the House. There would be no amendments. It would be an up-or-down vote. The final vote would come before the end of the 111th Congress.

Again, I wish to emphasize I am not proposing that we take action to raise revenue or cut spending in the midst of an economic downturn. That would be counterproductive. But we do need to face up to this long-term debt. The provisions that would come from any commission, I am sure, would be ones that would be put in place over time. They would be phased in. The Commission would be cognizant that our economy remains weak and, in fact, may require even additional debt in the short term.

The bipartisan fiscal task force would ensure a bipartisan outcome. Fourteen of the eighteen task force members would have to agree to the

recommendations for it to come to a vote, and final passage would require supermajorities—a three-fifths vote in both the Senate and the House. Also, the President must still sign off. As I indicated earlier, he would retain his full veto powers.

This approach has been criticized by both the left and the right—the left, a group of organizations that have banded together to say this kind of approach could lead to reductions in Social Security and Medicare—cuts in Social Security and Medicare. I would simply say to them: Look at where we are. Look at where we are. Social Security and Medicare are both cash negative today. The trustees of Medicare say Medicare will go broke in 8 years. Social Security will take somewhat longer. But both are on a path to insolvency if we fail to act.

It hasn't just been from the more liberal side of the spectrum that the criticism has come, but also on the right. The Wall Street Journal ran an editorial calling the debt reduction commission—or the deficit commission—a trap. They say it is a trap that will lead to higher taxes; to more revenue. So on the left and the right we have those complaining that if you move forward to deal with the debt, you are going to make reductions in programs and you are going to increase revenue. I think that is undeniably the case. If you are going to deal with this debt threat, we are going to have to make changes in the spending projections of the United States. We are going to have to make changes in the revenue base of the country.

I would suggest to those who are concerned about tax increases, the first place to get more revenue is not with a tax increase. The first place to get more revenue is to collect what is actually owed. If you examine the revenue streams of the United States, it jumps out at you that we are collecting about 80 percent, or even somewhat less than that, of what is actually owed. If we were collecting the money that is actually owed under the current rates, we would be doing very well. But we have offshore tax havens, abusive tax shelters, a tax gap—the difference between what is owed and what is paid—and we also have a tax system that is completely out of date.

We have a tax system that was designed at a time when we did not have to be worried about the competitive position of the United States. Now we do. The world has changed and our revenue system has not kept pace. Instead, it is hemorrhaging with offshore tax havens costing us, according to the Permanent Subcommittee on Investigations, over \$100 billion a year in lost revenue.

If anybody doubts the proliferation of offshore tax havens, I would urge them to Google offshore tax havens and see what you find. We did that last year and got over 1 million hits, including my favorite: live offshore tax free by putting your funds in offshore tax havens.

The reality is this: We have a dramatic imbalance between spending and revenue. The revenue is the green line, the spending is the red line. Look what has happened with the economic downturn: Revenue is at its lowest point in 50 years as measured as a share of the economy. Revenue is less than 15 percent of the gross domestic product of the country. Spending has skyrocketed to 26 percent of the gross domestic product of the country. You can see that is far higher than it has been going back 30 years.

Of course, we understand why, in the middle of a sharp economic downturn, the automatic stabilizers take effect—unemployment insurance, a whole series of other measures to try to prevent an even steeper downturn. So spending goes up, revenue goes down, the deficits widen, and the debt explodes. That would not be so troubling if the long-term trend didn't tell us the debt will continue to grow from these already high levels.

The need for tax reform, I think, is clear: We have a tax system that is out of date and hurting U.S. competitiveness. As I mentioned, we are hemorrhaging revenue to tax havens and abusive tax shelters. The alternative minimum tax problem threatens millions of middle-class taxpayers—something that was never intended. That cries out for reform. These long-term imbalances must be addressed. Simplification and reform, we know from experience, can keep rates low and improve the efficiency of the system.

The arguments I have advanced this morning are arguments that have now been endorsed by more and more budget experts as they look at the long-term threat to the country. Alan Greenspan, the former Chairman of the Federal Reserve, said this:

The recommendation of Senators Conrad and Gregg for a bipartisan fiscal task force is an excellent idea. I hope that you succeed.

Douglas Holtz-Eakin, who was the chief economic adviser to Senator McCain in his Presidential bid, said this in testimony before the Senate Budget Committee just last year:

I am a reluctant convert. I have always felt that this is Congress' job, and, quite frankly, it ought to just do it. And that attitude has earned me no friends and has gotten us no action. So I have come around to the point where I'm in favor of something that is a special legislative procedure to get this legislation in front of Congress and passed.

Mr. Geithner, the Secretary of the Treasury, said this in testimony before the Budget Committee last year:

It is going to require a different approach if we're going to solve the long-term fiscal imbalance. It's going to require a fundamental change in approach, because I don't see realistically how we're going to get there through the existing mechanisms.

Here is a quote from David Walker, the former head of the General Accounting Office.

I think the regular order is dysfunctional as it relates to these types of issues. And it's, quite frankly, understandable, because you're talking about putting together a



package that crosses many different jurisdictions. And the idea that that would end up emerging from the regular order I think is just totally unrealistic.

That was testimony before the Budget Committee in 2007 by the Comptroller General.

Leon Panetta, the former chairman of the House Budget Committee and the former Chief of Staff to President Clinton, now the Director of the CIA, said this in testimony before the Senate Budget Committee in response to the question: Shouldn't we rely on just the regular order; the normal committee process?

It'll never happen. The committees of jurisdiction will never take on the kind of challenges that are involved in this kind of effort. If you just leave them under their own jurisdictions, that will never happen.

It hasn't happened, and I am chairman of one of the committees. I accept that the normal process is not going to deal with a threat of this magnitude. It is going to take all of us, Democrats, Republicans, Congress, and the administration, working together to fashion a plan that deals with the long-term debt threat; that also deals with the short-term need to restore jobs, to restore economic growth, and to build the economy.

These things are not contradictory. They, in fact, are complementary. We must do both. We must restore economic growth and economic strength and, at the same time, we must deal with the long-term debt threat. That is the proposal Senator GREGG and I bring to the floor. We urge our colleagues to seriously consider what we have offered. It has 35 cosponsors, about evenly divided between Republicans and Democrats. I know it is a tall order to get to 60 votes in the Senate. It is especially hard when organizations on the left are opposing it and organizations on the right are opposing it for very different reasons. But this is a case of the challenge of the middle holding.

That has been the great strength of America—our ability to take on tough challenges and meet them. Whether it was World War I or World War II, the Great Depression or all the other challenges this country has faced, over and over America has proven it is up to the challenge. I believe we are up to this challenge as well, and I believe people working together can come up with solutions that would be credible not only to markets in this country but markets around the world that are beginning to wonder: Does America have the ability to face up to the debt threat that overhangs the future economic strength of the country?

I appreciate this time. I thank the chairman for allowing this time. I know Senator GREGG will be coming to the floor in about an hour for his presentation on the same subject. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota makes a very

compelling case for fiscal discipline. He has been making this case for a good number of years. He has been on the forefront in urging us in the Congress and the country to be more disciplined, to get better control of these deficits, and I appreciate the work of the Senator from North Dakota.

I might say we have no disagreement whatsoever that we need to address our fiscal challenge. We totally agree. I think most Members of the body would agree that is not the issue. Whether we must address the fiscal challenge or not is not the issue. So I wish to get that off the table. We all know we have a huge problem facing us, and it must be dealt with. What we do disagree about, though, is the process; that is, how we address it.

I will have a lot more to say about that later today, but I see the Senator from Arizona on the floor, and he has been waiting patiently.

Mr. CONRAD. May I call up the amendment before we move on?

Mr. BAUCUS. Certainly.

AMENDMENT NO. 3302 TO AMENDMENT NO. 3299

(Purpose: To establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans)

Mr. CONRAD. Mr. President, I call up the Conrad-Gregg amendment.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. GREGG, proposes an amendment numbered 3302 to amendment No. 3299.

Mr. CONRAD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. CONRAD. I thank my colleagues for this opportunity to present our amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3301

Mr. KYL. Mr. President, I will have something to say about the amendment offered by the Senator from North Dakota at a later time, but I wanted an opportunity to be sure to speak to the Thune amendment, which has also been pending and which I understand we may be voting on as early as this afternoon. I wish to make it clear I am in very strong support of the amendment offered by the Senator from South Dakota.

The amendment of the Senator from South Dakota would immediately end the Treasury's authority to spend unobligated TARP funds; that is, those funds that have either been repaid or were never spent in the first place as

part of the so-called TARP. The amendment would also use repaid TARP funds to lower the deficit, bring down the debt ceiling—which is, of course, the amount of legal U.S. debt—and is the ultimate issue we are going to be voting on at the end of our exercise, presumably sometime next week.

I initially supported both tranches of the TARP stabilization money because I was told by the Secretary of the Treasury and others, and I believed, that the money would be used to shore up banking, thus stabilizing the financial system in the United States, and that would permit lending to resume. My State of Arizona was hit particularly hard by the collapse of the housing bubble, so we needed more lending—for small businesses as well as for commercial lending and other things such as auto finance, real estate lending, and so on.

Unfortunately, the promised flow of capital has not materialized. Today people in my State still struggle to refinance their homes and businesses, and businesses in particular are struggling to make payments on their property, rollover commitments that they already have, and even pay for things as basic as their inventories or their payroll. You have to ask how did this happen with all of this TARP money out there.

Partly it is because TARP was perverted into a tool for increasing the scope of government. It has been used for purposes for which it was never intended. Some of the money has been used to bail out political interests such as auto companies and parts suppliers. That was never intended. I would never have supported the second tranche of TARP funding had I believed that was how the money would have been spent.

Now it is becoming a piggy bank for the second stimulus bill recently passed by the House of Representatives, a bill that would cost taxpayers \$260 billion more in deficit spending. By deficit spending, of course, I am referring to the fact that this is all borrowed money. This is not money that we have and are deciding to spend in a certain way. We have to go out and borrow the money in order to give it to these people.

By law, the returned TARP funds are supposed to be used for deficit reduction. That is the way it was written into the bill. The Thune amendment would make sure this happens. Again, this is important because this is not money that we already had that the taxpayers had sent to Washington and we were just waiting to spend on something. We had to go out and borrow this money from folks such as the Chinese, and we have to pay them interest on the money.

When we have to go out and borrow the money in order to provide it for one of these purposes, we have to recognize that when we pay it back, we ought not immediately spend it again. We ought to pay the money back to the government so the money then can

repay the lender and get that obligation off our books. Returning the money to the Treasury is equivalent to paying the money back to our lenders. That, in turn, allows us to reduce our Federal debt.

This also has the effect of reducing government borrowing so that the private sector is more able and more easily able to borrow money. That way, businesses can begin to invest more, and we can begin job creation.

Frankly, that is why groups such as the National Federation of Independent Businesses support the Thune amendment. The whole idea is to repay the money that the Federal Government has borrowed so there is less pressure on the sources of lending so the private sector will be able to more easily borrow for their purpose.

Here is what the NFIB said in a recent letter:

Small business believes it is time to end TARP by passing the Thune amendment. We appreciate Senator Thune's efforts to create an exit strategy for the unprecedented level of government ownership in American businesses. The full \$700 billion that was originally allocated for TARP is no longer needed and should not be used as a bucket of money for the Treasury Department to create new Federal programs.

I would add, or for the House of Representatives to create new Federal programs to the tune of \$260 billion more.

I think the American people could not be more clear in the message they have been sending in election after election: Stop spending so much money so we don't have to borrow so much money so it will be easier for our own families and businesses to borrow money. They have had it with massive spending and the culture of massive debt that has seized Washington. They are watching very closely because it is their money, after all, that will have to be used to pay the interest on the debt when we borrow this money from people such as the Chinese.

Instead of turning right around and deciding we have some great idea on which to spend this money again when it is retired, let's retire the debt instead, thus reducing the amount we have to increase in the debt ceiling. I think this is what our constituents want us to do. It begins with ending TARP, and the Thune amendment puts us on the path to doing exactly that.

I urge its passage.

I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3302

Mr. BAUCUS. Mr. President, I oppose the Conrad-Gregg amendment. This amendment would set up a new deficit reduction commission and have its recommendations considered and sent to

the House under expedited parliamentary procedures. This amendment invites Congress to abdicate its responsibility. This amendment is fundamentally unfair to many of our constituents across the country. This amendment should be defeated.

Under the Conrad-Gregg proposal, 18 people would make recommendations on how to reduce projected midterm and long-term Federal budget deficits. Of the 18 members, 16 would be Members of Congress, and two would be officials in the administration. I might add, if some think the Congress cannot do this, why is this composed almost entirely of Members of Congress? Recommendations of this 18-member commission would be made the subject of votes in both Chambers with no amendments allowed. Thus, the entire package of recommendations would be given to Congress on a take-it-or-leave-it basis.

If the Conrad-Gregg amendment were enacted, Members of Congress who were not on the commission would have no say in the development of the commission's recommendations. Members of Congress who were not on the commission would have no ability to change the recommendations. We would have to vote on the entire package on a take-it-or-leave-it basis.

If Members of Congress not on the commission found that they favored most of the recommendations but positively abhorred a few of them, they would be given no opportunity to try to change the ones to which they objected. Their choice would be either to vote for no deficit reduction at all or vote for recommendations that they abhor with no way to change them.

Members of Congress should not be put in that position. This amendment would disenfranchise the overwhelming majority of Members of Congress. It would disenfranchise their constituents. This would be fundamentally unfair to their constituents and to them. We should not allow it to happen.

Let me say a few words about the effects of this commission on Social Security and Medicare. If we create this commission, what is to stop it from making further reductions in Medicare spending beyond the changes in the health care reform bill? Although the health care reform bill would reduce some reimbursements to providers, it would not cut Medicare benefits or eligibility one bit, but the commission could recommend cuts in Medicare benefits and eligibility.

I might say, too, the Congressional Budget Office, I remind my colleagues, estimated that the health care reform bill that passed this body would reduce the budget deficit by \$132 billion over 10 years and further reduce the budget deficit by between \$650 billion to \$1.3 trillion in the next 10 years.

What about Social Security? Some people talk as if Social Security is a major factor in the long-run budget deficits, but the nonpartisan Congressional Budget Office's projections of

the 75-year growth of spending on Medicare-Medicaid and Social Security tells a different story.

As a share of the economy, the growth of Medicare and Medicaid spending before enactment of health care reform is more than seven times the growth of Social Security spending. If we are to reduce the projections of interim and long-term projections of deficit, we should use the regular order of Congress to do so, and for a good reason; that is, because the system is already working. The comprehensive health reform bill awaiting final approval by the House and Senate is solid evidence the system is working.

Once again, the Congressional Budget Office projected—I made the point just a few moments ago—the Federal deficits would be reduced by \$132 billion in the first 10 years and by \$650 billion to \$1.3 trillion in the second 10 years. That is a significant reduction.

The deficit reduction will make a substantial dent in the deficits—and it has been accomplished entirely through the regular order. We were able to cut deficits through the regular order. It would thus be ironic to give up on the regular order just when it has such a promising result.

There is more work to be done to reduce deficits in the midterm and long term, but the regular order is up to the job of performing these tasks. We should not give up on it prematurely. We should vote against creating a commission that can take away many of the responsibilities the Constitution gave the Congress.

I urge my colleagues to reject this amendment.

It has also been said on the Senate floor that one way to get revenue is to go after the so-called gap that exists between revenue that is owed the American taxpayers but not collected—the tax gap, it is sometimes called. I might say why not create a tax gap commission? It does not make sense for this outfit, if it does exist—I don't think it will because I think most Members of Congress will not want to do that—to cut Social Security, which is not the problem—Social Security is projected to be in surplus at least to the year 2043—or to make further cuts in Medicare beyond which we have already done in regular order. What is left? Discretionary spending.

If the real effort is a tax gap, let's have a tax gap commission, not one that is going to cut Medicare and Medicaid. I might add, these people, if there were such a commission, are not qualified. They do not understand the health care system. They don't understand where to make cuts and not to make cuts. They don't understand Social Security that much. The committees of jurisdiction do. They don't understand some of the other programs where they might recommend cuts. They can just whack, whack, whack, or raise revenue. They don't understand the Tax Code. That is not their expertise. They are just going to try to find ways to raise, raise, raise taxes.

It is something on the surface that might sort of sound good—let somebody else do it. I cannot do it, so we will let somebody else do it. I think that is an abdication of responsibility. I think it is like it sounds—too good to be true—that somebody else is going to do it. It is like the grass is greener on the other side of the fence.

Why do we run for these jobs? Each of us ought to be a U.S. Senator because we wanted to take the responsibility to do what we thought was right for our people and our States. It is sometimes not very easy. It is sometimes quite difficult. That is why we ran. That is what goes with the territory: step up and make the right decisions and do what needs to be done in conjunction with the President.

The President of the United States is going to make a budget recommendation to the Congress in just a matter of a few days, almost a week or so away. That is the job of the President, to make a recommendation to the Congress of what he thinks our budget should be, and it is up to the Congress to decide how to deal with that.

We have used the regular order on health care to cut budget deficits by a large amount. As I indicated, it worked. I think we should just be courageous enough as Members of Congress to do what is right, step up and do what we have to do. If we do not do the job properly, our voters will get somebody else to do the job. That is their right, that is their privilege, and that is one of the strengths of the process: that they have an opportunity to get somebody else if we are not doing a good job.

I strongly urge the defeat of the Conrad-Gregg amendment. It is just not a good thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 14 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LIMITS ON BANKS' PROPRIETARY TRADING ACTIVITIES

Mr. KAUFMAN. Mr. President, I rise today in support of President Obama's proposal to limit the proprietary trading activity of banks, ideas that have been developed by Paul Volcker, the former Federal Reserve Chairman and current chairman of President Obama's Economic Recovery Advisory Board.

It has been well over a year now since the bursting of a massive speculative bubble, fueled by Wall Street greed and excess, brought our entire financial system to the brink of disaster.

The resulting economic crisis, the worst since the Great Depression, has had profound effects on regular, working-class Americans in the form of millions of job losses and home foreclosures, to say nothing of the hundreds of billions of taxpayer dollars used to prop up failing institutions deemed "too big to fail."

In the coming weeks, the Senate will begin consideration of landmark financial regulatory reform legislation.

As it does, we owe it to the American people to ensure that never again will the risky behavior of some Wall Street firms pose a mortal threat to our entire financial system. The rest of us simply cannot afford to pay for the mistakes of the financial elite yet another time.

As we look to build a better, more durable, more responsible financial system, we must reflect on the fateful decisions and mistakes made over the past decade that led us to this point.

We can begin with Congress's repeal of the Glass-Steagall Act. Glass-Steagall was adopted during the Great Depression primarily to build a firewall between commercial and investment banking activities.

But the passage of the Gramm-Leach Bliley Act of 1999 tore down that wall, paving the way for a brave new world of financial conglomerates.

These institutions sought to bring traditional banking activities together with securities and insurance businesses, all under the roof of a single "financial supermarket."

This was the end of an era of responsible regulation. It was the beginning of an emerging *laissez-faire* consensus in Washington and on Wall Street that markets could do no wrong.

Not surprisingly, this zeitgeist of "market fundamentalism" pervaded regulatory decisions and inaction over the past decade.

It allowed derivatives markets to remain unregulated, even after the Federal Reserve had to orchestrate a multibillion dollar bailout of the hedge fund Long Term Capital Management, which had used these contracts to leverage a relatively small amount of capital into trillions of dollars of exposure.

It also provided a justification for the Federal Reserve and other banking regulators to ignore widespread instances of predatory lending and deteriorating mortgage origination standards.

It prompted regulators to rely upon credit ratings and banks' own internal models, instead of their own audits and judgments, when determining how much capital banks needed to hold based upon the riskiness of their assets.

Perhaps most importantly, this era of lax regulation allowed a small cadre of Wall Street firms to grow completely unchecked, without any regard to their size or the risks they took.

In 2004, the Securities and Exchange Commission established a putative regulatory oversight structure of the major broker-dealers, including Goldman Sachs, Morgan Stanley, Lehman Brothers, Merrill Lynch and Bear Stearns, that ultimately allowed these firms to leverage themselves more than 30 times to 1.

Emboldened by the careless neglect of their regulator, these Wall Street in-

stitutions constructed an unsustainable model punctuated by increasingly risky behavior.

For example, some firms used trillions of dollars of short-term liabilities to finance illiquid inventories of securities, engage in speculative trading activities and provide loans to hedge funds.

When their toxic assets and investments went south, these highly leveraged institutions could no longer roll over their short-term loans, leading them, and all of us, down a vicious spiral that required a massive government bailout to stop.

Despite this extremely painful experience, Wall Street has resumed business as usual. Only now, the business is even more lucrative.

The financial crisis has led to the consolidation of Wall Street.

The survivors face less competition than ever before, allowing them to charge customers higher fees on transactions, from equities to bonds to derivatives.

In addition, in the wake of the financial crisis, markets remain volatile and choppy. Firms willing and able to step into the breach have generated higher returns.

Until this Congress acts, there is no guarantee that the short-term trading profits being reaped by Wall Street today will not become losses borne by the rest of America down the road.

As many of my colleagues know, I have come to the floor repeatedly to warn about the short-term mindset on Wall Street, embodied by the explosive growth in high frequency trading.

In just a few short years, high-frequency trading has grown from 30 percent of the daily trading volume in stocks to as high as 70 percent.

It has been reported that some high-frequency firms and quantitative-strategy hedge funds have business relationships with major banks, allowing them to use their services, credit lines, and market access to execute high-frequency trading strategies.

Under some of these arrangements, these Wall Street banks are reportedly splitting the profits.

In other cases, the major banks have built their own internal proprietary trading desks.

These divisions often use their own capital to "internalize," or trade against, customer order flow.

Such a practice poses inherent conflicts of interest: brokers are bound by an obligation to seek the best prices for their clients' orders, but, in trading against those orders, firms also have a potential profit-motive to disadvantage their clients.

Both of these arrangements are evidence of a greater problem: Wall Street has become heavily centered on leverage and trading.

Undoubtedly, short-term strategies have paid off for banks. In fact, much of the profits earned by our Nation's largest financial institutions have been posted by their trading divisions.

But an emphasis on short-term trading is cause for concern, particularly if traders are taking leveraged positions in order to maximize their short-term earning potential.

By doing so, such high frequency traders, who execute thousands of trades a second, could pose a systemic risk to the overall marketplace.

In short, Wall Street once again has become fixated on short-term trading profits and has lost sight of its highest and best purposes: to serve the interests of long-term investors and to lend and raise capital for companies, large and small, so they can innovate, grow and create jobs.

As I have spoken about on the Senate floor previously, the downward decline in initial public offerings for small companies over the past 15 years has hurt our economy and its ability to create jobs.

While calculated risk-taking is a fundamental part of finance, markets only work when investors not only benefit from their returns, but also bear the risk and the cost of failure.

What is most troubling about our situation today is that on Wall Street, it is a game of heads I win, tails you bail me out.

The size, scope, complexity and interconnectedness of many financial institutions have made them "too big to fail."

Moreover, the popularity of the "financial supermarket" model further raises the risk that insured deposits of banks can be used to finance speculative proprietary trading operations.

Unfortunately, these risks have only been heightened by recent decisions by the Federal Reserve: the first to grant bank holding company charters to Goldman Sachs and Morgan Stanley; the second to grant temporary exemptions to prudential regulations that limit loans banks can make to their securities affiliates.

There are a number of ways we can address these problems.

The major financial reform proposals being considered in Congress propose some entity for identifying systemically risky firms and subjecting them to heightened regulation and prudential standards, including leverage requirements.

In addition, these proposals also include an orderly mechanism for the prompt corrective action and dissolution of troubled financial institutions of systemic importance that is typically based upon the one already in place for banks.

Although both of these ideas are vital reforms, they are not sufficient ones.

Instead, we must go further, heeding some of the sage advice, as President Obama has today, provided by Paul Volcker, the former Federal Reserve Chairman and current chairman of President Obama's Economic Recovery Advisory Board.

Chairman Volcker has said: "Commercial banking institutions should

not engage in highly risky entrepreneurial activity. That's not their job because it brings into question the stability of the institution . . . It may encourage pursuit of a profit in the short run. But it is not consistent with the stability that those institutions should be about. It's not consistent at all with avoiding conflicts of interest."

I strongly support the ideas Chairman Volcker has recently put forward regarding the need to limit the proprietary trading activities of banks.

Indeed, they get at the root cause of the financial meltdown by ensuring Wall Street's recklessness never again cripples our economy.

We can reduce the moral hazard present in a model that allows banking to mix with securities activities by prohibiting banks from providing their securities affiliates with any loans or other forms of assistance.

While commercial banks should be protected by the government in the form of deposit insurance and emergency lending, Chairman Volcker states, "That protection, to the extent practical, should not be extended to broadly cover risky capital market activities removed from the core commercial banking functions."

Such a reform would completely eliminate the possibility of banks even indirectly using the insured deposits of their customers to finance the speculative trading operations of their securities affiliates.

In addition, we can bar commercial banks from owning or sponsoring "hedge funds, private equity funds, and purely proprietary trading in securities, derivatives or commodity markets."

As Vice President BIDEN aptly and succinctly put it: "Be a bank or be a hedge fund. But don't be a bank hedge fund."

That is why I am pleased to be a cosponsor of the bill introduced by Senators CANTWELL and MCCAIN to reinstate Glass-Steagall, because I thought it was a start to this very important conversation.

Separating commercial banking from merchant banking and proprietary trading operations is an important step toward addressing banks that are "too big to fail."

Additionally, we need to impose restrictions on size and leverage, particularly on the reliance on short-term liabilities, and give regulators additional powers to break apart firms that pose serious threats to the stability of the financial system or others.

Reducing the size and scope of individual entities will limit risky banking behavior, minimize the possibility of one institution's failure causing industry-wide panic and decrease the need to again rescue large failing institutions.

Together, all of these reforms will create a financial system that is "safe against failure."

We cannot continue to leave the taxpayers vulnerable to future bailouts simply because some large banking in-

stitutions wish to pursue short-term trading profits.

For that reason, as Congress works to pass financial regulatory reform in the coming weeks, reducing systemic risk by eliminating conflicts of interest and addressing banks deemed "too big to fail" should be some of our top priorities.

Separating core banking franchise from speculative activities, imposing tighter leverage requirements and examining the complicated relationships between high-frequency traders and banks constitute critical steps toward ensuring our financial markets are strong and stable.

By adopting these commonsense proposals, we can go a long way toward stabilizing our economy, restoring confidence in our markets and protecting the American people from a future bailout.

America cannot afford another financial meltdown and the American people are looking to Congress to ensure that that does not happen.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, over the past 5 months, I have repeatedly expressed concerns about the Environmental Protection Agency's decision to issue backdoor climate regulations under the Clean Air Act. I spoke at length about this issue on the Senate floor in September and then again in December. I have also discussed it with dozens of groups from all across the political spectrum and found there is remarkably widespread agreement with my views on this issue. As the EPA moves closer and closer to issuing these regulations, I continue to believe that this command and control approach is our worst option for reducing emissions blamed for climate change. I also believe that with so much at stake, Congress must be given time to develop an appropriate and more responsible solution.

Today, after consultation with the Parliamentarian, I have come to the floor to introduce a resolution of disapproval under the Congressional Review Act that would prevent the EPA from acting on its own. Senator LINCOLN of Arkansas, Senator NELSON of Nebraska, and Senator LANDRIEU of Louisiana have joined me as cosponsors on this bipartisan resolution, along with 35 of my Republican colleagues.

I have also come to reaffirm and re-emphasize my previous remarks on this issue. Given what has been alleged about my intentions, I believe this debate needs to be directed back to its substance and away from the ad hominem attacks and red herrings thrown out in the past few weeks.

There is a legitimate and a substantive debate to be had over whether the EPA should be allowed to issue command and control regulations. I welcome the debate. If there are any Senators who support the unprecedented regulatory intrusion the EPA is

pursuing, I hope those Members will come to the floor and explain why. I strongly oppose that approach. I hope my colleagues will listen to my explanation as to why I feel as strongly about this as I do.

Our bipartisan resolution deals with an incredibly important issue; that is, whether Members of this body are comfortable with actions EPA will take under its current interpretation of the Clean Air Act. I am not comfortable with those actions. Neither are the Senators who have already agreed to add their names to this effort. The Clean Air Act was written by Congress to regulate criteria pollutants, not greenhouse gases. Its implementation remains subject to oversight and guidance from elected representatives. We should continue our work to pass meaningful energy and climate legislation, but in the meantime, we cannot turn a blind eye to the EPA's efforts to impose backdoor climate regulations with no input from Congress.

The decision to offer this resolution was brought about by what will happen in the wake of EPA's decision to issue the endangerment finding. It is not merely a finding; it is actually a flood-gate. Under the guise of protecting the environment, it is set to unleash a wave of damaging new regulations that will wash over and further submerge our struggling economy. Make no mistake, if Congress allows this to happen, there will be severe consequences to our economy. Businesses will be forced to cut jobs, if not move outside our borders or close their doors for good, perhaps. Domestic energy production will be severely restricted, increasing our dependence on foreign suppliers and threatening our national security. Housing will become less affordable and consumer goods more expensive as the impact of the EPA's regulations are felt in towns, cities, and on farms all across America.

My home State is a perfect example of why we must proceed with utmost caution. If these regulations are allowed, the consequences for Alaska will be devastating. Hundreds of facilities will be subject to much greater regulation, including large hospitals, hotels, fish processors, and mines. Energy-intensive businesses throughout the State will be forced to acquire, install, and operate new equipment and technologies. In many cases, this will prove impossible because the technologies are either too expensive or they simply do not exist.

Because the EPA's proposed regulations are such a blunt tool, they will hit my State's energy sector particularly hard. The continued operation of existing businesses and future endeavors alike, including Alaska's three refineries, the Trans Alaska Pipeline System, TAPS, and the proposed Alaska natural gas pipeline, will all be jeopardized.

Take for example the Flint Hills refinery. This is located just south of Fairbanks. This refinery purchases

royalty oil out of the pipeline at premium rates, which is critically important to the continued operation of TAPS itself. That 800-mile-long pipeline has been challenged by decreasing throughput as lower volumes are taking longer to arrive from the North Slope. Oil is also arriving at the Flint Hills refinery at lower temperatures than it used to, which requires more energy to heat and craft the crude oil into the marketable fuels Alaskans depend upon. The Flint Hills refinery already struggles to keep its jet fuel output at competitive rates in order to maintain Anchorage's status as a major center for global air cargo. It also faces a relatively inelastic market in Alaska for its other fuel products. The EPA will likely be unable and unwilling to address these issues under its command and control climate regulations.

I mentioned the Alaska natural gas pipeline—something we are working very hard to allow to come about. The construction and operation of an Alaska natural gas pipeline would be significantly hobbled by the EPA. The main reason for this relates to compressor stations which maintain a pipeline's pressures and enable movement of the gas. There is no known best available control technology, as would be required under the Clean Air Act, for reducing carbon dioxide emissions from compressors and no good options for compliance.

I cannot overstate how important these facilities and these projects are to Alaska and to America. Our refineries help ensure the State's status as a transportation hub as well as a strategic base for military operations. The Trans Alaska Pipeline System delivers hundreds of thousands of barrels of oil to Americans each day and most of the revenue for Alaska's State budget. The proposed natural gas pipeline is a pillar of our future economy that will bring Americans billions of cubic feet of clean-burning natural gas. Collectively, these projects mean well-paying jobs for thousands of hard-working Alaskans. While the EPA's endangerment finding may be described as an effort to protect our environment, it would actually damage the very foundation of my State's economy.

Alaska isn't the only State that would face dire economic consequences. My colleagues need to consider the ripple effect of this decision and the heavy economic burden it will place on those throughout the lower 48. This was foreshadowed in New Mexico back in September. In December, Kentucky faced the same situation; Arkansas, just last week. The EPA has ordered regulators in each of these States to go back to the drawing board on plans to build new powerplants. These decisions were all the result of this EPA's interpretation of the Clean Air Act and represent a fundamental departure from the permitting process Congress had envisioned for this stat-

ute. The implications are clear. The people who live in those States are already feeling the effects. Construction is being delayed. Jobs are not being created or, more importantly, being filled. Commerce is suffering. Depending on what becomes of these proposed plants, local residents may have to brace for a spike in energy prices as well.

Seen in this light, the EPA's regulations will not only add a thick new layer of Federal bureaucracy, but they will also serve to depress economic activity, to slow it down, to make it more expensive, to render it less efficient. If you thought the recession made for good environmental policy, I expect you will love what the EPA has to offer. Obtaining Federal air permits is already an exercise in administrative agony that can take years and cost millions of dollars. That is before the existing system is overwhelmed by millions of new applicants.

Instead of accepting that the Clean Air Act is not appropriate for this task, the EPA has proposed to lift its regulatory thresholds to 25,000 tons per year for greenhouse gases. That represents a clear departure from the statute's explicit requirements and has opened the Agency to litigation—costly, time-consuming, and endlessly frustrating litigation. Lawsuits are already being prepared against the EPA's so-called tailoring proposal. When the final rule is issued, it will be challenged. I expect the courts will then reject it, as it has no legal basis, and then restore the regulatory thresholds to 100 tons and 250 tons per year. Before long, the Agency will find itself mired in the regulatory nightmare it has sought to avoid.

Again, it is hard not to find this both surreal and deeply disturbing. The national unemployment rate has spiked to 10-plus percent. Yet here in Washington Federal bureaucrats are contemplating regulations that will destroy jobs, while millions of Americans are doing everything they can just to find one. Moreover, given the amount of time it has taken us in the Senate to consider health care and the list of many other bills waiting to be considered, it appears there will not be enough time for Congress to debate energy and climate legislation before the EPA takes action. That means the people of our States have no voice in this process. They will be subject to rules and regulations that affect their lives and their livelihoods without ever having had an opportunity to express their concerns through their representatives in Congress.

Perhaps the most important question that needs to be answered is, Why would the EPA want to pursue these regulations right now when we should be focused on getting our economy back on track? Environmental advocates, senior Democrats, the administrator of the EPA, and even the President have repeatedly said they prefer congressional legislation. So with such

widespread and high-level agreement, one would think it would be easy to suspend the Agency's efforts. Unfortunately, that is not the case. Many of those same individuals are somehow convinced that the threat of EPA regulations is somehow useful, somehow necessary. It is no secret that this is the centerpiece of a highly coercive strategy. It is the administration attempting to force the Congress to pass a climate bill more quickly than it otherwise would. For my part, that strategy has failed so far. It will continue to fail in the months ahead because Members of Congress will not enact bad legislation in order to stave off bad regulation. What the administration's strategy has done is to put Congress in a difficult position.

It is apparent to almost all of us that more time is needed to develop a good climate policy that can draw the bipartisan support of a majority in the Senate. We are working on it. My staff is actively working to develop a wide range of approaches for reducing emissions. We know Senator CANTWELL and Senator COLLINS have recently introduced a new approach. Senators GRAHAM, KERRY, and LIEBERMAN are hard at work on their tripartisan proposal. As the EPA proceeds with its greenhouse gas regulations, Congress remains far from completing its work, and we are left with no choice but to shift at least part of our focus to halting the EPA's efforts.

As I have stated before, my goals here are twofold: to ensure that Congress has sufficient time to work on climate legislation and to ensure that the worst of options, which is a massive expansion of the Clean Air Act, does not occur before that task is finished.

In addition to the Senators who have signed on as cosponsors of our bipartisan resolution, there are a variety of stakeholders who have expressed strong support for slowing or stopping the EPA from issuing its greenhouse gas regulations. Many of these comments have focused on the tailoring proposal, while others oppose the endangerment finding itself. Some at the outer edges of the environmental community, obviously, disagree. But I think much of the rest of America—including State officials, businesses, farmers, and taxpayer advocates—all share our belief that the Clean Air Act should not be used to regulate emissions.

I would like to give you a few examples.

The Governor of Alaska, Sean Parnell, has written:

The fundamental question posed by the proposed rule is whether greenhouse gases can be effectively regulated under the Clean Air Act. We think not. Attempting to force fit the Clean Air Act to the purpose of regulating greenhouse gases will be ineffective and will negatively impact Alaska. . . . The proposed rule would bury Alaska's businesses, institutions, and the State's environmental agencies in regulatory burden.

The Governor of Mississippi, Haley Barbour, has written:

Regulating greenhouse gas emissions under the Clean Air Act will undoubtedly increase the cost of energy, increase the cost of doing business, increase the cost of consumer products, and jeopardize millions of jobs by putting U.S. manufacturers at a disadvantage against foreign competitors.

The Governor of West Virginia, Joe Manchin, commented:

At a time when our state is fighting to save jobs and stabilize the economy, we cannot afford to act carelessly. EPA has taken a risky and unprecedented step in promulgating this rule. The regulation of greenhouse gas emissions is a matter that should be left to Congress, and EPA would be wise to seek Congressional action instead of attempting to regulate greenhouse gases under the Clean Air Act.

Even the California Energy Commission, based in the State with the strictest environmental standards, felt compelled to weigh in because, as they state, "EPA's proposed PSD tailoring threshold jeopardizes California's renewable energy strategy." So instead of speeding the transition to cleaner energy, California is actually worried that the EPA's proposals will actually slow down their progress.

Dozens of State Governors and attorneys general have submitted comments opposing at least one of the EPA's regulations. But comments from our elected officials are not the half of it.

The National Taxpayers Union has issued a press release that says, in part:

At a time when taxpayers are feeling the biggest squeeze since the Great Depression, it's unconscionable that Congress is responding with regulatory and legislative proposals that will only make matters worse.

Then, in a letter that was delivered to me just yesterday, the American Farm Bureau Federation wrote that its delegates have unanimously adopted a resolution that "strongly supports any legislative action that would suspend EPA's authority to regulate greenhouse gases under the Clean Air Act."

The letter goes on to assert that:

How carbon emissions should be regulated is a matter to be decided by elected officials; that debate is now ongoing on Capitol Hill. It is there that these policy questions should be answered.

Finally, the Small Business Administration's Office of Advocacy has concluded that the EPA's greenhouse gas rules will likely have a "significant economic impact upon a substantial number of small entities. . . . Small businesses, small communities, and small non-profit associations will be affected either immediately or in the near-term."

As public awareness of our bipartisan disapproval resolution grows in the days ahead, I expect there will be many more statements that will be issued in support of its passage. While there is an extremely vocal minority that does not support it, I do hope my Senate colleagues will look at the broad coalition that does and join us to oppose the EPA's regulations.

Before I wrap up, Mr. President, I would also like to address the criti-

cisms and arguments that have been made by those who oppose my efforts. I would like to address four of the latest claims in hopes of putting them to rest.

First of all, I would like to reiterate that our bipartisan disapproval resolution deals with the EPA's current interpretation of the Clean Air Act and has nothing to do with the science of global climate change. I would also remind my critics that I cosponsored a cap-and-trade bill in the last Congress and last year worked with the members of the Senate Energy Committee to craft a bipartisan clean energy bill. That bill, unfortunately, has been languishing on the Senate calendar for nearly 8 months now, just waiting to be called up and considered, which I think is a real shame because it would lead to significant emissions reductions and greater energy security for our country.

I would also like to address a rather creative claim that has been made that somehow I am attempting to "gut" the Clean Air Act or subvert it into a "Dirty Air Act." I have to admit, when I first saw this, it actually made me laugh because it is so wildly inaccurate. Neither my previous amendment nor this resolution would have any effect on pollution standards and controls. Neither would change a single word of the current statute. My resolution would simply prevent the massive, unwarranted expansion of this statute by halting the EPA's efforts to use it to regulate greenhouse gas emissions—a purpose for which it was never intended, and a role that it simply cannot fulfill without serious and detrimental consequences.

It has also been stated that this resolution will somehow—somehow—prevent Congress from working constructively on climate legislation this year. Not the case. My resolution will restrain the EPA's ability to issue greenhouse gas regulations, but it will have absolutely no bearing on Congress's ability to debate climate policy. It is especially ironic that these comments were made by the Senator who has complete control of the Senate calendar. So if climate legislation does not come up this year, it is abundantly clear to me who will have made that decision.

The last claim I would like to address is the allegation about who helped draft my September amendment, which I might remind colleagues was never offered and is no longer on the table. Not only are those allegations categorically false, but they highlight—they highlight—the unwillingness of opponents of this measure to engage in the real policy discussion we should be having. The question so many of the individuals and groups opposed to my efforts have failed entirely to answer is if they honestly think—if they honestly think—that EPA climate regulations under the Clean Air Act would be good or bad for America.

I hope the debate over this resolution will stay rooted in substance. There is

plenty of substance for us to debate. There is a legitimate and a substantive debate to be had about whether the EPA should be allowed to issue these regulations before Congress has had an opportunity to fully debate the issue of climate change. In my mind, the answer is no. Congress must be given the time it needs to develop a responsible policy that protects both the environment and the economy.

We are not incapable or even unwilling to legislate on this topic. So far, this Congress has merely failed to develop a balanced measure that draws enough support to be signed into law. We can remedy that shortcoming, and I remain committed to playing a constructive role in that effort.

I believe the looming specter of EPA regulations is actually a big part of the reason we have had difficulty moving forward on climate legislation. Even though we know that some approaches for reducing emissions are greatly inferior to others, there is inexplicable resistance to removing even our worst option from consideration.

I have not heard one Member—one Member—say he or she prefers regulation over legislation. I have not heard one Member say that. Yet that option is not only still around, but it is also closer than ever to becoming reality. As long as it remains out there, it will be plan B for those who wish to address climate change at any cost. If this issue has become so politicized that some Members would support EPA regulation instead of a legislative effort aimed at passing a bipartisan bill, that would not only be a tragedy for our constituents but I believe also a sad day for us in the Senate.

If we are serious about fulfilling our duty to our constituents and giving this issue the full debate it deserves, we should take the EPA regulations off the table. Without a backstop that says “emissions will be reduced, one way or another, no matter how painful,” supports of climate legislation would have to get serious about finding common ground and bipartisan cosponsors.

Major environmental legislation such as the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act all faced opposition at the outset. That is no secret or surprise. But Members worked together to resolve concerns instead of threatening to take a different and more damaging course.

As Senator Ed Muskie would later write, the Clean Air Act “was passed unanimously after just two days on the floor,” which prompted Senator Eugene McCarthy to remark that he had “finally found an issue better than motherhood—and some people are even against motherhood.” The Clean Water Act passed by a vote of 86 to 0, and the Safe Drinking Water Act did not even require a rollcall vote. It was passed by voice vote.

The Senate has a history of coming together to overwhelmingly support commonsense environmental legisla-

tion. But today, however, as we seek the best way to reduce greenhouse gas emissions, we are being presented with a false choice between unacceptable legislation and unacceptable regulations. We are being told—threatened really—to pass a bill now or the economy will suffer. A number of Senators are trying to develop bills that can be signed into law, but even as that work continues, the EPA’s endangerment finding has opened the door to further economic damage.

I believe Congress must take that option off the table, and we can do that by approving the bipartisan disapproval resolution that 39 Senators have now submitted. Allowing the EPA to proceed will endanger jobs, our economy, and our global competitiveness. That should be an outcome we can all agree to avoid.

If you truly believe that EPA climate regulations are good for the country, then you can vote to oppose our resolution. But if you share our concerns and you believe climate policy should be debated in Congress, then vote with us to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, what we are about to debate is an unprecedented move by the Senator and her cosponsors to overturn a health finding made by health experts and scientific experts in order to stand with the special interests. Now that is clear to me, regardless of what is said on this floor. I listened to my colleague. I never heard her say we want to overturn the experts who found that carbon pollution is a danger to the health of our families.

Now, look, it is very reasonable to debate the best way to clean up the air from carbon pollution. I have a way I think is the best that is supported by many in the environmental community, many in the business community. I have a letter signed—which I would ask to be printed in the RECORD—by 80 businesses that just took out an ad and said: Let’s get on with it. They want to set up the type of system that I do, which would give maximum flexibility to business.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

DEAR PRESIDENT OBAMA AND MEMBERS OF CONGRESS

As you set the nation’s legislative agenda and policy priorities for the Second Session of the 111th Congress, we, American business leaders from companies of all sizes and sectors of our economy, call on you to move swiftly and boldly to enact comprehensive energy and climate legislation. This legislation will spur a new energy economy and with it create 1.7 million new American jobs, many in struggling communities across the country. At the same time, it will enhance our national security by making America more energy independent while also cutting carbon emissions.

Today, the United States is falling behind in the global race to lead the new energy economy. American businesses recognize this challenge and have already begun to respond and innovate. We are developing new technologies, launching new companies, and introducing new business models that drive economic growth, create new jobs and decrease our carbon footprint. However, today’s uncertainty surrounding energy and climate regulation is hindering the large-scale actions that American businesses are poised to make.

We need strong policies and clear market signals that support the transition to a low-carbon economy and reward companies that innovate. With certainty, clear rules of the road, and a level playing field, US businesses will deploy capital, plan, build, innovate and compete successfully in the global marketplace.

For American business to unleash a new industrial revolution in energy, we need cooperative and coordinated action in the public policy and the business arenas. We are ready to compete and we urge you to act so that we can win the global race. It is time for the Administration and Congress to embrace this policy as the promising economic opportunity that will empower American workers to compete and American entrepreneurship to lead the way. We stand ready to work with you to create and grow this important economic sector.

Now is the time to act. Together we can lead.

Mrs. BOXER. We have many mayors. We had our 1,000th mayor say: Get on with it. Let’s get the job done.

Senator MURKOWSKI laid out various ways that we have people working. She left out one way. The House-passed bill. The Senate Environment and Public Works had an overwhelming majority in our committee for our approach. We have Senators KERRY, GRAHAM, and LIEBERMAN—and I support what they are doing—trying to find the 60 votes so we can have the kind of bipartisanship Senator MURKOWSKI lauds. We have Senators CANTWELL and COLLINS coming together—and I am very excited about that—on a new approach on how to deal with carbon pollution, and that debate is appropriate. Let me tell my colleagues what is not appropriate: to repeal a finding that was made by scientists and health experts that carbon pollution is a danger to the health of our children, to our families, to our communities. That is inappropriate, and it has never, ever been done before.

I wish to say where I stand on this. My No. 1 job as a Senator is to protect the health and safety of the people of my great State of California and the people of America. I believe that is our highest calling. The Murkowski resolution is a direct assault on the health of the American people. Make no mistake about it. You can cover it up with lots of words. You can say a lot of things about how proud you are of all the work that is going on to control carbon pollution. But when you get up here and you offer a resolution—and I have it in my hands—that clearly says overturn the endangerment finding that, simply stated, in accordance with the Supreme Court ruling, carbon is, in fact, a danger to the health of our families, to do this is unprecedented. What

would have happened if a Senator came to the floor the year we found out nicotine and cigarettes are addictive and cause cancer—what would have happened if a Senator came down here and said, Oh, no, no. We want to overturn that rule that regulates how much nicotine can go in there. That is something we know better about because we are politicians and, suddenly, we become doctors.

What would have happened if a Senator came down to the floor and said: We don't like the finding by the EPA that lead is a danger to our children and causes brain development issues and we don't want them to act on that. We don't want them to control that. It is OK if they suck it up when they are little babies. Thank God no Senator did that. I don't recall any Senator coming to the floor of this Senate and saying: Asbestos? Well, maybe it is OK if people breathe it in, so let's repeal the rule that says we need to protect our workers from asbestos. No Senator ever did that, thank God, so our agencies could move forward and protect our communities and our people.

Black lung disease, that was a long time ago. There was a connection made between the coal dust and our miners. I don't remember—or I didn't read about—anybody coming to the floor and saying we need to repeal the health finding on this. Because we didn't have any Senators who did that, frankly, and because we had enough respect for health officials, public health officials, scientists, doctors, we let them do their job. Yes, we might have fought it out here: Gee, how much should we spend to protect our workers from black lung disease? How much should we spend to protect our workers from asbestos? How much should we spend as a society to take the lead out of paint? We never, ever had a Senator come down to the floor to try and overturn a finding that was made by the health community.

This is a new low, in my humble opinion. The reason I say that is because, to me, I am here for one reason: to make life better for the people I represent. Repealing scientific health expert findings is not what I should be doing. I should be working to make sure, after I know the fact that there is a danger, what is the best way to get the carbon pollution out of the air. That is totally fair. I can tell my colleagues right now, I am not going to get my way on the best way to do it because we don't have 60 votes for that. I understand that. That is why I am supporting all my colleagues who are working so hard to try and come up with the 60 votes so we don't repeal an endangerment finding. What would have happened to our families if we had Senators who did this? We didn't do that in the past. We listened to the science and the health experts. We took action that saved countless lives. This amendment would harm our families.

If I saw someone coming down the street about to attack my family, I

would do exactly what my colleague would do. We would fight back. Whatever it took, we would fight back. Well, this is about the public health. This is about the health of the planet. This is about the future of America. This is about jobs in America. There is lots of debate we can have. But, my goodness, talk about picking a battle over a scientific fact. That is what my colleague is doing.

She says she is standing with the American people. Let me tell my colleagues a few of the American people who strongly oppose what she is doing. The American Public Health Association says: "We strongly urge you to oppose any resolution that would repeal the public health findings." The Association of Public Health Laboratories, the National Association of County and City Health Officials, the National Environmental Health Association, the Physicians for Social Responsibility, the Trust for America's Health, the Centers for Disease Control which, under the administration of George W. Bush, started the scientific work that lead to this endangerment finding. Let's be clear. Ninety percent of the work on this endangerment finding was done by the Bush administration. This is such a radical amendment, it throws out all their work too.

Our families come first, and if our families come first in all our minds, then we can battle about how to get the carbon out of the air, but we should not be repealing a finding that clearly states that our family's health would suffer if we don't get this carbon out of the air.

My colleague says she wants to get the carbon out of the air. She is looking forward to working with all the colleagues I mentioned and more. That is great. Believe me, she and I have talked about this, and I hope she comes to the table. It would be wonderful if we got her help and she went on a bill. So far that hasn't happened and that is her choice. Maybe she will write her own bill, and that would be wonderful too. But that doesn't mean because we haven't found the 60 votes that we can afford to come down here and repeal a finding that is very clear about the health of our people.

There are health effects of doing nothing. My colleague says: You know what. It may take us a while to fix this problem, maybe a year. It may take 5 years, by the way. What she wants to do is state that nobody can take action to protect our families from carbon pollution while we dither around here. I am happy we are working. It could take us a long time to get this. Do my colleagues know how long it took to get the Clean Air Act amendments? A long time. It took years. I am not willing to put my family and my State—my families in my State and my State in jeopardy, nor the American people. Because if we take away this endangerment finding and we decide we know better than all the health experts and all the scientific experts, EPA cannot do anything.

My colleague complains about the command and control of the EPA. I wish to talk about that—the command and control of the EPA. These are words that are meant to frighten people. I never heard her come down and say: We want to take away the command and control of the EPA under the Clean Air Act to make sure we don't have smog in the air. I never heard her come down here and say: We don't need to have the command and control of the EPA in making sure that arsenic in the water isn't overwhelming or mercury in the fish. I don't hear her doing that. So all of a sudden, command and control of the EPA is an issue. We have an Environmental Protection Agency to protect our people. If we wind up overturning the health issues that are necessary before they can act, what are we doing here? Playing doctor? That is not why I came here.

We have the EPA every day going out there and controlling hazardous air pollutants: carbon tetrachloride known to cause cancer. Does my friend want to come down and say: Gee, that is command and control; let's take away the ability of the EPA to protect our families from carbon tetrachloride. Naphthalene, another known toxin that causes cancer. Yes, the EPA is out there, command and control, getting it out of the environment. Vinyl chloride, known to cause cancer; cadmium, known to cause cancer and harm the reproductive system. They are all toxins the EPA is working on to make sure our families are protected.

One day I suppose the Senator could come down here and say: Let's repeal the scientific finding that said these toxins cause cancer and then the EPA will not have the ability to use their command and control to protect our families. This is the type of precedent we are setting today, at a time when we know there are more and more chemicals and toxins that are, in fact, impacting our families. Cyanide is another one. Cyanide. The scientists told us it is extremely toxic to people. It harms the nervous system. It harms the cardiovascular system and the respiratory system. We control it through command and control and the EPA because it is a danger. The Supreme Court said, in very clear language, to the Bush EPA: You wasted 8 years. This is a danger to society. In the Supreme Court decision, this conservative court said to the EPA: You better make this endangerment finding.

Here is what we know about the endangerment finding my colleague wants to overturn. There is evidence—this is what the EPA found—that the number of extremely hot days is increasing. Severe heat waves are projected to intensify, which result in heat-related mortality and sickness. It goes on to talk about air quality, and this is important: Climate change is expected to worsen regional ground-level ozone pollution. Exposure to ground-level ozone has been linked to respiratory health problems ranging



from decreased lung function and aggravated asthma to increased emergency department visits, hospital admissions, and even premature death. It goes on and talks about the elderly, people in already poor health, the disabled, people living alone, and the extreme events that are anticipated which, by the way, some people feel are already happening: extreme events such as extreme cold, extreme snow, extreme flooding, extreme drought; some of the things that are already happening.

Why on Earth would the Senate get into the business of repealing science, repealing the work of health experts? There is only one answer. There is only one answer, to me: That is what the special interests want to have happen now because they are desperate, because they know the Clean Air Act does, in fact, cover carbon pollution. The Supreme Court found that. They have nowhere else to turn. The only way to stop the Environmental Protection Agency from protecting our families, the way they protect them from lead and arsenic and smog and naphthalene and vinyl chloride and cyanide and others, is to begin to act.

We know the EPA is very aware we are working on legislation. They have told us, and I think they would tell anyone who would call them, they are not interested in doing some draconian measures now. They are just getting ready. They are just getting started because the science has told us this is a problem. So people can stand here and say: Oh, all we are doing is we are just giving a little time for the Senators to get their 60 votes. Hey, that may not happen in a year or two or three or five or six or eight or ten. Maybe it will happen tomorrow. Believe me, I am working on it.

I am very hopeful that it will work. When you get 80 businesses writing us and telling us in a letter—a new organization called We Can Lead, and these are very, very important businesses all across our Nation—maybe that will help us act.

Until that time, there is only one thing that is available to protect our people, to protect their families and their children and the planet, and that is the Environmental Protection Agency. Maybe if you don't like the Environmental Protection Agency, you can get up here and offer an amendment to do away with the EPA, just do away with it, or try to change the Clean Air Act and say it should not cover carbon—if that is what you want to do. By the way, we would debate that very soundly. It would be a good debate. Don't come here and try to repeal a very important scientific and health finding, because that sets a whole new precedent. Lord knows where it could lead.

We have more letters. My colleague says she stands on the side of the people. OK. That is her judgment. I tell you, if you went out and said to people: Should the Senate repeal a scientific

finding that has been signed off on by the Bush administration, the current administration, and health care experts all over the country, they would say: No. What are they doing? Why are they meddling in our health?

That is not how the Senator is explaining her amendment, her resolution. She says: Oh, it is just a little moratorium and it will just stop this for a little while. Not true. It repeals the endangerment finding.

Let me tell you about some other letters we received. There are 195 undersigned endorsers—remember, you heard from my colleague that the people stand with her. We have a letter from 195 signers saying: We urge you to oppose the imminent attack on the Clean Air Act that would undermine public health and prevent action on global warming. This attack comes in the form of an amendment by Senator MURKOWSKI to the debt bill. They thought it was coming in that form. It is now coming in a different form, which is to reverse the endangerment finding.

They go on to say:

The EPA's "endangerment finding" is based on an exhaustive review of the massive body of scientific research showing a clear threat from climate change.

They go on and they say that their organization has a 40-year track record of protecting the public health.

Mr. GREGG. Will the Senator be willing to yield for a unanimous consent request?

Mrs. BOXER. Yes, as long as I don't lose the floor.

Mr. GREGG. Mr. President, I ask unanimous consent to be recognized after the Senator from California.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I want to make sure the speaker after that is from our side. With that understanding, I will not object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I want to put into the RECORD a letter from 195 doctors and scientists who are alarmed at this Murkowski amendment to repeal the endangerment finding. I ask unanimous consent to have this letter printed in the RECORD.

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

JANUARY 19, 2010.

DEAR SENATORS: We—the 195 undersigned endorsers—urge you to oppose an imminent attack on the Clean Air Act (CAA) that would undermine public health and prevent action on global warming. This attack comes in the form of an amendment by Senator Murkowski to the debt limit bill (H.J. Res. 45) that would prevent the Environmental Protection Agency (EPA) for acting on its finding that global warming endangers public health and welfare. Because the EPA's finding is based on solid science, this amendment also represents a rejection of that science.

The EPA's "endangerment finding" is based on an exhaustive review of the massive

body of scientific research showing a clear threat from climate change. The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) found that global warming will cause water shortages, loss of species, hazards to coasts from sea level rise, and an increase in the severity of extreme weather events. The most recent science includes findings that sea level rise may be more pronounced than the IPCC report predicted and that oceans will absorb less of our future emissions. Recently, 18 American scientific societies sent a letter to the U.S. Senate confirming the consensus view on climate science and calling from action to reduce greenhouse gases "if we are to avoid the most severe impacts of climate change." The U.S. National Academy of Sciences and 10 international scientific academies have also released such statements. Unfortunately, the Murkowski amendment would force the EPA to ignore these scientific findings and statements.

The CAA is a law with a nearly 40-year track record of protecting public health and the environment and spurring innovation by cutting dangerous pollution. This effective policy can help address the threat of climate change—but only if the EPA retains its ability to respond to scientific findings. Instead of standing in the way of climate action, the Senate should move quickly to enact climate and energy legislation that will curb global warming, save consumers money, and create jobs. In the meantime, we urge you to respect the scientific integrity of the EPA's endangerment finding by opposing Senator Murkowski's attack on the Clean Air Act.

Mrs. BOXER. These doctors and scientists are so alarmed at this Murkowski amendment to repeal an endangerment finding that they have written a letter, and here is who they are. I am going to take the time to read all of these people.

ALABAMA

David Campbell, Ph.D., Tuscaloosa, AL.

ARIZONA

James Gessaman, Ph.D., Tucson, AZ; Trevor Hare, M.S., Tucson, AZ; Helen Unland, M.S., Gilbert, AZ.

ARKANSAS

Stephen Manning, Ph.D., Beebe, AR.

CALIFORNIA

Richard Ambrose, Ph.D., Los Angeles, CA; Linda Anderson, Ph.D., Felton, CA; Stephen Asztalos, Ph.D., Oakland, CA; Lawrence Badash, Ph.D., Santa Barbara, CA; Holger Brix, Ph.D., Los Angeles, CA; Stephen Brooks, M.S., Carmel, CA; Clifford Bunton, Ph.D., Santa Barbara, CA; Paul Chestnut, Ph.D., Palo Alto, CA; David Cleveland, Ph.D., Santa Barbara, CA; Bernard Cleyet, Ph.D., Salinas, CA; Mary Coker, M.S., Morgan Hill, CA; Alan Cunningham, Ph.D., Carmel Valley, CA; George Ellison, M.D., San Diego, CA; Shannon Fowler, Ph.D., Davis, CA; Jed Fuhrman, Ph.D., Topanga, CA; Daniel Gluesenkamp, Ph.D., San Francisco, CA; Andrew Gunther, Ph.D., Oakland, CA; Karen Holl, Ph.D., Santa Cruz, CA; Jeff Holmquist, Ph.D., Bishop, CA; John Holtzclaw, Ph.D., San Francisco, CA; Joseph Illick, Ph.D., San Francisco, CA; Burton Kallman, Torrance, CA; Richard Kranzdorf, Ph.D., San Luis Obispo, CA; Arielle Levine, Ph.D., Berkeley, CA; William Lidicker, Ph.D., Berkeley, CA; Ics Lindsey, M.S., Santa Cruz, CA; Robert Meese, Ph.D., Davis, CA; Richard Mielbrecht, M.S., Stockton, CA; Susanne Moser, Ph.D., Santa Cruz, CA; Michael Nelson, M.S., candidate, Redwood City, CA; Roger Pierno, M.S., Palo Alto, CA; James Provenzano, Ph.D. candidate, Los Angeles, CA; Paul Rosenberger, B.S., Manhattan Beach, CA;

Dale Sartor, M.B.A., Oakland, CA; Robert Siebert, PE, M.S., Orange, CA; David Smernoff, Ph.D., Portola Valley, CA; Raymond Smith, Ph.D., Santa Barbara, CA; Glenn R. Stewart, Ph.D., La Verne, CA; Laszlo J Szijj, Ph.D., Claremont, CA; Matthias van Thiel, Ph.D., Hayward, CA; Ray Weiss, Ph.D., La Jolla, CA; Stephen Weitz, Ph.D., Oakland, CA.

## COLORADO

Ron Alberty, Ph.D., Boulder, CO; Albert Bartlett, J.D., Boulder, CO; Robert Cifelli, Ph.D., Fort Collins, CO; Eric Hints, Ph.D., Boulder, CO; Jose-Luis Jimenez, Ph.D., Boulder, CO; Marni Koopman, Ph.D., Fort Collins, CO; Nan Rosenbloom, Ph.D., Boulder, CO; Patrick Ryan, Ph.D., Thornton, CO; Thomas Schlatter, Ph.D., Boulder, CO; Len Shepard, M.S., Westminster, CO; Jerry Unruh, Ph.D., Manitou Springs, CO; A. Wyckoff, Ph.D. candidate, Fort Collins, CO.

## CONNECTICUT

Robin Chazdon, Ph.D., Storrs, CT; Chandrasekhar Roychoudhuri, Ph.D., Storrs Mansfield, CT.

## FLORIDA

James Angelo, M.S. candidate, Orlando, FL; Hillary Cherry, M.S., Hobe Sound, FL; Walter R. Courtenay, Jr., Ph.D., Gainesville, FL; Jack Fell, Ph.D., Key Biscayne, FL; Chris Hardy, B.S., Miami, FL; Ross McCluney, Ph.D., Cape Canaveral, FL; John Parker, Ph.D., Miami, FL; Milton Theaman, Ph.D., Sarasota, FL.

## GEORGIA

Shelly Krueger, M.S. candidate, Tybee Island, GA; Andrea Lowrance, M.S., Gainesville, GA; Donald McCormick, Ph.D., Stone Mt., GA.

## HAWAII

William Mokahi Steiner, Ph.D., Hilo, HI.

## ILLINOIS

Evan De Lucia, Ph.D., Urbana, IL; Karen Glennemeier, Ph.D., Glenview, IL; Scott Harper, M.S., Arlington Heights, IL; Caroline Herzenberg, Ph.D., Chicago, IL; Martin Jaffe, J.D., Chicago, IL; Edmond Zaborski, Ph.D., Mahomet, IL.

## INDIANA

Novem Auyeung, Ph.D. candidate, West Lafayette, IN; Edward Bacht, M.S., Fishers, IN; Mai Kuha, Ph.D., Muncie, IN; Joseph Pachut, Ph.D., Indianapolis, IN; Eliot Smith, Ph.D., Bloomington, IN.

## IOWA

Richard Baker, Ph.D., Atalissa, IA; Margot Tollefson/Conard, Ph.D., Stratford, IA.

## KENTUCKY

Eugene Bruce, Ph.D., Lexington, KY.

## LOUISIANA

Torbjorn Tornqvist, Ph.D., New Orleans, LA.

## MAINE

Frances Perlman, M.A., West Paris, ME.

## MARYLAND

DJ Manalo, Ph.D., Rockville, MD; Judith McGuire, Ph.D., Chevy Chase, MD; Louis Potash, Ph.D., Bethesda, MD; Arthur Tsien, Ph.D., Chevy Chase, MD.

## MASSACHUSETTS

William Dale, Ph.D., East Longmeadow, MA; Eric Davidson, Ph.D., East Falmouth, MA; Allison Dunn, Ph.D., Boston, MA; Robert Gamache, Ph.D., Lowell, MA; Timothy Havel, Ph.D., Boston, MA; Charles Kolb, Ph.D., Bedford, MA; Dianne Rocheleau, Ph.D., Worcester, MA; Daniel Scholten, M.S., Carlisle, MA; Elske Smith, Ph.D., Lenox, MA; Frank Streeter, M.B.A., Lancaster, MA; John Terrell, Ph.D., Lincoln, MA; Nicholas White, Ph.D., Manchester, MA; Frank

Wilczek, Ph.D., Cambridge, MA; Jeremy Winick, Ph.D., Acton, MA.

## MICHIGAN

Peter Albers, Ph.D., Traverse City, MI; Norman Andresen, Ph.D., Ypsilanti, MI; Mick DeGraeve, Ph.D., Traverse City, MI; Ray Frodey, M.S., Fremont, MI; Gerald Gardner, Ph.D., Ann Arbor, MI; John Lorand, Ph.D., Mount Pleasant, MI; Stella Papasavva, Ph.D., Royal Oak, MI.

## MINNESOTA

Dragoljub Bilanovic, Ph.D., Bemidji, MN; Jason Dahl, Ph.D., candidate, Bemidji, MN; Evan Hazard, Ph.D., Bemidji, MN.

## MISSISSIPPI

James Lazell, Ph.D., Jackson, MS.

## MISSOURI

David Pollack, M.A., Saint Louis, MO.

## NEW HAMPSHIRE

Patrick Eggleston, Ph.D., Keene, NH; Michael Letendre, B.A., Portsmouth, NH.

## NEW JERSEY

Robert Mason, Ph.D., Lambertville, NJ; Howard Mead, M.S., Cinnaminson, NJ; James Miller, Ph.D., New Brunswick, NJ.

## NEW MEXICO

Siri Atma Khalsa, M.D., Espanola, NM.

## NEW YORK

Caren Cooper, Ph.D., Ithaca, NY; Kurt Gottfried, Ph.D., Ithaca, NY; Karlene Gunter, Ph.D., Rochester, NY; Joel Huberman, Ph.D., Buffalo, NY; Richard Ostfeld, Ph.D., Tivoli, NY; George Profous, M.S. New Paltz, NY; Susan Riblett, Ph.D., Rochester, NY; C.S. Russell, Ph.D., New York, NY; David Straus, Ph.D., Gardiner, NY; James Wang, Ph.D., New York, NY; Ruth Yanai, Ph.D., Syracuse, NY.

## NORTH CAROLINA

Daniel Graham, Ph.D., Chapel Hill, NC; Richard Gray, Ph.D., Boone, NC; Peter Reynolds, Ph.D., Durham, NC; Don Richardson, M.D. Brevard, NC; Brett Taubman, Ph.D., Boone, NC.

## OHIO

James Andrews, Ph.D., Youngstown, OH; Steven Federman, Ph.D., Ottawa Hills, OH; Donald Geiger, Ph.D., Dayton, OH; Ben Lindenberger, B.S., Cincinnati, OH; David Modarelli, Ph.D., Akron, OH; Dan Petersen, Ph.D., Cincinnati, OH; Benjamin Segall, Ph.D., Cleveland Heights, OH; Gerald Sgro, Ph.D., Cleveland Hts., OH; Nicholas Sperelakis, Ph.D., Cincinnati, OH.

## OKLAHOMA

Howard Baer, Ph.D., Norman, OK.

## OREGON

Kenneth Bergman, Ph.D., Ashland, OR; Paul Harcombe, Ph.D., Albany, OR; Marilyn Harlin, Ph.D., Portland, OR; James Moore Jr., M.S., Ashland, OR; Paul Torrence, Ph.D., Williams, OR; Pepper Trail, Ph.D., Ashland, OR.

## PENNSYLVANIA

John Cooper, Ph.D., Lewisburg, PA; James Kasting, Ph.D., University Park, PA; Tim Pearce, Ph.D., Pittsburgh, PA; Fred Wuertele, M.B.A., Allentown, PA.

## RHODE ISLAND

Rainer Lohmann, Ph.D., Narragansett, RI; Dorothy Read, Ph.D., Kingston, RI.

## TENNESSEE

Mark Heald, Ph.D., Pleasant Hill, TN; Dennis Walsh, Ph.D., Murfreesboro, TN.

## TEXAS

Gerald Fowler, Ph.D., Houston, TX; Thomas La Point, Ph.D., Denton, TX; Troy Ladine, Ph.D., Marshall, TX; John Langan, M.S., San Antonio, TX; Rafael Lopez-Mobilia, Ph.D., San Antonio, TX.

## UTAH

Brett Adams, Ph.D., Logan, UT; William Newmark, Ph.D., Salt Lake City, UT; Andrew Schoenberg, Ph.D., Salt Lake City, UT; Jack Sites, Jr., Ph.D., Orem, UT.

## VERMONT

Alan Betts, Ph.D., Pittsford, VT; Becky Herbig, M.S., S Burlington, VT.

## VIRGINIA

Bruce Collette, Ph.D., Casanova, VA; Ken Gigliello, M.S., Centreville, VA; Judith Lang, Ph.D., Ophelia, VA; Christopher Peloso, J.D., Arlington, VA.

## WASHINGTON

Robert Briggs, M.A., Pullman, WA; Robert Brown, Ph.D., Seattle, WA; Richard Gammon, Ph.D., Shoreline, WA; Vivian Johnston, B.S., Oakville, WA; Conway Leovy, Ph.D., Seattle, WA; Scott Luchessa, M.S., Seattle, WA; Bob Vocke, Ph.D., Husum, WA.

## WEST VIRGINIA

Paula Hunt, M.S., Morgantown, WV; James Kotcon, Ph.D., Morgantown, WV.

## WISCONSIN

James Boulter, Ph.D., Strum, WI; Tracy Feldman, Ph.D., Stevens Point, WI; Larry Reiter, B.S., Sobieski, WI; Peter Sigmann, M.D., Sturgeon Bay, WI; Richard Steeves, Ph.D., Madison, WI; John Stewart, Ph.D., Washburn, WI.

These are doctors and scientists from all over the country who heard about this resolution. Believe me, this is very quick that they got these signatures. So when Senator MURKOWSKI says she stands with the people, I want to point out that I do not believe for one moment that the people of this country want to go against the doctors and scientists who are signing this letter and the health community that says it is important that we note the dangers of carbon pollution to our families.

I think it is important, when a Senator takes to the floor and says the people want to see this endangerment finding overturned, that we make sure we lay out the facts about some very important people who lead us on these health issues, and in the course of a few days they put together 195 doctors and scientists saying: Vote no against the resolution.

Mr. President, I will reiterate why I am down here on the floor. Senator MURKOWSKI is announcing today that she seeks to overturn the scientific finding that carbon pollution is harmful to the health of our families. I think this is radical. I think this has never been done. If Senators had done it in the past, we could not have protected our families from tobacco, arsenic, lead, ozone, smog, or cadmium, and the list goes on. She doesn't want EPA to be able to take any action to protect our families. This is a very radical way to go about it.

We have a letter from the attorneys general of Rhode Island, California, Connecticut, Delaware, New Mexico, Vermont, and the corporation counsel for the city of New York. I ask unanimous consent to have this letter printed in the RECORD.

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

JANUARY 19, 2010.

Re Senator Murkowski's anticipated Amendment to H.J. Res. 45; also, any Congressional Review Act Resolution Relating to EPA's Endangerment Finding.

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

Hon. MITCHELL MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We are writing to urge you to oppose Senator Murkowski's anticipated amendment to the debt limit bill (H.J. Res. 45), which is expected to embody a Congressional limitation on actions by the Environmental Protection Agency (EPA) to begin to regulate carbon dioxide and other global warming pollutants. We refer to Senator Murkowski's widely-reported attempt to introduce a floor amendment to restrict or void the EPA's recent (December 15, 2009) endangerment finding (found at 74 Fed. Reg. 66496) or to block EPA from limiting emissions from power plants or other sources of carbon pollution. That amendment will probably be offered on January 20, or shortly thereafter, as an extraneous addition to the debt limit bill.

We also oppose, whether introduced by this means, at this time, or otherwise, any Congressional Review Act (CRA) resolution relating to the endangerment finding. Thus, this letter also applies to any attempt, in the coming months, at a Congressional veto of the EPA's above-referenced action.

The time is long overdue for the federal government to take action to drastically reduce greenhouse gas emissions and to prevent disruptive climate change. The anticipated Murkowski amendment and/or the CRA resolution would be not only giant steps backwards, but would needlessly delay reductions in greenhouse gas emissions that we can and should begin making today.

EPA's endangerment finding is compelled by the Supreme Court's decision in *Massachusetts v. EPA*, 549 U.S. 497, 528-29 (2007), ruling that the Clean Air Act covers global warming pollutants. The finding is the basis for President Obama's issuance of landmark greenhouse gas emission vehicle standards—with the support of auto companies, auto workers, states, and environmentalists—that will save consumers money at the pump, cut global warming pollution, reduce America's oil dependence and lay the groundwork for the new clean energy economy. This amendment would eviscerate the important progress EPA, partly at the behest of the States, has made in this area.

The amendment also would undermine EPA's important efforts to use the Clean Air Act to ensure that the nation's largest power plants and factories use modern technology to reduce their global warming pollution, as they already must do for other pollutants. EPA has proposed to tailor those rules to exempt small carbon emitters.

In sum, we support EPA's actions as a start towards holding the biggest polluters accountable, reducing America's oil dependence and jump-starting a vibrant clean energy economy. A vote for the Murkowski amendment would be a step backwards. Instead of standing in the way of progress, Congress should defeat the promised floor amendment and any measures of that nature.

Mrs. BOXER. Mr. President, they say:

In sum, we support EPA's actions as a start towards holding the biggest polluters accountable, reducing America's oil dependence and jump-starting a vibrant clean energy economy. A vote for the Murkowski amendment would be a step backwards. In-

stead of standing in the way of progress, Congress should defeat [this resolution].

Communities of faith—I think it is very important when the Senator from Alaska says she stands with the people—let's see where the communities of faith come down. They are saying vote no on the Murkowski amendment. They include the Church World Service; the Coalition on the Environment and Jewish Life; the Episcopal Church; the Evangelical Lutheran Church in America; the Jewish Council for Public Affairs; the Jewish Reconstructionist Federation; the National Council of Churches USA; the Maryknoll Office for Global Concerns; the Presbyterian Church, USA, Washington office; the Missionary Oblates, Justice, Peace/Integrity of Creation Office; the Union for Reformed Judaism; the Unitarian Universalist Ministry for Earth; the Unitarian Universalist Association of Congregations; the United Church of Christ, Justice and Witness Ministries; the United Methodist Church General Board of Church and Society; and United Methodist Women.

I ask unanimous consent to have that printed in the RECORD.

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

U.S. SENATE,

Washington, DC, January 19, 2010.

DEAR SENATOR: As communities and people of faith, we are called to protect and serve God's great Creation and work for justice for all of God's people. We believe that the United States must take all appropriate and available actions to prevent the worst impacts of climate change; we therefore urge you to oppose any efforts to undermine the authority of the Clean Air Act to regulate greenhouse gas emissions. In particular, we urge you to work for the defeat of Senator Murkowski's (AK) proposed amendment to the upcoming debt limit bill (H.J. Res 45) that would prevent the Environmental Protection Agency (EPA) from going forward with greenhouse gas regulations under the Clean Air Act (CAA).

The CAA has a strong history of reducing pollution and protecting God's children and God's Creation, successfully decreasing the prevalence of acid rain, responding to health threatening smog and ozone problems faced in our major urban areas, and generally improving the air quality of our nation in the decades since its passage. It is only appropriate that the CAA continue to oversee any and all air-related challenges that we face. In 2007, the Supreme Court ruled that greenhouse gas emissions, the leading cause of climate change are, in fact, covered under the CAA and could be regulated by the EPA. New CAA regulations limiting greenhouse gas emissions will also ensure that the largest emitters, such as power plants and factories, use the best available technologies to reduce their greenhouse gas emissions and begin to shift to sustainable forms of energy.

The EPA, in its efforts to implement the CAA in an appropriate manner, has already proposed to tailor the CAA to exempt small carbon emitters and apply them only to large sources that have long been subject to similar standards for other pollutants. However, Senator Murkowski's proposed amendment would prevent these regulations from moving forward, allowing our nation's substantial contribution to global climate change to continue unchecked and exposing

vulnerable communities to the impacts of climate change. In addition, this attempt to undermine the authority of the EPA and the CAA to regulate greenhouse gas emissions will interfere with an effective U.S. response to this global crisis.

Senator Murkowski's amendment threatens the well being of at risk communities, undermines efforts to shift to a sustainable energy future, and inevitably will impact the right of all of God's children to live in a healthy world. Congress should instead focus its efforts on passing comprehensive climate legislation, a complementary path to the EPA's regulation of greenhouse gases, as a means to ensure a just and sustainable future for God's Creation.

Mrs. BOXER. Mr. President, we also have another letter opposing the efforts of the Senator from Alaska to overturn the endangerment finding. That letter is signed by many members of the business community. I will name just a few, and then I will ask that this letter be printed in the RECORD. The signers include the CEO of Lucesco Lighting; the president of Cross River Pictures; George Bailey of IBM; physicist Tony Bernhardt from the Lawrence Livermore National Lab; a professor of physics at MIT, Aaron Bernstein. This goes on and on. I am also picking out the Theological Seminary in San Francisco; doctoral students from Stanford; financial adviser, UBS Financial Services; the president of Investment Marketing, Inc. It goes on and on. Seattle University Law School, an assistant professor there. I don't even know, there are so many names. Cofounder of Sybase, New Resource Bank, Environmental Entrepreneurs, Bob Epstein; General Partner of Trinity Ventures; Lakeside Enterprises, Granite Ventures, Tymphany; the former vice president of Oracle; the former executive vice president of Oracle. And on and on. The Sexton Company; ClearEdge Power. It goes on and on. Data Robotics, Inc.; a freelance journalist. This is quite a list of people. It shows the breadth of our great Nation. The Green Energy Czar at Google is involved here; Cisco Systems, Jeff Weinberger, the sustainability lead; Amanda Weitman, senior vice president, Wells Fargo private bank; Solar Project Developers, and on and on.

I ask unanimous consent to have printed in the RECORD this letter.

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

ENVIRONMENTAL ENTREPRENEURS,

January 15, 2010.

DEAR SENATOR: As members of Environmental Entrepreneurs (E2), we urge you to oppose Senator Murkowski's amendment to the debt limit bill (H.J. Res. 45). This amendment would diminish incentives to the private sector to invest in low carbon technologies, retarding much needed economic growth and job creation in the clean energy sector.

E2 represents a national community of 850 business leaders who promote strong environmental policy to grow the economy. We are entrepreneurs, investors and professionals who collectively manage over \$20 billion of venture capital and private equity, and have started well over 800 businesses which in turn have created over 400,000 jobs.

The Clean Air Act is an example of how sensible policy can benefit both our environment and our economy. While improving air quality in our cities, reducing acid rain, and protecting the ozone layer, the law has also driven innovation in pollution control and industrial efficiency, minimizing cost to business. According to the Environmental Protection Agency (EPA), the health benefits of the Clean Air Act outweigh the costs by as much as a 40:1 ratio.

In 2007 the U.S. Supreme Court ruled that global warming pollutants are covered under the Clean Air Act, and President Obama is carrying out the law by issuing clean vehicle standards and taking steps to ensure that large polluters use the best-available technology to reduce their global warming pollution. EPA is already working to ensure that these rules apply only to major emitters.

The growing clean energy sector represents our greatest opportunity to restore a robust economy and create new jobs. Investors and entrepreneurs in this sector are seeking to commercialize the innovations and technologies that will secure America's competitive position in the global economy. The Murkowski amendment sends the wrong market signal at the wrong time, undermining investor confidence in this critical industry.

Instead of blocking the administration's efforts to curb carbon pollution, the Senate should enact strong climate and energy legislation to deploy America's workforce, encourage business innovation, and promote U.S. leadership in 21st century clean technologies. We urge you to oppose Senator Murkowski's amendment.

Sincerely,

(273 E2 members signed this letter)

Mrs. BOXER. Mr. President, it is very clear that Senator MURKOWSKI's amendment is causing a ripple throughout the country. It is causing a firestorm of protests among doctors, scientists, and business leaders who believe it is a bad precedent to overturn science. It is hard for me to believe in this century that is what we would be doing.

I wish to have printed in the RECORD some editorials from various newspapers. One is from the New York Times dated 2 days ago, "Ms. Murkowski's Mischief." They are basically saying, which I thought was interesting:

Senator Lisa Murkowski's home State of Alaska is ever so slowly melting away, courtesy of a warming planet. Yet few elected officials seem more determined than she to throw sand in the Obama administration's efforts to do something about climate change.

It is unbelievable. They go on to say if she chooses to overturn this endangerment finding, "rescinding the finding would repudiate years of work by America's scientists and public health experts."

I think this is important. The work that has been done leading up to this endangerment finding was done by Republican and Democratic administrations alike. To just throw it out with this resolution makes no sense at all. I know Senator BAUCUS is on the Senate floor. He served as chairman of the Environment and Public Works Committee. He took a very important role in framing a letter where we lay out why this is a very bad idea. I thank him for that.

I ask unanimous consent to have printed in the RECORD this letter that Senator BAUCUS worked so hard on with his staff. Here is what we say—I think it is important—and then I will have the letter printed in the RECORD:

The U.S. Environmental Protection Agency (EPA) recently issued a finding that greenhouse gas pollution endangers public health and public welfare. In April 2007, the U.S. Supreme Court ruled that greenhouse gas emissions were covered under the Clean Air Act and the EPA had a duty to determine whether the endangerment finding was warranted by science.

Then we go on to say:

Debating policy choices regarding the appropriate response to unchecked climate change is fair, and the Senate will continue to evaluate the best tools for addressing greenhouse gas emissions, but repealing an endangerment finding based upon years of work by America's scientists and public health experts is not appropriate.

We urge a "no" vote.

I ask unanimous consent to have printed in the RECORD this letter.

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

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,

Washington, DC, January 11, 2010.

DEAR COLLEAGUE: The U.S. Environmental Protection Agency (EPA) recently issued a finding that greenhouse gas pollution endangers public health and public welfare. In April 2007, the U.S. Supreme Court ruled that greenhouse gas emissions were covered under the Clean Air Act and the EPA had a duty to determine whether the endangerment finding was warranted by the science. A "Resolution of Disapproval" using expedited procedures under the Congressional Review Act or other similar amendment is expected to be introduced in the Senate to overturn EPA's global warming endangerment finding.

Debating policy choices regarding the appropriate response to unchecked climate change is fair, and the Senate will continue to evaluate the best tools for addressing greenhouse gas emissions, but repealing an endangerment finding based upon years of work by America's scientists and public health experts is not appropriate.

The independent work of scientists and public health experts from both the Bush and Obama administrations should stand on its own. We strongly urge you to vote "no" when a Resolution of Disapproval or a similar amendment comes before the Senate.

Sincerely,

Barbara Boxer, Chairman; Thomas R. Carper; Frank R. Lautenberg; Benjamin L. Cardin; Bernard Sanders; Amy Klobuchar; Sheldon Whitehouse; Tom Udall; Max Baucus; Jeff Merkley; Kirsten Gillibrand; Arlen Specter.

Mrs. BOXER. Mr. President, the Washington Post said about the Murkowski amendment that hobbling the EPA is not the right course. The correct response is to provide a better alternative. Obviously, they are not in favor of overturning an endangerment finding.

The Scranton Times-Tribune—a very important, I think, editorial, says:

There should be little debate on . . . the premise that cleaner air is healthier. . . .

I think that is really what we are saying. The scientists are saying let's clean up the carbon and have healthier air.

The St. Louis Post-Dispatch has a very good editorial. They also come out against this kind of a move by Senator MURKOWSKI and big oil and big coal. They believe this vote is a very important vote.

I ask unanimous consent to have these editorials printed in the RECORD.

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

[From the New York Times, Jan. 19, 2010]

MS. MURKOWSKI'S MISCHIEF

Senator Lisa Murkowski's home state of Alaska is ever so slowly melting away, courtesy of a warming planet. Yet few elected officials seem more determined than she to throw sand in the Obama administration's efforts to do something about climate change.

As part of an agreement that allowed the Senate to get out of town before Christmas, Democratic leaders gave Ms. Murkowski and several other Republicans the chance to offer amendments to a must-pass bill lifting the debt ceiling. Voting on that bill begins this week. Although she has not showed her hand, Ms. Murkowski has been considering various proposals related to climate change—all mischievous.

One would block for one year any effort by the Environmental Protection Agency to regulate greenhouse gases like carbon dioxide. This would prevent the administration from finalizing its new and much-needed standards for cars and light trucks and prevent it from regulating greenhouse gases from stationary sources.

Ms. Murkowski also is mulling a "resolution of disapproval" that would ask the Senate to overturn the E.P.A.'s recent "endangerment finding" that carbon dioxide and other global warming gases threaten human health and the environment. This finding flowed from a 2007 Supreme Court decision and is an essential precondition to any regulation governing greenhouse gases. Rescinding the finding would repudiate years of work by America's scientists and public health experts.

Ms. Murkowski says she's concerned about global warming but worries even more about what she fears would be a bureaucratic nightmare if the E.P.A. were allowed to regulate greenhouse gases. She says she would prefer a broad legislative solution. So would President Obama. But unlike Ms. Murkowski, he would not unilaterally disarm the E.P.A. before Congress has passed a bill.

Judging by the latest and daffiest idea to waft from Ms. Murkowski's office, she may not want a bill at all. Last fall, the Senate environment committee approved a cap-and-trade scheme that seeks to limit greenhouse gas emissions by putting a price on them. The Democratic leadership's plan is to combine the bill with other energy-related measures to broaden the base of support; by itself, it cannot pass.

Knowing that the bill is not ripe, Ms. Murkowski may bring it up for a vote anyway as an amendment to the debt bill. Why? To shoot it down. The tactic would give us a "barometric reading" of where the Senate stands on cap-and-trade, one Murkowski staffer said recently. What it really gives us is a reading on how little the senator—or for that matter, her party—has to offer.

[From the Washington Post, Jan. 20, 2010]

AVOIDING A TRAP ON CLIMATE CHANGE

Ever since his inauguration a year ago, President Obama has tried to motivate Congress with a strong ultimatum: Pass climate-change legislation, or the Environmental

Protection Agency (EPA) will use its authority under the Clean Air Act to curb carbon emissions without your input.

Instead of accepting this as a prod toward useful action, Sen. Lisa Murkowski (R-Alaska) apparently wants to disarm the administration. This week she is set to offer a measure, perhaps as an amendment to a bill raising the federal debt ceiling, that would, one way or another, strip the EPA of its power to regulate carbon emissions as pollutants, perhaps for a year, perhaps forever. We aren't fans of the EPA-only route. The country would be better off if Congress established market-based, economy-wide emissions curbs. But hobbling the agency isn't the right course, either.

If Congress fails to act, carefully administered EPA regulation of carbon emissions could ensure that America makes some real reductions, if not necessarily in an optimally efficient manner. If Congress passes climate legislation, the EPA's role, if any, could be tailored to work with a legislated emissions-reduction regime. So removing the EPA's authority now is at least premature. The correct response to the prospect of large-scale EPA regulation is not to waste lawmakers' energy in a probably futile attempt to weaken the agency. Instead, the Senate should provide a better alternative.

That effort is already fraught. The best policies—a simple carbon tax or cap-and-trade scheme—aren't gaining steam. Instead, the House passed a leviathan bill, and the Senate is stalled. Majority Leader Harry M. Reid (D-Nev.) indicated last week that he fears Ms. Murkowski's measure will diminish chances of producing a bipartisan climate-change bill. Ms. Murkowski would do better by helping end the Senate's paralysis than by seeking to condemn the rest of government to the same inaction.

[From the Scranton Times-Tribune, Jan. 19, 2010]

#### WIN FIGHT FOR CLEANER AIR

Most of the debate about the human contribution to global warming is about politics and economics rather than science. The vast preponderance of scientific evidence points to a human contribution to global warming. For the most part, the debate truly is about how to bear the costs of remedial action.

There should be little debate on any basis, however, on the premise that cleaner air is healthier air, regardless of the global warming stalemate.

Yet a move is afoot in the Senate, based upon the global warming debate, to thwart use of the Clean Air Act for its intended purpose—to improve air quality and, therefore, public health.

The U.S. Environmental Protection Agency issued a finding last year that greenhouse gas emissions are pollution that endangers public health. The EPA undertook the analysis after the U.S. Supreme Court ruled in 2007 that the emissions were covered by the Clean Air Act.

In the 40 years since the Clean Air Act's passage, it has been responsible for substantial improvements in air quality. Cleaner fuels, higher-mileage vehicles, reduced industrial emissions and related measures have helped to clean the air—and water, since airborne pollution falls into waterways.

The Senate could vote as early as Wednesday on a proposal, by Sen. Lisa Murkowski of Alaska, that in effect would exclude greenhouse gases from EPA regulation.

America's direction since the passage of the Clean Air Act has been toward, rather than away from, cleaner air. Sen. Arlen Specter has committed to voting against the Murkowski gambit; Sen. Bob Casey should join him.

[From the St. Louis Post-Dispatch, Jan. 19, 2010]

#### THE DIRTY AIR ACT OF 2010

(By Melissa K. Hope)

Big Oil and dirty coal are spending hundreds of millions of dollars to stop Congress from passing new clean energy legislation and now they are trying to gut one of our nation's most important environmental laws, the Clean Air Act.

Just last month, the U.S. Environmental Protection Agency moved to enforce the Clean Air Act. The EPA declared that global warming pollution endangers human health and welfare and announced plans to limit emissions from the biggest polluters. Now this plan is under attack in Congress by Sen. Lisa Murkowski, R-Alaska, and other friends of Big Coal and Big Oil, and faces a crucial vote this week.

Sen. Murkowski wants to bail out big polluters by blocking President Barack Obama and the EPA from taking action to limit emissions. She is proposing an amendment to the Senate's national debt ceiling bill. Her amendment would dismantle the Clean Air Act and put the public's health and safety at risk to global warming. Her "Dirty Air Act of 2010" would block the EPA from limiting carbon dioxide emissions.

After years of research, scientific debate, court cases, public hearings and comments, Senator Murkowski is suggesting that we simply choose to "un-learn" that global warming is happening and that it will be dangerous to human health and welfare.

The EPA merely is doing what the Clean Air Act already requires—and what it was ordered to do almost three years ago by the U.S. Supreme Court. And last month, more than 400,000 Americans submitted comments in favor of the EPA's proposal to limit pollution from the biggest global warming polluters, among the highest number of comments ever submitted in favor of any proposal.

The EPA plans to limit the new common sense, economically feasible regulations to the largest polluters only. Suggestions that the EPA plans to regulate farms, schools, hospitals, cows and Dunkin' Donuts are simply false. EPA Administrator Lisa Jackson has said as much on numerous occasions. Such statements, which are an attempt to scare small businesses, merely are misleading smears designed to derail any limits on polluters.

Sen. Murkowski might say her amendment is just a one-year time-out, but we've already had a nearly decade-long "time-out" as pundits for big oil and coal had their way. The clean-energy economy and action to curb global warming no longer can be held hostage by petty politics and partisan obstructionism. We can't choose to deny that this pollution is harmful any longer.

Instead of looking for ways to delay action, Congress needs to finalize comprehensive clean energy and climate legislation as soon as soon possible. Missouri's senators—Republican Christopher "Kit" Bond and Democrat Claire McCaskill—must say no to this fast-approaching amendment that would block EPA action on climate-changing emissions from the largest polluters. More important, it is time Missouri's senators strongly support clean energy and climate legislation that will mean less pollution, new industries, more jobs and greater security right here at home.

Mrs. BOXER. Mr. President, in summary, I will say this: I do not want the American people to misunderstand what is before us in this resolution that will be coming up for a vote at a time determined by Senator MUR-

KOWSKI, as I understand it, under the rules. She is using the rules to be able to do this.

I do not think the American people should be misled into thinking this is about postponing action on cleaning up carbon pollution. It is about something much deeper than that. If her resolution passes and if it does become the law of the land—and I hope and I do not believe it will at the end of the day—what she is doing is something unprecedented.

That unprecedented move is to overturn a finding made by the scientists and the health experts on the impacts of carbon pollution. This has never been done before. Senators play the role of Senators; they do not play the role of doctors. They do not play the role of scientists. I will tell you, if we start doing that, there is no end to what we could do. We could overturn action on controlling the nicotine in cigarettes. We could overturn action to control the lead allowed in paints. We could overturn the science based on limits for arsenic in water. I could go on and list all the toxins—cadmium, carbon tetrachloride, naphthalene, toluene, and it goes on. That is why this is such a dangerous turn of events.

I am very much up for a debate on the best way to solve this problem of too much carbon pollution in the air. We differ. Some of us have one idea, some have another. That is why I am so hopeful that Senators KERRY, GRAHAM, and LIEBERMAN, with all of us working in the background, can come up with the 60 votes necessary. But make no mistake about it, we should not start down the path of overturning a health finding. That is not why we were elected.

I can just speak for my constituents. My constituents sent me here. They want me to protect the health and safety of the people, and that is what I intend to do.

I am very proud of the doctors who have come forward today. I met with one in my office just about an hour ago. They are going to stand with us, and they are going to tell the truth about this. The American people will judge who is on their side. That is up to them. They will make that decision.

Mr. President, I am so grateful for your patience. I have put many things into the RECORD. I have spoken much longer than I normally do, I am sure to the chagrin of a few people on the other side, which I understand how they feel. But I felt it important to lay out how serious I think this is. Not that I think at the end of the day it will become the law but because I love serving in the Senate. I love the work we do. And one of the things we should not do is overturn science and public health experts. That is exactly what the Murkowski resolution does.

Mr. President, I know Senator GREGG will be speaking, and we have a slot reserved for a Democrat after that conclusion.

I yield the floor.

Mrs. GILLIBRAND. Mr. President, I rise today to speak against the proposed amendment from the Senator from Alaska.

This resolution of disapproval goes against good public health policy and poses a serious threat to my constituents in New York—and all Americans—undermining our ability to advance efforts to clean our air and water and leave our world a better, healthier place.

This assault on the Clean Air Act would handcuff the Environmental Protection Agency, stripping it of its authority to regulate dangerous greenhouse gases. This amendment would let large scale polluters off the hook by scrapping requirements for electric generation facilities to use modern technology to reduce emissions and produce cleaner energy.

If passed, this amendment would send a message that the United States will remain reliant on outdated and inefficient energy technologies and delay investment in new, clean technologies that would spur innovation and create good-paying, American jobs, all across this great Nation.

For my constituents in New York, this amendment stands for more air pollution in our communities, more acid rain devastating natural treasures like the Adirondacks, ever-increasing asthma rates for our children, and a failure to take action when action is long overdue.

Regulatory uncertainty is undermining our national interests and giving countries like China and India, the ability to eclipse our Nation in developing the next generation of energy technologies—that we, the United States, should be leading the way on.

Supporters of this amendment are essentially saying that they do not believe the worldwide scientific consensus regarding climate change, and that they don't believe greenhouse gases pose a threat to human health—despite decades of world-class science that predate it, and the clarion call from public health advocates across the country.

A vote for this amendment would be a vote for more pollution and increase protection of those polluters.

It would encourage a regression in the environmental progress that has been made over the last 40 years, and represents a denial of the need to create jobs and revitalize our economy with clean, renewable, American power.

We need to pass comprehensive climate and clean energy legislation that will create jobs by spurring investment and innovation, enhance our national security by moving our Nation forward on a path to energy independence, protect our air and water by reducing pollution, and decrease energy costs for American families.

The science is clear and we cannot afford to wait.

I urge my colleagues to join me in voting against this attempt to under-

mine action to tackle climate change and urge this body to move forward with comprehensive climate and clean energy legislation.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Under the previous order, I believe the Senator from New Hampshire is to have the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 3302

Mr. GREGG. Mr. President, I rise to support the amendment offered by Senator CONRAD, of which I am a primary sponsor, to address what is the second biggest threat our Nation faces. Clearly, the largest threat our Nation faces is the fact that terrorists who wish to do us harm might get their hands on a weapon of mass destruction and use it against us. That is our Nation's greatest threat. But after that, the biggest threat to this country is our fiscal situation and the fact that we are on a path where our Nation will go into bankruptcy because we will not be able to pay the debts we are running up.

You do not have to believe me on that point. This is not exaggeration any longer. This is not hyperbole for the purpose of political events. This is just the way the numbers work.

By the end of this year, our public debt will exceed 60 percent of GDP. That is known as a tipping point, when you owe that much money compared to how much you produce as a nation. Sixty percent is considered the tipping point toward an unsustainable situation.

Within 10 years—I actually think it will occur sooner—our public debt will cross the 90-percent threshold. When you get into those ranges, you are basically in a situation like a dog chasing its tail. There is no way to catch yourself. There is no way to catch up with the amount of debt you are putting on the books. The cost of bearing that debt eats up your resources as a nation. It takes away from your productivity and your prosperity.

This is not hyperbole, as I said. This is just real, honest projections on numbers which we already know exist. The proposal from the President in the last budget, under which we are now functioning, projects \$1 trillion of deficit every year for the next 10 years.

Today we are taking up a debt ceiling increase which is proposed to be \$1.9 trillion—that is the increase—taking the debt of our Nation up to \$14 trillion. And it is not the end of these requests for debt ceiling increases because we know the debt is going to continue to jump by over \$1 trillion a year every year as we move forward.

This chart reflects the severity of the situation. Historically, the Federal Government has used about 20 percent of the gross national product of what we cost the American people as a government. Just three programs—Medicare, Social Security, and Medicaid—by the year about 2030 will represent

spending that exceeds 20 percent of the gross national product. Everything else in the Federal Government, if we were to maintain our usual spending level, could not be done. Our national defense, education, building roads—all those sorts of things could not be done. But that does not stop there. With those three programs, the costs go up astronomically as we go out into the future.

To pay for those costs, we have to run up the debt of the United States at a rate that we have never seen. It will double in 5 years. It will triple in 10 years. Those are hard numbers. Our debt, as I said, will pass the 60-percent threshold.

Why is that considered a tipping point? Because to get into the European Union, which is a group of industrialized states, they have a threshold which a nation cannot have a public debt that exceeds 60 percent of GDP. It cannot have deficits that exceed 3 percent of GDP. Our deficits for the next 10 years will be between 4.5 percent and 5.5 percent of GDP and, as I said, the public debt will be up around 90 percent of GDP by 2019.

We know we are on an unsustainable course. What is the effect of that? What happens when we get our debt up so high? There are only two scenarios for our Nation. One, we devalue the currency. That means inflation. That is a terrible thing to do to a nation. It takes everybody's savings and basically cuts them by whatever the inflation rate is. It means your currency cannot buy as much as it used to. It means you cannot be as productive as a nation because you have an inflationary problem. Or, alternatively, you have to raise taxes at a rate that you essentially suffocate people's willingness to go out and create jobs, to be productive, take risk. And you take the money that should have been used for the purposes of taking risk and building that local restaurant or that small business and creating jobs and you move it over to pay debt.

Where do you send it? You send it to China because they own most of our debt or you send it to Saudi Arabia because they are the second biggest owner of our debt, instead of investing in the United States to make us more productive. Either scenario—a massive increase in tax burden to pay debt or inflation—leads to a lower standard of living for our children.

So as a very practical matter, what is going to happen to our Nation, under the facts which we know already exist, is that we will, for the first time, pass on to the next generation a nation which is less prosperous, where there is less opportunity for our children, and where the standard of living goes down rather than up. That is not acceptable. It is not fair and it is not right for one generation to do that to another. So we have to get our fiscal house in order.

Many would argue: Well, that is your job. That is why we sent you to Congress. Do your job. Get the fiscal house

in order, limit spending. That would be the position of our side. The other side's position would be to raise taxes. But we know that doesn't work. We know regular order does not work. Why? Because we have seen it doesn't work. We know that when you make proposals around here on these big issues of public policy, specifically entitlement programs or tax reform, you are immediately attacked. If you make them on entitlement issues and if you are a Republican, you are attacked from the left as trying to savage senior citizens. If you make a proposal on tax reform, you are attacked from the right as trying to increase taxes on working Americans.

Usually, those attacks are filled with hyperbole and gross misrepresentations, in many instances. People send out these fundraising letters. If you ever say anything about Social Security as a Republican—as to how it should be reformed and made more solvent—immediately, it seems, there is a letter that goes out from this group called Citizens to Protect Social Security—or some other “motherhood” name—that looks like a Social Security check, and it goes to all these Social Security recipients. It says: If you don't send us \$25 today, Senator GREGG is going to savage your Social Security payments. So that little group here in Washington takes in a lot of money. It doesn't do anything to affect Social Security policy, but they sure have a good time wandering around the city with all that money. In the process, of course, the well gets poisoned and nothing can happen around here. That is what happens. Nothing happens.

Well, that was maybe manageable for a while, but it is not manageable any longer. We are headed toward a wall as a nation. We are headed toward an event where we will essentially be insolvent as a country. We will become a banana republic type of situation, where we simply can't meet the obligations of our debt, or, alternatively, the people who lend us our money—many of them are Americans but a lot of them are Chinese—are going to say: I am not going to lend you any more money, America, or if I do, I am going to charge you an outrageous interest rate because I don't think you can pay it back because you have too much debt.

That is where we are headed, and we know it is there. It used to be over the horizon, so the Congress never worried about it and so nothing ever happened. It is not over the horizon anymore. It is well inside the horizon and it is closing fast. As I said, we passed the 60 percent threshold just this year. We will pass it this year, and we will hit 90 percent within this 10-year budget cycle. So regular order has not worked.

Some may argue: Well, the health care bill was regular order. That sure didn't work. Folks, that didn't work. It sent the cost curve up. It took resources which should have been used to address the Medicare insolvency situa-

tion and moved them over to create a new entitlement. It didn't work. Regular order has not worked around here because the politics don't allow it to work. The intensity of the community that defends these various issues will not allow constructive activity to occur under regular order.

So Senator CONRAD and I came to a conclusion that, since regular order doesn't work and since we know we are headed toward this cliff, we should do something. We asked ourselves: Shouldn't we try some other approach, think outside the box? The conclusion Senator CONRAD and I came to, in a bipartisan way—obviously, because he is the chairman of the Budget Committee and I am ranking—was let's set up a procedure which leads to policy, which leads to a vote, and guarantee that procedure is absolutely fair, absolutely bipartisan in its execution so nobody can game the other. I can't game Members of the Democratic side and Democratic Members can't game the Republican side. So the American people will look at the product of this commission and say: That is fair. That is bipartisan. I have some confidence in that.

So this commission, which is proposed in this amendment, does exactly that. It sets up a fair, bipartisan process, requiring supermajorities to produce policy and get a vote on those policies under fast track. Let me get into a couple specifics.

There are 18 members on this commission. They all have their fingers of responsibility on the buttons around here. There will be 16 people from the Congress and two people from the administration—10 Democrats and 8 Republicans. The Republicans will be appointed by the Republican leadership, the Democrats by the Democratic leadership. So the membership of this commission, everybody knows, will be people who reflect the philosophical views of the leadership of the two parties. That group will meet and have public hearings, and they will have an advisory group that has all the different constituencies who want to be heard on that, and who will give them input, and there will be a lot of public input. Then the group will have to come to a conclusion on the big issues that affect fiscal policy in this country.

The point is, neither side is going to come to the table on this unless everything is on the table. Let's be honest. If I say no taxes on the table, why would anybody on the other side come to the table? If they say no entitlement reform on the table, why would anybody on our side come to the table? So everything is on the table. But, of course, the interests of the different parties on issues such as taxes and entitlements are protected by the way the membership of the commission is appointed. Obviously, the Republican leader isn't going to appoint to this commission people who are going to go off on some tangent on tax policy which would be unacceptable to Republicans, and the same is true of the Democratic leader relative to entitlement reform.

So the commission is made up of a balanced and fair approach, and when it reports, 14 of the 18 people have to vote for it—14 of the 18. So neither side can game the other because the majority of both sides have to be for whatever the report is. Then it comes to the Congress, and 60 percent of the Congress has to vote on it. So neither side can be gamed. It has to be balanced and it is an up-or-down vote on the proposal. No amendments.

Why no amendments? That has been a point of controversy. People say: Well, you have to be able to amend it. No amendments. Because we all know what amendments are for on an issue such as this. They are for hiding in the corners. That is what Members do with amendments. They offer their amendment, and if it doesn't pass, they say: Oh, I can't vote for this; my amendment didn't pass. It is called a hide-in-the-corner approach.

Well, that is why we don't have amendments. It is up or down. The theory, of course, is the membership of this commission is going to be balanced, which it will be. That is not theory, that is reality. It will be balanced and bipartisan players who will understand these issues in a very substantive way. Two of those Members are on the floor right now, who I am sure will be members of the commission—and I am not one of them.

As a very practical matter, the result will be something that is politically doable. Will it be a magic wand that corrects the whole issue of this pending outyear insolvency of our country? No, absolutely not. But it will be a significant statement by the Congress of the United States that we recognize the seriousness of the situation we are in as a nation; that we recognize it is not fair for one generation to do this to another generation; that we recognize we will be unable to sell our debt as a nation—or sell it at a reasonable price in the fairly near future unless we take action. It will be a message on all those points, and it will be a positive message. The markets will react by saying: They are trying. The American people will react by saying: Thank God, there is finally a bipartisan effort to try to do something around here on this issue. Sure, it will not be the magic wand or the magic bullet that solves everything, but it will be a significant step, I suspect. I have confidence the people who will serve on this commission will be committed to that.

I realize this is a process that affronts many because it is outside the regular order. But the simple fact is, if we stand on regular order around here, we are going to go through a trapdoor as a nation because we are not going to stand up to the issues that are critical to putting us back on the road to solvency. So this is a proposal that is serious, it is bipartisan, and it has a fair amount of support—34 cosponsors. It is very unusual to have that many cosponsors around here on anything, and they are bipartisan. It is about half and half. Well, I think it is 14–20.

So I would hope my colleagues would vote for this. I understand my colleagues are hearing, on our side of the aisle, from a number of very credible people who oppose this because they are concerned or worried about the tax side. I understand the other side of the aisle is hearing from a considerable number of constituency groups of theirs who oppose it because they are concerned about the impact on entitlements. Maybe that means we have it right, that we have all these interest group-driven folks who are opposing it. I think it means we have it right, and I believe this is pretty much coming to be our last clear chance of getting something done; that the course we are on now is coming to the point of being irreversible, unless we do something such as this.

I don't believe it is correct, as I said, for one generation of political leaders to pass on to the next generation a country that will be in total fiscal disarray. We have a responsibility to act, and this is a way to act.

I appreciate the courtesy of the Members on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I would say we are expecting the Senator from Connecticut, Mr. DODD, to arrive shortly, and when he does, I will yield to him.

I wish to also respond, briefly, to the Senator from New Hampshire and start by talking about where we agree. I think it is almost always good, when discussing something, for people to look at where there is agreement. Where there is agreement, it builds trust and understanding and, therefore, when possible, there can be even greater agreement. We, clearly, agree it is unhealthy for the government to be running these huge deficits. I think everyone in this body agrees on that point. It is unsustainable, as many have said. But why are we running these big deficits? We are doing so, frankly, because of mistakes made during the financial crisis prompted by the subprime mortgage crisis and also because we have been in a fairly deep recession. That is why these deficits are so large. It doesn't take a rocket scientist to figure that out. It was something, unfortunately, that had to be done.

We had to come up with some money to help provide some economic stability for this country. After that, as we know, when we are in a recession, unemployment payments are higher and Medicaid payments are higher and a lot of other programs are automatically higher because we enact programs on top of that to help the economy. That is why we are facing these huge deficits. They have grown very significantly in the last several years for those reasons.

So there is no disagreement that, A, we have large deficits, and, B, we have to begin to reduce those deficits. I think there is agreement as to why we

came to this place and have these deficits, which are for the reasons I suggested. We also very much agree that we have to reduce these deficits in future years. There is tremendous agreement on that point. We also agree it would be better for the government to reduce our annual deficits to below 3 percent of gross domestic product. There is agreement on that.

Most economic observers and experts think that once our deficits reach 3 percent of gross domestic product, that is not so bad. It is going to take a little effort to get there. But, again, we are where we are because of the recession and because of the financial crisis that occurred in the last several years.

Where we disagree, though, is over the way we respond. We disagree over the powers the Senator from New Hampshire wishes to turn over to somebody else—over to a commission. We disagree on that point. I don't think we should turn the power that Senators and House Members have over to some other body to do something called an entitlements commission.

The Senator from New Hampshire proposes to create such a procedure to protect Senators, frankly, from being attacked for the decisions they make. That is what this is all about, in some respects, to turn this decisionmaking over to somebody else so Senators can say: They did it. They made me do it. He and the Senator from North Dakota proposed a commission, for example, with a fast-track process that would absolve Senators from responsibility for any amendments. Senators could then throw up their hands and say: The commission made me do it.

It sounds as if all of us parents heard something similar from our kids: Daddy, Mommy, something made me do it. I will never forget that many years ago, my son said: Daddy, it just seemed so good. Somebody else suggested the idea, and that made me do it. I couldn't say no.

But on matters as important as Social Security for seniors, on matters as important as Medicare and Medicaid for Americans that have health concerns, on matters as important as the tax rates the government will impose on American families—on those important matters, I think we need an open process where Senators and House Members participate and offer suggestions and offer amendments. On things that important, I do not think we need a procedural shortcut.

Sometimes the most important things are difficult to do. I think most Members of Congress and the Senate who ran for these jobs expected there would be some tough choices, there would be some tough times. I don't think they want procedural shortcuts because with procedural shortcuts, often there are unintended consequences. With procedural shortcuts, often bad things happen, when it is not thought through in advance. Rather, we should have full and open debate. There are fewer surprises with full and

open debate when Senators can amend and improve the product, and that is why I believe the Conrad-Gregg commission is a bad idea.

There are alternatives to that proposal. One is that we do it ourselves, we do what we should do, and we do it the right way. But there is also another alternative, an alternative which the President and Vice President—especially the Vice President is working on that sets up an executive commission, not a statutory commission as outlined by the Senators from New Hampshire and North Dakota but, rather, one on which the Vice President has convened a series of discussions, and in that proposal the Vice President has proposed an Executive order where the President would create a commission to consider our fiscal situation. It would also have similar composition, similar powers. It is similar to the statutory commission offered by Senators CONRAD and GREGG, but there is only one difference, and that difference is in the process. The Vice President's proposal, which I think the President will announce fairly shortly, would preserve the rules of the Senate. The Gregg-Conrad amendment would not. And it is preserving the rules of the Senate that I think makes all the difference.

Under the proposal that I think will be offered by the President, that is, the executive commission, again, I think it is 18 members, all subjects are considered, and they will report back to the Congress, I think after the election. So everything is very similar, if not exactly the same. The only difference is, under the executive commission, if it is proposed—I think it will be—there is no requirement of a fast-track process as required by the statutory commission.

I tell my colleagues there are other alternatives, there are other ways to address our huge budget deficits. I urge my colleagues to join in support for the Vice President's efforts and oppose the Conrad-Gregg amendment.

I understand the Senator from Connecticut is not here. Maybe the Senator wants to proceed? Oh, he is here. Does the Senator from South Dakota wish to proceed?

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 3301

Mr. THUNE. Mr. President, today the Senate will have an opportunity to indicate to the American people whether they are listening to the American people because we are going to have an opportunity to vote on a debt limit bill later, but earlier, before that, on a series of amendments. The first amendment is an amendment I am offering along with Senator VITTER from Louisiana and Senator BENNETT from Utah. They have worked extensively on this. They have already been down here and they spoke on this this morning, as have a number of my colleagues.

What is important about this amendment is it will give an indication to the



American people about whether their voices are being heard here in Washington as expressed by the voters of Massachusetts. I think what they were saying in that vote a couple of days ago was: We are frustrated. We are concerned about the level at which Washington is spending and taxing and borrowing. We want the brakes put on that.

I have an amendment that I offer to the debt limit today that will end TARP. It is a very straightforward way in which we can signal to the American people that we are serious about fiscal responsibility.

Just by way of context, if you look at what is being proposed here with this debt limit increase, it is to add \$1.9 trillion to the debt limit of our country—\$1.9 trillion. Remember, we already raised the debt limit before we left for the Christmas holiday by \$290 billion, so if you add that to the \$1.9 trillion, you are talking about well over \$2 trillion that we will have added to the debt limit in the last 30 days. Bear in mind that the entire Federal budget a decade ago did not exceed that amount of money. We are going to add more to the debt limit in this vote, coupled with the vote we made about 30 days ago, than was spent in the entire Federal budget a decade ago. That is remarkable. It speaks to the whole issue of the amount of spending and the growth of government here in Washington, DC, which I believe has the American taxpayer very concerned—and with good reason.

If you look at what has happened in the last several years, starting in 2008 and up through 2010, this year—if you take the end of 2008, the amount of money spent in the appropriations bills here in Washington, and then go to the 2009 appropriations bills and the 2010 appropriations bills, over that time period the entire government grew by 16.8 percent, over a 2-year period. That is excluding the defense and veterans funding, so that is other nondefense discretionary spending. All these increases outpace both inflation and the growth in our economy.

To put it in perspective, inflation during that same period, 2008 to 2010, was 3.5 percent. We grew government spending by 16.8 percent. That is stunning. How does any American taxpayer out there in this recession, trying to figure out how to make their budget, how to pay their bills, and having to go about the process of tightening their belts, understand how a Federal Government can grow its size here in Washington, DC, by 16.8 percent when inflation in the country over that same time period was 3.5 percent? These are some remarkable and stunning numbers. That is why we are seeing all this angst at the grassroots level around this country about the direction the country is heading and the peril it is putting future generations in if we continue on this path unabated and we don't do something about spending and we don't do something about the mas-

sive amount of borrowing and expansion of government.

I also think people are reacting to the process by which Congress conducts its business. The idea that you would have to pass legislation by including special provisions for individual Senators—the so-called cornhusker kickback, the Louisiana purchase, all these other things where individual deals were made in back rooms to get the support of individual Senators to vote in this case for the big health care bill—is something the American people find very objectionable. I think they are reacting to that too. I think what they are voicing is their disgust with the way Washington operates.

One of the reasons we are here today asking for a \$1.9 trillion increase in the debt limit and the reason we have a debt that next year will exceed 60 percent of our gross domestic product—which, by the way, would keep us from getting into the European Union—is because we continue to spend and spend and borrow and borrow and frankly use a lot of accounting gimmicks here in Washington, DC, to disguise and shield the amount of borrowing and spending that is going on here.

A good example of that was the health care bill which we have been debating now for the last several months. It passed the House of Representatives, it passed the Senate, and it is now in discussions. Negotiations are going on between the leaders in the House and Senate. I am not sure—we have not been privy to those, either—what the state of play is with regard to the health care bill.

I think it is important to know that there were a lot of things in that bill designed to understate its true cost. They said it would only cost \$1 trillion over the first 10 years, but if you look at the fully implemented cost, because it front-end-loaded some of the increases and back-loaded some of the spending, because it used various accounting gimmicks to understate the true cost of it, if you look at the fully implemented cost over 10 years, it was in fact \$2.5 trillion. I think those numbers are starting to sink in with the American people.

One of the things that was done in the health care bill—and I think this is an example of some of the things that happen, processes, procedures that happen here in Washington, DC, that defy logic and are very difficult to explain to the American people—one example of that is the way the Medicare issue was debated and handled with regard to the health care debate. About \$½ trillion in Medicare cuts was proposed, along with a Medicare tax increase of .9 percent, all used to finance this new health care entitlement program, to pay for the new \$2.5 trillion in spending. The argument was made by the other side that this, in fact, extended the lifespan of Medicare because it was—the cuts to Medicare and the rev-

enue increases were somehow going to expand the lifespan of Medicare.

What I thought was interesting about that was the Senator from Alabama asked a question of the Congressional Budget Office toward the end of that debate about, how can you count this as paying for the new entitlement program, the new health care program, and still say you are extending the lifespan of Medicare because obviously you can't use the money twice. In response to that question, the Congressional Budget Office issued a statement and said that the key point is that the savings to the HI trust fund, the Medicare trust fund, under the health care bill would be received by the government only once, so they cannot be set aside to pay for future Medicare spending and at the same time pay for current spending on other parts of the legislation or on other programs.

They went on to say:

The unified budget accounting showed that the majority of the HI savings [the trust fund savings] would be used to pay for other spending under the health care bill and would not enhance the ability of the government to redeem the bonds credited to the trust fund, the Medicare trust fund, to pay for future Medicare benefits. To describe the full amount of HI trust fund savings as both improving the government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double-count a large share of those savings and thus overstate the improvement in the government's fiscal position.

That is just an example of one of the unique accounting mechanisms used by the Federal Government in Washington, DC.

Mr. BAUCUS. Will the Senator yield for a question at that point?

Mr. THUNE. I would say to the chairman, I will yield in a moment after I make some remarks, but I want to speak to the TARP amendment before I do that. I will be happy to yield at the conclusion of my remarks.

I want to say that I know what the chairman is going to say. He is going to say the CBO came back and said it would extend the lifespan of Medicare, and they did, and it would under the mechanisms used in the unified budget when it comes to trust fund accounting.

Mr. BAUCUS. Would the Senator yield on that point since he is raising the subject?

Mr. THUNE. As long as we are not on any time limitation, all right, I will.

Mr. BAUCUS. Didn't that same CBO letter also say the health care bill that passed the Senate would reduce the budget deficit? The Senator is throwing out these huge figures—it is going to cost \$2 trillion and so on and so forth. I don't know where the Senator got that figure because the Congressional Budget Office, in that same letter or a similar letter—either that letter, in an earlier letter, or in a subsequent letter—reaffirmed that the bill passed in the Senate cuts the budget deficit by \$132 billion the first 10 years and cuts the budget deficit by between

\$650 billion and \$1.3 trillion in the next 10 years. That is what the letter says. The Actuary said the bill extends the life of the Medicare trust fund I think 5 or 6 more years—maybe more than that.

Isn't it true that CBO letter said that the Senate bill reduces the budget deficit by \$132 billion in the first 10 years and reduces it in the second 10 years by between \$650 billion and \$1.3 trillion? Isn't that true?

Mr. THUNE. The CBO number, as the Senator from Montana knows, has been a moving target because at the end of that debate, they adjusted by about \$½ trillion the amount they considered the deficit would be reduced. But I point out to the Senator from Montana that, yes, the CBO came out and said that because they are using the trust fund accounting conventions we use here in Washington DC, and that is my whole point. I am not disputing what the CBO has said because legally they are correct because of the way we do it under a unified budget accounting in the trust funds.

But as a practical matter, as an economic matter, what the CBO is saying in the statement they issued is, you cannot double-count the money. It is spending the same money twice. You are creating a new entitlement program, which is, under the CBO's estimate, \$1 trillion over 10 years but when it is fully implemented, \$2.5 trillion.

Mr. BAUCUS. Will the Senator yield? This double-counting, frankly, is a bogus issue. It kind of sounds good on its face, but it is meant to confuse people.

But even subsequent to that statement about the double-counting, even subsequent to that, is it not true that CBO came out with a subsequent letter that said still the budget deficit is reduced by \$132 billion in the first 10 years and \$650 billion to \$1.3 trillion in the next 10 years?

Mr. THUNE. The CBO came out and said that the budget deficit would be reduced by \$132 billion over the first 10 years. But the point I made earlier is that included, of course, a lot of gimmicks that were used, including taxes began immediately, spending that does not occur until 4 years later, counting revenue from—for example, not taking care of the physician fee increase, which we know is a \$250 billion to \$350 billion cost which at some point the government is going to have to deal with, as well as creating a new entitlement program called the CLASS Act, under which the CBO assumed about \$72 billion of savings in the first 10 years, which they also said would generate deficits in the outyears.

So the Senator from Montana may be correct legally under the conventions that are used in trust funds under a unified budget, but as a practical matter, and this is what I think the American people understand and what as an economic matter I understand, you cannot use the same revenue twice. And if you have revenues coming in

from Medicare cuts and Medicare payroll tax increases, and you are saying we are going to use those to finance this expansion, this new health care entitlement, and at the same time we are going to use those to preserve and extend the lifespan of Medicare, most people would say you cannot do that.

What the CBO said in this statement is, it is double-counting. It is spending the same revenue twice. That is the practical implication of this, notwithstanding the weird gimmicks and the way Washington, DC, goes about accounting for revenues in a unified budget that go into trust funds because essentially what is happening is, you are issuing an IOU to the Medicare trust fund and also taking those revenues and saying we are going to spend them to finance the new health care entitlement. You cannot spend the same money twice.

People in South Dakota know that. I think people in Montana know that. But that is why they are so frustrated about this process. They see this dragging on and all of this debate going on and all of these different numbers being thrown out. But the fact is, we are creating a massive new government entitlement program under health care with all kinds of new spending financed with tax increases and Medicare cuts that are supposed to be used to finance the new health care entitlement but are also being credited to the Medicare trust fund, and thereby being used for two purposes. You cannot do that.

But I think that point is one of the reasons that most persons become so cynical about Washington, DC. They get very frustrated with what they see as all of this Washington, DC, talk and accounting gimmicks and budgetary techniques that are used to disguise this amount of spending, which has led us to where we are having to raise the debt limit by \$1.9 trillion.

Face it. That is the reality we are going to face today. We are going to have a vote, if not this week then next week, on this legislation which would increase the amount of the debt limit in this country by \$1.9 trillion.

My amendment to this legislation, as I said before, is fairly straightforward. It would end TARP, the Troubled Asset Relief Program, which was created toward the end of 2008 that was designed specifically to bring financial stability to the country at a time when we were worried about imminent financial collapse. There was a concern at the time that there was great systemic risk to our financial system.

As a consequence of that, action was taken, authority was given to the Treasury to acquire the distressed non-performing assets on the balance sheets of many of our banks. What has happened since that time, it has morphed into something entirely different. It has been used now to take equity positions, to take ownership stakes in more and more companies in this country, whether they are financial service companies, insurance com-

panies, auto manufacturers. We have gotten very far afield from what the purpose of the TARP was in the first place.

As to where we are today, we have, out of that \$700 billion in authority—I have a pie chart that shows what has been spent and what is left.

The blue represents the amount of the program, \$700 billion, that has been committed or spent already. That is about \$545 billion. That is what the blue represents. The other side of the chart, the line part and the orange part, represent the amount that has not been spent or has been paid back. The amount that has not been spent is about \$155 billion. The amount that has been paid back is about \$165 billion. So you have roughly \$320 billion that to date is unobligated balances in the TARP account.

What my amendment would do is say that amount, that \$320 billion, cannot be spent. It ends. The reason for that is because we are concerned this fund is going to be used for all types of purposes for which it was not intended.

Most recently, the House of Representatives passed the stimulus 2 bill, the second stimulus bill, which is going to use as an offset this authority right here. What we are simply saying is, this is \$320 billion that we can save the taxpayers of this country, that we can keep from piling on debt to future generations, and keep from adding to the total amount of borrowing we are doing.

So let's stop. Let's end this program today and not allow this \$320 billion to be spent and further stipulate that anything here in the blue, the \$545 billion that is currently spent or committed, if paid back, would go to reduce the Federal debt rather than be recycled and respend and reused again.

It is a very straightforward, very simple amendment, but I think it is very important in terms of the message that it sends to the American people about whether we are serious about what this TARP was created for in the first place, its specific statutory purpose, and whether we are going to deviate from that and use it for all other types of spending and ideas that people in Washington, DC, might come up with.

So I hope my colleagues today will support this amendment. I happen to believe the TARP has served its purpose. The Treasury had an opportunity to extend it at the end of last year, the end of December of last year. They chose not to let it expire. They chose to extend it. So now this program runs until October of this year. My fear is that this amount of money, this \$320 billion, is going to get spent, but it is not going to get spent for the purpose it was intended to be spent for under the TARP authority but, rather, for all kinds of other things that people, politicians in Washington, might come up with.

Also, this blue amount here, those funds that are already committed, are

spent, when they are paid back, and we hope they will be, although there are some questions now about whether we are going to see a lot of that money being paid back, but assuming it is, that money not be recycled or respent but it be used to retire the Federal debt. That would reduce the total amount by which we would have to raise the debt limit.

We are serious about getting this debt under control. We are serious about getting spending under control. This is a very straightforward way to do that. So we are going to have this vote, hopefully, later today, sometime this afternoon. We can save the American taxpayers \$320 billion by not spending this amount of money here. We can, hopefully, as these are paid back, save a whole lot more for the American taxpayers.

I would urge my colleagues in the Senate to support this amendment and to restore some sense of fiscal discipline to the way we do business in Washington.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank the Presiding Officer. I have two subject matters I wish to address. One is the amendment of my friend and colleague from South Dakota, Senator THUNE, that he has just addressed in his remarks, and a second set of remarks regarding Haiti that I also want to address.

I chair the subcommittee of the Foreign Relations Committee dealing with the Western Hemisphere and, obviously, includes the nation of Haiti, as well as served as a Peace Corps volunteer some 40 years ago on the island of Hispaniola on the border between Haiti and the Dominican Republic. So aside from the interest we all have in what has happened to the thousands of Haitians as a result of this catastrophic earthquake that has occurred, I have many friends in that country, some of whom I have not heard from in the last week or so, who are lost at this point. I want to address some thoughts on that subject matter as well.

But I want to, first of all, if I can, address the subject matter of the Thune amendment which will be voted on, I gather, at some point either today or tomorrow, whenever that is going to be dealt with here.

Let me begin by, first of all, thanking my colleague from South Dakota. I applaud him for saying that while it was a controversial debate a year ago last fall on whether to have an emergency economic stabilization program, I remember the night that we all gathered here and sat at our desks in this Chamber and voted 75 to 24 on whether to commit as much as potentially \$700 billion in order to stabilize our financial institutions and move forward.

It was a courageous vote that a number of our colleagues took that day, many of whom were up for reelection within a matter of days after that vote,

and yet cast ballots in favor of it despite the tremendous outpouring of anger over the fact that we were in those economic circumstances to begin with, and that, secondly, we might be committing as much of American taxpayer money to stabilize our financial institutions.

I happen to believe, and I think history is proving to be so, that we made the right choice that evening; that even though it was a painful vote, had we not stabilized those financial institutions, I firmly believe we would be looking at a far more catastrophic set of economic problems both here and around the globe had we not acted.

So while those resources have gone to large financial institutions and to major organizations because that is what was needed to be done, there is an understandable degree of anger and frustration being expressed by our fellow citizenry because people on Main Street, average citizens, have suffered terribly during this process.

There was a point not many months ago where 20,000 jobs a day were being lost in our Nation; 14,000 people a day were losing their health care; 10,000 people a day were losing their homes in the United States to foreclosure. So the American people have suffered terribly as a result of this economic crisis.

But we needed to take those steps. As a result, today, while the news is still far from good, in most corners of this country we are stabilizing an economic crisis. We avoided a depression which we were on the brink of falling into had we not taken that action. So I want to commend my colleague from South Dakota for recognizing the value of that decision.

Now he points out with a chart—it is not up here any longer—the fact that there is about \$320 billion which remains unexpended as a result of that decision. The good news is that we crafted that bill that required two separate votes—an initial one for the \$350 billion, and then around January of this year—or last year, excuse me—the additional \$350 billion would be appropriated and spent. As a result of the good news we have avoided having to expend all of those resources. As a result, there is actually money coming back in.

We have now recouped about \$165 billion of the original money that was spent, including over \$13 billion in fees and interest payments that were earned back by the Federal Government as a result of those decisions. We all hope the full amount will be recovered. There will be an opportunity in the coming days for all of us to vote on whether we ought to ask those large financial institutions, which were the beneficiary of taxpayer assistance, whether they are going to vote for a fee or a tax, if you will, over a limited number of years on those recipients of billions of dollars of American taxpayer money, to pay that back through fees and taxes.

I hope my colleagues will be supportive of the initiative offered by

President Obama in recent days. But the issue before us is whether we ought to shut all of this program down, the remaining \$320 billion that is there. I want to remind my colleagues what the administration has suggested, and I believe all of us have embraced, is that small businesses and our community banks in this country are struggling. I do not recall a day over the last number of months when I have not heard a speech on the Senate floor of this Chamber where a Member has not gotten up and talked about what is happening in the absence of credit flowing to smaller businesses in their States, or that community banks in their States are failing because the economy has not reached them, the improving economy.

What the administration has suggested, and I strongly support, as I believe most of us do, is that we need to get assistance and support to these smaller businesses and to these community banks in order that they can survive and get on their feet, and credit will flow where it is not flowing today.

The administration has sent a letter committing to limit the use of these dollars to mitigating foreclosures, which is still serious; support for small banks so they can lend to their communities; facilitate small business lending; and address the deepening crisis in the commercial mortgage banks. Those are the four obligations we are talking about. It is not unlimited. It is not all for ideas that may be floating around here that have little or no merit. It is specifically the areas in which we all know we need to provide help.

We can do this one of two ways. We can do it by appropriating additional money, which goes right to the heart of the argument of my colleague and friend from South Dakota. We cannot afford to do that. Again, the deficits are growing larger by the hour, and to appropriate additional money at a time like this would be very difficult if not unwise in many cases. Or we can take resources we have already appropriated that are not being spent, that could be used exactly for the purposes that are needed for our economy to get moving again. In a sense it is a catch-22. Our economy is only going to improve if small business starts hiring again, community banks start flowing credit again, and we minimize the foreclosure problem.

How do you do it? It doesn't happen magically. It happens because we make intelligent decisions. A year and a half ago, when we voted for the economic stabilization bill, the problem in front of us was the stabilization of financial institutions. So the resources were going to be limited for that purpose. We thought we might need \$700 billion. The good news is, we haven't needed that amount and a substantial amount of the money is coming back in. There remains this pool of \$320 billion in that fund. Wouldn't it make sense if, in fact,

we are trying to get this economy moving again, to take some of those resources and make it available to small businesses, to community banks to flow credit so they can actually hire people and grow again, to minimize foreclosures? That is what is needed to be done.

We can do it one way or the other, but we can't do it by just talking about it. I beseech my colleagues at this juncture not to vote in favor of this amendment which would deprive us of resources in order to do the things that all of us agree need to be done. I know my friends, most of them here, are not going to be voting for a program that requires additional appropriations for the very argument the author of the amendment has made. We can't afford to do it. If we are not going to do that—and yet we are simultaneously saying we need to do these things in order to get us out of this hole, where average businesses and workers on Main Street in the country can be the beneficiary of some of this help to get our economy moving—where does it come from? Where are the resources going to come from? Why not take some of these resources and dedicate them to exactly the purposes that have been identified by the administration and recommended by Members of this body, both Republicans and Democrats?

If you support the Thune amendment, you deprive us of that opportunity. That is it. The only alternative left, then, is to go through an appropriations process, which we are being told by our friends over here they will not support. Again, what happens is a lot of rhetoric, a lot of talk. After all the help that has gone to the major Wall Street institutions, at the very hour we ought to be trying to help Main Street institutions, these smaller banks, smaller businesses, we will not have the resources to do it. I urge my colleagues to think long and hard about this. While this program has been terribly unpopular for all the reasons we have heard from others, at this critical moment, at a time when we could make such a difference, when falling back into a recession again could happen very easily, a deeper recession, at this very hour to deprive the administration, the Congress, the people who care so much about community banks and small businesses, I think would be a huge mistake.

I urge colleagues to reject the Thune amendment. Again, the commitments have been made. These resources go to one of four areas, primarily to community banks to get credit flowing and to small business but also to mitigate foreclosures and to address the deepening crisis in commercial mortgage loans which is there. We have a pool of resources to respond to it.

My hope is, all these dollars will be paid back with interest, as I think there is some evidence as we have seen already may, in fact, occur. But we need to continue on this path, if we are

going to succeed in our efforts, watching optimism and confidence be restored to Main Street in America. This is one opportunity for us to do it, to get this job done.

I urge my colleagues to vote against the Thune amendment for all the reasons we have in the past. This is not a new amendment. It has been offered in the past. It has been rejected by colleagues for many of the same reasons I have tried to articulate this afternoon. The arguments haven't changed. What has is the dedication of these resources exactly to the areas that so many of us have talked about over the last number of months. I urge rejection of that amendment.

#### HAITI

Mr. President, I wish to speak to the subject matter of Haiti and the events of the last week that have occurred in that country. My interest in the subject matter is not any different than that of every single person who has watched with horror the photographs and pictures, the stories of the tragedy that has afflicted that poor, desperate country that occupies one-third of the island of Hispaniola. I bring an added personal attention to it because I have many friends, many of them I have known for 40 years, in the island nation of Haiti. I have been there on numerous occasions over the years, in addition to my first introduction to Haiti at 22 years of age as a Peace Corps volunteer, when I was sent to a small village on the border of Haiti and the Dominican Republic, in 1966, some 40 years ago. My interest and my friendships go back a long time. I am deeply concerned and worried about what is occurring there and what steps we might take as a nation, in conjunction with others, to provide some help to a people who are in desperate need.

I rise to discuss the tragic situation, the humanitarian disaster that has occurred in the wake of last week's earthquake, and the U.S.-led response to this crisis. Last Tuesday, as we all know, as the world knows, one of the largest earthquakes recorded in the area hit about 15 miles from the capital city of Port-au-Prince in Haiti. This massive earthquake brought immediate destruction to Port-au-Prince and surrounding areas and communities, instantly crumbling houses and buildings, destroying roads, seaports, cutting power and water lines throughout the country.

Most tragically, the earthquake has killed tens of thousands of Haitians who, at the time the quake struck, were simply going about their daily lives—desperate lives, I might add, but daily lives. The Government of Haiti has indicated they believe 70,000 of their fellow citizens have been killed in this earthquake. Other officials fear the death toll may be as high or more than 200,000 people as a result of those brief moments that caused that nation state to crumble. These heart-wrenching numbers do not even account for those injured who are homeless, the or-

phaned without food, water, shelter or any kind of medicine.

The losses extend well beyond Haitians. The United States also lost a dedicated public servant named Victoria DeLong, who was serving as cultural affairs officer at our Embassy in Port-au-Prince. Several more Americans have been killed and many more remain unaccounted for a week later. The United Nations, no stranger to dangerous and difficult missions, has suffered its single greatest loss of life in the history of the United Nations. Over 100 United Nations staffers and peacekeepers remain unaccounted for. The special representative for Haiti, Hedi Annibi, also lost his life.

On behalf of my colleagues in the Senate, I extend our heartfelt condolences to the friends and the families of those who lost their lives in Haiti. They should know they are in our thoughts and prayers every single minute of every day.

This earthquake has been called a disaster of epic proportions. When such a disaster strikes one of our neighbors, a country so close to many of us, our Nation responds, as have others. I applaud President Obama, Secretary Clinton, and Administrator Shah for their immediate, robust, and coordinated efforts, which has truly been a whole-of-government response, utilizing resources, skills, expertise of our State Department, USAID, and the Defense Department. Secretary Gates deserves great commendation. Our forces in uniform that poured into the area on a moment's notice to help out, as they always do, deserve particular recognition in this effort. We have deployed thousands of troops to Haiti who are supporting operations at the Port-au-Prince airport, working to provide logistical support, open the port. The United States has sent an aircraft carrier with numerous helicopters to deliver aid to otherwise hard-to-reach places in and around Port-au-Prince, a hospital ship to provide lifesaving medical care, and urban search and rescue teams and doctors to help rescue those trapped and treat those who are injured.

In addition to manpower, the United States has pledged money and supplies, including water, ready-to-eat meals, and medicine to help those in need. This response has demonstrated the generosity and spirit of the American people, especially when it comes to helping others who are in desperate need, as clearly Haiti is. The American people have also responded, as we always do. It is a source of great pride to all of us to watch our fellow citizens, people whose names we will never know, the donations which they have given may not sound like much; but for people who have lost a job, lost a home, as I talked about a moment ago, during this economic crisis, to reach deep into these almost empty pockets to send that \$1 or \$5 or \$10 to help out some family they will never know, some child they will never meet in a place

they may never go to, may never have known about before is, once again, a demonstration of the spirit and heart of our fellow citizens in the United States.

Aid agencies and NGOs have reported an outpouring of support as our fellow citizens have donated money, clothing, and supplies to hundreds of organizations that operate in Haiti today. These donations are absolutely critical at this time. At a time when we can't seem to decide on a bipartisan basis what day of the week it is, to watch President Bill Clinton and President George W. Bush, two people who have been political opposites, have very different points of view, sitting down together as two former leaders of our Nation to head the effort to provide relief to Haiti is a demonstration of what we ought to be doing together here on occasions that affect our own citizenry. If two former combatants in the Presidential field can sit down and become a team in responding to a crisis in Haiti, it ought to be a lesson about what we need to be doing when it comes to our own crises here at home.

I commend President Clinton and President George W. Bush for their tremendous work. I commend President Bush's father, who joined with President Clinton back when the tsunami crisis hit Southeast Asia. The Bush family has always responded at times such as this. Both father and son deserve our thanks and commendation for what they have done. Of course, Bill Clinton has dedicated his post-Presidency period to a global initiative to help out every single day in places that are not the subject of news stories, as Haiti is. He, of course, deserves our expression of gratitude as well.

The international community has responded. Over 27 international search-and-rescue teams, with some 1,500 rescuers from around the world, are already on the ground in Port-au-Prince and neighboring communities, searching through the rubble to find those who may have survived. I know all of us sit in absolute stunned admiration for those who have survived 6 and 7 days, living in the midst of rubble, to be discovered alive and be extracted by rescue workers. Our only hope in these waning hours, is that we will find additional people who have somehow miraculously survived this disaster.

It has been unbelievable. Relief workers, doctors, supplies have arrived from China, Israel, Iceland, Brazil, France, more countries than I can enumerate. The European Union has pledged over \$½ billion in assistance already, and I suspect more will be forthcoming. Despite its own tragic losses, the United Nations has come to the rescue of the Haitian people. The United Nations Stabilization Mission in Haiti has responded heroically to this disaster, organizing supply convoys, conducting search-and-rescue missions, and providing security. On Saturday, the World Food Program fed 40,000 people. Within the next week or

two, that number will increase to 2 million. Private organizations are also doing heroic and valued work, including the Red Cross, Doctors Without Borders, Save the Children, Partners in Health.

Let me say, particularly on Partners in Health, my great friend, Paul Farmer, who spent years in Haiti as he has in other nations working with HIV/AIDS and other issues, is there, as you might expect, in Haiti. I have spoken to him. He has many needs, as you might imagine. He needs orthopedic surgeons, trauma specialists, skilled nurses, supplies. My hope is, in these coming days, coming hours, we will be able to get those resources to him.

On the ground, the Obama administration and the international community are working as quickly as possible to distribute aid to those in need and to help clear the jam of supplies arriving in Port-au-Prince and Cape Haitian, in some cases, in the northern part of the country. It is critical that aid gets distributed beyond the immediate confines of the airport. Those who survived the quake are now trying to survive, once again, without food and water and medicine and shelter.

At the same time, we must work as quickly as possible to ensure that violence does not break out as people become desperate to survive, as one might expect under these circumstances. The people of Haiti are our neighbors, and it is our duty to help them weather this storm, as others are doing as well.

I strongly agree with Secretary Clinton who, during her trip to Haiti this past Saturday, affirmed to the Haitian people that "we will be here today, tomorrow, and for the time ahead" as well.

I wish to take a few minutes to describe what I believe needs to happen at this "time ahead" of us that Secretary Clinton referred to. These are not all the suggestions. I know many others are coming in, and we need to think about how we can intelligently respond to this. We can't do it all alone. We need help from the international community, obviously. But there are some steps we can take that I think would make some difference in all this. In order to do that, we must understand where Haiti was the day before the earthquake struck. Despite its location only a few hundred miles from the wealthiest Nation in the history of mankind, Haiti is one of the poorest nations on the face of this Earth. It ranks as the poorest country in the Western Hemisphere, with 80 percent of the population living under the poverty lines of this hemisphere.

While recent years showed some positive trends in economic growth, the 2008 hurricanes devastated that country, causing widespread destruction and severely damaging the agriculture sector, upon which two-thirds of all Haitians depend. Remittances to Haiti represented more than twice the earn-

ings from exports and accounted for one-quarter of the gross domestic product of that nation. Haiti has also one of the lowest life expectancies in the world. The average Haitian income is less than \$1 a day. In terms of income, less than \$1 a day.

Clearly, Haiti had a lot of ground to cover before this earthquake struck, and rebuilding Haiti is not going to be easy for anyone. Many have debated why Haiti remains so poor and what can be done to alleviate poverty, improve public health outcomes, and help that nation develop a sustainable and equitable way forward. This debate is all the more important and necessary as we move forward.

As the chairman of the Subcommittee on the Western Hemisphere and as an American who knows and cares about Haiti, having worked with the people of Haiti and its leaders for much of my career, I am committed to finding the best solutions to these vexing problems and to working in close coordination with the administration, the United Nations, and our neighbors in the region, including Brazil, Mexico, and others who are already there helping to rebuild Haiti.

I might mention, there are 400 physicians from the island of Cuba who are operating in Haiti today, down there trying to make a difference. Whatever thoughts people have about the Government of Cuba, the fact is, there are doctors there now from that nation that is only a few miles from the northern parts of Haiti who are now trying to save lives.

As we begin to transition from a rescue mission to a medium- and long-term recovery mission, we must think creatively and allocate resources to the most effective and efficient methods for sustainable reconstruction and development. We must find ways to make Haitian agriculture better equipped to feed the people of Haiti, and we must work to forgive Haitian debt.

In April of this past year, Haiti was added to the IMF and World Bank's list of what is called the Heavily Indebted Poor Country Initiative making them eligible for special assistance with debt relief. This is an auspicious start, and one we must build upon.

Public insecurity has long been a systemic problem, hampering economic growth. Therefore, it is critical we work with the Haitian authorities in that nation and others to build and reform the institutions to bolster the rule of law in Haiti that will be necessary to lift Haitians out of poverty, rebuild the country and attract and maintain foreign direct investment to jump-start that nation's economy.

Throughout this process, we must not get bogged down by old formulas and hardened ways of doing business as usual. We must think outside the box, as the expression goes, marshal the necessary resources and creativity of our friends in the region, and the Haitian people must devise and be a part of a medium- and long-term strategy for this effort.

To that end, Senator LUGAR of Indiana, the former chairman of the Foreign Relations Committee, and I will be introducing legislation shortly that will help to speed Haiti's recovery by instructing the Secretary of the Treasury to work with other nations to totally relieve Haiti of their outstanding international debt, including the debt incurred through 2011. That ought to be something every nation agrees to do; in the absence of which, I do not know how you can ever talk about economic recovery if you are willing to require a country that does not even have a fully functioning government today to meet those obligations.

Additionally, our legislation will help to spur economic activity, which is absolutely essential if we are going to have any kind of recovery process. We will do so by promoting trade between the United States and Haiti and lifting restrictions that would be barriers to trade being able to flow between Haiti and the United States, putting people to work.

The Haitian people have endured immeasurable suffering in recent days, but their spirit is indomitable. On Sunday, countless ordinary Haitians came together to observe Mass amid the bleak ruins of Port-au-Prince. Their faith in each other and their future may have been tested, but it is far from broken. I stand committed—as I am sure our colleagues throughout this Chamber are as well—to working with them, our fellow citizens here at home, and the international community, not just today but in the weeks and months and even years ahead, to ensure that our commitment to helping Haiti recover is meaningful, sustainable, and rises to the great challenge we face.

With that, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The legislative clerk 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.

AMENDMENT NO. 3301

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate now proceed to a vote in relation to the Thune amendment No. 3301 and that the provisions of the order of December 22 regarding the vote threshold remain in effect and no intervening amendment be in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The question is on agreeing to the amendment.

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) and the Senator from North Carolina (Mrs. HAGAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—53

Alexander	Ensign	Murkowski
Barrasso	Enzi	Nelson (NE)
Bayh	Feingold	Nelson (FL)
Begich	Feinstein	Pryor
Bennet	Graham	Risch
Bennett	Grassley	Roberts
Bond	Gregg	Sessions
Brownback	Hatch	Shelby
Bunning	Hutchison	Snowe
Burr	Inhofe	Tester
Chambliss	Isakson	Thune
Coburn	Johanns	Udall (CO)
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker
Crapo	McCain	Wyden
DeMint	McConnell	

NAYS—45

Akaka	Gillibrand	Menendez
Baucus	Harkin	Merkley
Bingaman	Inouye	Mikulski
Boxer	Johnson	Murray
Brown	Kaufman	Reed
Burr	Kerry	Reid
Cantwell	Kirk	Rockefeller
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Shaheen
Conrad	Lautenberg	Specter
Dodd	Leahy	Stabenow
Dorgan	Levin	Udall (NM)
Durbin	Lieberman	Warner
Franken	McCaskill	Whitehouse

NOT VOTING—2

Byrd Hagan

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee is recognized.

AMENDMENT NO. 3302

Mr. CORKER. Mr. President, I rise to speak about the Gregg-Conrad amendment that I hope we will vote on later this evening or tomorrow. I know everybody in this body is concerned greatly about the long-term issues we have to deal with as relates to our deficits. I think everybody in this body has concerns about that.

I know there has been a lot of discussion, especially by members of the Finance Committee, that we need to deal with the long-term deficits in this body through regular order. The fact is, this is the responsibility of the committee. I respect members of the Finance Committee. Someday, I would like to serve

on that committee. They do outstanding work.

I think all of us realize that there is no way we are going to deal with the long-term issues relating to Social Security and Medicare without doing something that causes us to have to take a vote.

A lot of people criticize the Gregg-Conrad amendment, saying that there is a possibility that one of the recommendations that may come forth from this commission that would actually make a report and call us to vote after November of this year is that there may be a tax increase that is recommended in this legislation. The Gregg-Conrad amendment would get Republicans and Democrats to agree on a way to deal with long-term issues. It does not commit people to vote for those recommendations. As a matter of fact, there is nothing in this amendment that speaks to tax increases.

I know on the other side of this issue we have some more liberal groups, if you will, that are saying: We do not want you to deal with entitlements because the only way to make entitlements whole may mean making some reforms, and we do not want any changes.

We have people on both ends of the spectrum who are saying do not support Gregg-Conrad when everybody in this body knows we cannot continue as we are today. We all know that.

The Finance Committee, which I respect greatly, just in this last health care bill—and I am not trying to touch a subject that may be hard for all of us after the last couple of weeks, but the fact is, the Finance Committee proposed taking \$464 billion in savings from Medicare to use to create a new entitlement. What that means is the Finance Committee has no notion whatsoever of doing things that make Medicare more solvent over the long haul. If we are going to take savings such as that, we ought to make Medicare more solvent. By the way, we can debate those kinds of issues, but the fact is, the Finance Committee has had decades to deal with the long-term entitlement issues. I respect their work.

The fact is, during regular order, it is very difficult for this body to make the tough decisions that call us to make sure we are not pushing huge amounts of debt onto future generations.

I cannot imagine why anybody in this body would oppose setting up a bipartisan group—they do not have to vote for the recommendations—that will spend a year looking at these issues in an intelligent fashion, hopefully, and then come back and report. And you can vote yes or not. You may or may not like it.

I see the Senator from Missouri. Let me say one more thing. The way I understand it is the majority leader would appoint the Democrats and the minority leader is going to appoint the Republicans. That alone ought to give people some sense that they are not going to appoint people who are out in

left field, if you will, or out in right field as it relates to fiscal issues. They are going to appoint people who want to look at this generally along the lines of the philosophy of each of the two parties.

I cannot understand how any of us cannot support putting in place a mechanism to deal with the long-term liabilities of this country. Mr. President, I know you join me in those concerns. You have to. The Senator from Missouri has to join me in those concerns.

I hope we will set aside politics and the groups that are calling in and lobbying against this issue because we might have to make a tough decision—which, by the way, would benefit future generations—trying to keep us from doing something that would make sense. Again, if the things they recommend are not good, vote against them. But let's put some process in place to deal appropriately, to make sure seniors down the road are going to have Medicare, that seniors down the road are going to have Social Security, and that those young people we talk about so much and care so much about are not burdened with huge amounts of debt because we do not have the courage in this body to make the decisions we need to make to put this country on a solid footing. We all know that. We see it every day. We do not want to make those tough decisions. This gives us a mechanism to at least consider making some difficult decisions and putting this country on a strong footing.

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

**THE PRESIDING OFFICER.** Will the Senator withhold his request for a quorum call?

Mr. CORKER. I will.

**THE PRESIDING OFFICER.** The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I had no intention of speaking today, but this place has been a little strange over the last few months in terms of our ability to come together.

When I heard my friend from Tennessee talking about the Conrad-Gregg amendment, I realized we had a moment of bipartisan agreement. I wanted to stop and recognize that it is not completely gone. There are Republicans and Democrats who agree on issues.

I could not agree more with my friend from Tennessee. I think this statutory commission is our best hope at restoring fiscal sanity in this country. It is important that we adopt it. I am proud to be a cosponsor of the amendment. There are a number of us on this side of the aisle who are cosponsors of the amendment. There are a number of Republicans who are cosponsors. But I am beginning to sense that there may be some political game-playing that is going to occur here, and it worries me.

The leader, with all due respect—in a bipartisan moment, I am going to

backtrack a little bit. I remember the Republican Party announcing that this was one of their priorities. Now all of a sudden we are hearing that the leader of the Republican Party is opposed to it. Think about that for a minute. Before the shores got rocky for Democrats politically, this was a great idea.

Everybody here knows we are not going to fix this problem in the regular order. Everybody knows it. It is not going to happen. So we are going to talk deficits, we are going to continue to say deficits matter, and we are not going to do the things we have to do to fix it. Until people begin to put aside politics and think about the policy that is really involved here and what it means for the future of this country, we are in deep trouble.

I implore my friend from Tennessee to restore this as one of the priorities of the Republican caucus, to prevail upon his leader to not—I hope this is not the case, but the rumors are floating around that they have backed off this as a priority because if the Democrats do this, it is going to make them look good. We have to quit making the failure of the other guys our success. This place cannot be about that. By the way, it happens on both sides. I am not saying this is just a problem on the Republican side of the aisle. But we really do have a place where the way politics are played today makes it very difficult for us to come together in a bipartisan fashion.

This is a moment in time that this could happen. I implore my friend from Tennessee—and he is my friend. We have been here the same amount of time. We have watched all of this sometimes with our eyes bugging out and our jaws slack as to what goes on around here and how things work. This is a time we can come together and do something that is responsible for this country.

I am going to work very hard on my colleagues on this side of the aisle. I hope my friend from Tennessee does the same thing on his side of the aisle. I think we will have a vote on this amendment sometime in the next week or so. It is very important that we stand up and be counted as people who are more worried about our grandchildren than the next election.

Mr. CORKER. Mr. President, the Senator from Missouri and I have worked on a number of issues together. I so much appreciate her comments.

While I certainly cannot speak to what the position may be of leadership of whatever party on this particular issue, I will tell the Senator that I am absolutely a cosponsor and I absolutely agree that political winds are blowing. I might add, on both sides of the aisle.

The President tried to announce something yesterday that we all know is not as strong as this amendment. It was an attempt, in fairness, to keep this amendment from gaining support because this is, as you mentioned, statutory. So it happens on both sides of the aisle.

I am proud of the fact that the Senator from Missouri is standing up today supporting this legislation. I support it proudly. Again, the winds are blowing on both sides. I know there are liberal groups calling in trying to get folks on the other side not to vote for it. We have conservative groups on our side calling trying to get people not to vote for it.

Again, all we are putting in place is a mechanism to try to solve this problem. People can vote against the recommendations. At the very least, we would benefit from some deep thought and a lot of work on data to see where we sit as it relates to the deficit issues.

One of the things I think the election the other night said to both of us is that regardless of the outcome, regardless of some of the issues we are focused on, the American people would like for us to hit issues head-on. They do not want trickery. They do not want doubletalk. The American people would like for us to address the serious issues of this country as adults and try to come forth with real solutions to everyday problems and long-term problems.

I think this legislation, which, by the way, is bipartisan—and as the Senator from Missouri mentioned, in the past it has had tremendous support. We almost had enough—I am probably exaggerating slightly—we almost had enough sponsors in the past to pass it in this body.

As the Senator mentioned, the political winds are changing. Maybe one political party has advantage over the other for a day or two. Who knows. Instead of looking at this for the substance that is there and behind it, the Senator from Missouri is right, politics has come into play. I hope, just as the Senator has mentioned, that all of us can rise above that over this next week and support this very commonsense legislation that will at least get the ball rolling toward dealing with the issues that are going to affect these young people who are here helping us. We all know that political leadership at least for years—I am not talking just today—for years we have had the most selfish generation of political leadership this country has seen, kicking the can down the road on serious issues so that we can give people what they want without anybody having to pay for it except these young people.

I am proud to stand with the Senator from Missouri. I thank her for her comments.

Mr. President, thank you for the courtesy of time.

Again, I suggest the absence of a quorum, but possibly the Senator from North Dakota may wish to speak.

**THE PRESIDING OFFICER.** Will the Senator withhold his request for a quorum call?

Mr. CORKER. As always, yes.

**THE PRESIDING OFFICER.** The Senator from North Dakota.

Mr. DORGAN. Mr. President, I support the Conrad-Gregg fiscal action

task force amendment. I am going to vote for it, and I do so not because I think it is the best solution. The best solution would be for us, year to year, to reconcile that which we spend and the amount of money we have to spend. But we don't do that, and we are now in a position where we have an unsustainable fiscal policy. It just is.

I know people on that side want to blame this administration; people on this side want to blame the last 8 years. Whatever the blame might be, let me say that we are on an unsustainable course, and it is required, in my judgment, by Republicans and Democrats, to come together to find a way to address it. This is not the best way, but it is probably the only way we are ever going to get some control.

I have heard so many people come to the floor of the Senate to say this administration is a socialist administration; it is going to spend this country into the ground. I have heard all of that. It is easy for me to stand here and go all the way back to a time when I stood on this floor—a time when we had the only budget surplus in several decades—and say in response to a President's proposal to spend it before it even existed, and all we had was 10 years of projections, why not be conservative? These surpluses only exist this year, not for the next 10 years. Let's be a little conservative. And the blowback was: Katey, bar the door. Let's do big tax cuts. Let's do all these things. Then immediately—and I didn't vote for it—but immediately we ran into a recession, then we ran into a terrorist attack, then a war in Afghanistan, and a war in Iraq—which, by the way, we never paid a penny for. We just sent men and women to go to war and said: We won't pay for it except with emergency supplementals every year.

So there is plenty of blame to go around. This current President, President Obama, has been in office just 1 year. There are things with which I disagree with this administration, for sure. But, look, he inherited the biggest mess in the history of a Presidency, in my judgment. So let's try to figure out how we can get the best of what both parties have to offer in this country rather than the worst of each.

I have often quoted Ogden Nash's four lines that I think captures this the best when he was talking about a guy who drinks too much and a woman who scolds.

He drinks because she scolds, he thinks.  
She scolds because he drinks, she thinks.  
Neither will admit what's true. He's a drunk  
and she's a shrew.

So it is perhaps with the political parties. Neither will admit what is really true. Both have some responsibility, and both have a responsibility to lead. We are not leading year to year in the normal budget process and in the normal appropriations process to reconcile the amount of money we have and the needs that exist. We are not reconciling that. We are offering a

level of government that exceeds the amount of money we have, exceeds the American people's willingness or ability to pay for it, and that is not sustainable in the long term for this country.

So the question is, What do we do? Some say, Well, you can never increase any taxes. I say: Why not, if you have people who aren't paying their fair share? How about increasing taxes on them? Some of the biggest folks in the country, who are running hedge funds, are paying the lowest tax rates in America. How would you like to make \$3 billion a year?

By the way, when somebody comes home and says: Honey, how are you doing?

That person says: Well, I'm doing pretty well—\$3 billion a year. That is almost \$250 million a month salary. Doing pretty well. By the way, I don't know whether you know it, sweetheart, but I get to pay the lowest taxes in the country. I get to pay, on carried interest, a tax rate of 15 percent.

So if somebody says: What is the solution to this? Cutting spending? Yes, I think so, in areas where we are spending money we shouldn't—such as beaming television signals into the country of Cuba. We have spent \$¼ billion sending television signals to the Cuban people in TV Marti. Yes, we have spent that, and there are television signals beamed from 3 a.m. to 7 a.m. and blocked by the Cuban Government so nobody can see them. So we have spent \$¼ billion sending television signals no one can see. I guess some people here feel better about that. I have been trying to shut that down for 10 years and can't even shut down that kind of insanity.

So cutting spending, yes. How about asking those who aren't paying their fair share of taxes? Yes. Let's do all of that. Perhaps we are requiring that be done if we set up this mechanism. Perhaps that is what will happen. I wish we didn't have to do this, but with the choice of yes or no, which is a very simple choice on should we do something or should we just continue down this bumpy road that leads to a destination none of us wants and none of our children will like, my answer is let's vote yes on this amendment. Let's decide to do something that maybe can put this country back on track, help us restart this economic engine and give the American people confidence again.

I used to teach a little economics in college, and I used to teach that it didn't matter what the supply and demand curve and all those issues dealt with, with the graphs. What really matters is do people have confidence about the future—about themselves, their family, and their future. If they do, they do the things that expand the economy. They take a trip, buy a suit of clothes, buy a car, buy a home. That is what expands the economy. If they are not confident, they do exactly the opposite, and they contract this economy.

Let's do some things that give people some confidence in the future. Let's give them confidence that finally, at last—at long last—we are going to grab these issues, look them square in the eye, and say: We will fix them. Why? Because our kids and grandkids deserve that, and this country deserves that leadership.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak as in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2943 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. SHAHEEN.) Without objection, it is so ordered.

Mr. BROWNBACK. I rise to speak on the budget deficit and a mechanism this body has embraced in two prior budget agreements that I think it is time to put in place now. It is called the CARFA mechanism, the Committee on Accountability and Review of Federal Agencies. It is a BRAC process on spending. We passed it in the budget resolution twice, with votes on both sides of the aisle for it. What it does is it basically says: OK, we have to look at all of the Federal Government. Places that aren't working, we need to eliminate, and the rest, then, we can use to pay down our debt and deficit. If there were ever a time to do this, this is the time. I have argued for a decade that we need to do this, and I put this bill forward for a decade. This is my last year in the Senate, and I hope we can get it done this year. It has received bipartisan votes, as I mentioned, two times before in the budget.

It is a simple mechanism. What it does, it is an eight-member commission, four appointed by each side of the House and the Senate. It has to pass by—six of the members, of the eight have to vote to put forward the recommendations of the commission. It takes a fourth of the Federal Government each year and it recommends spending cuts in that fourth. That is then referred to the appropriate committees, and then within 30 days after the commission reports out, it is subject to a privileged motion, that the actual recommendation of the commission must be voted on by Congress. It then has a limited timeframe for debate without amendment, and you get a vote up or down—very similar to the BRAC process that we have followed



for many years on base closing and realignment.

I might remind my colleagues, that BRAC process, while creating consternation across the country, has now saved us \$60 billion. We have had several places in Kansas that have been closed in that BRAC process, but we have also had consolidation of troops and operations at, say, Fort Riley that have gained by that, and we have an economy and we have a better aligned military.

This is the same process. It is only on spending, it isn't on taxes, and it is applied now to the full breadth of the government, discretionary and mandatory spending. So it is everything included within a BRAC process. It is a supermajority within the commission itself. Six of eight members must sign on to it, so you cannot get it just gamed one way or the other. It is a simple majority once it gets to the body; it is under the privileged motion. It isn't a 60-vote point of order, it is a 50-plus-1 vote to be able to get it on through this body, and a majority in the House.

This is a tried-and-true practice. It doesn't include tax increases, and my other colleagues are putting forward a commission process as well that does include tax increases which a number of people have a great deal of difficulty with and certainly people across the country have difficulty with. This is not the time nor the economy for us to be talking about tax increases. We have been pounding away at that for a long period of time, but clearly people are saying: No new tax increases. I think they certainly would say that prior to us going through our own spending. There is nothing that prevents this body from passing a tax increase. We can pass it at any point in time. But I think, to have any validity, you would have to go through the Federal spending first and say: Let's cut the spending before we even look at the tax increase side of this equation. That is what this does. This looks at the spending piece of the equation, not at the tax piece of the equation. We owe that to the American public. If there is going to be any credibility of saying we need to raise taxes, which I don't think we need to, but if there were to be any credibility, you would have to first go through Federal spending and say: We have cleaned out everything we can.

I, frankly, believe there are a number of Federal agencies that could take a major reduction and that we could end up with better government.

I want to point this chart out to you. This is a report card that the Federal Government does on itself on the effectiveness of its programs given the design they were based on in the Congress. The OMB does this. They do this on an annual basis. They take different agencies each year and rate them for total effectiveness of that program. And you can see we have a couple of agencies here. We have a 100-point scorecard. The best one is the State

Department which gets a 79.47 grade average. We have the Education Department at 49.91. We have the Labor Department at 58.14, of an average grade score of the programs reviewed within that agency, within Labor, 35, within Education, 93.

My point in saying that is that my guess is that within the 35 programs, we can find quite a few there that actually should be eliminated, that are not hitting the target, that are not getting the job done.

This is the process we went through with military bases. For instance, in my State, we had a munitions plant that was closed down near Parsons, KS, and we had a munitions plant near the Kansas City area that was closed. These plants were providing services. They were doing legitimate functions for the military. But the military said: We can consolidate this in one place and save money and close these plants down, and then we will turn the land back over to private and public entities. That is what is taking place. We have done that across the country, creating a more efficient military installation process. It had a negative impact on a couple of my communities, but now we are kind of dealing with those issues and working hard on them. But we have a better structured military. What if we did that in the rest of the Federal Government? And we clearly should do that at this point in time. We are looking at a Federal deficit, a government-run Federal deficit of \$1.472 trillion—116 percent greater than the 12-month period ending December 31, 2008.

I have asked my colleagues to consider this amendment in the Federal debt limit ceiling, for us to go back to this process that has already passed this body in budget votes before, but we have never been able to get a vote that would take it all the way through the system. So my colleagues are very familiar with this process. It has worked. Let me repeat that. It has worked before for us. It will work again. We are not building from scratch. We already have some scorecards. And we have to start taking care of this. This is the legacy we are leaving our grandkids—deficits that are running in huge quantities.

The first thing to do in a deficit is— if you are digging a hole, you have to stop digging—stop spending, stop spending in the wasteful areas. There is nothing that drives my constituents more crazy than wasteful government spending. People look at that, and it is just mind-boggling to them. This is a legitimate process to get at wasteful spending in a process we have approved before, and it is clearly time for us to do it.

With this sea of red ink, anybody in this body who has been a Governor has looked at these sorts of issues and said: OK, first, where can we cut our spending? And you would look at that. This does that process. The CARFA project and the CARFA bill and the CARFA

structure go at spending first, and that is the first place you would look, and you would certainly look there before you would look toward any tax increases. I think this is something whose time has come and this is something this body really should support.

I would also point out that the route we are going right now, with massive increases in spending and sharp drops in revenues—you talk about bending cost curves down, let's bend this cost curve down on spending by the Federal Government. That is what CARFA can do in a bipartisan, fair process, not just one side or the other saying, cut here, cut there. It is looking at all of the Federal Government, and it is then putting it in a process where we make recommendations—the commission makes recommendations on spending first. Address spending first. That is clearly what our constituents want us to do. They want us to look at spending. That is not a partisan statement, that is what the public wants us to do, and to get at the wasteful pieces of it first.

So I would urge my colleagues, in this bill—I hope we are going to be able to get this up as a piece of it, an amendment, the CARFA bill that has been voted on previously, and that we will have a chance for people to say: Yes, let's go at spending, let's go at spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

#### ACCELERATING THE INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR THE RELIEF OF VICTIMS OF THE EARTHQUAKE IN HAITI

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4462, an act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti, received from the House and at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4462) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

Mr. BAUCUS. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4462) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Madam President, I am glad we passed the bill here now—it already passed the House—to help all of those Americans who find the tragedy in Haiti so wrenching and want to help.

Americans are trying to help in lots of ways. Some are taking orphans into their homes.

I have worked, as an example, in the last several days with many churches and organizations, including especially the Catholic Relief Society, to just help in any way we possibly can. But there are other Americans who just want to help with financial contributions. So this bill enables many people—in my home State of Montana, many people have contacted me to say: MAX, what can we do to help? And this is essentially an effort to help people who want to help, so they can get a deduction on their 2009 tax returns if that deduction is made between basically the date of the earthquake, January 11, and March 1. So any contributions made during this period will be tax-deductible on 2009 income tax returns.

I am happy to work on a bipartisan basis with Senator GRASSLEY, my counterpart on the Finance Committee, and he and I worked to get this put together, as well as the two Senators from Florida—both political parties. They very much care about this, and I know all Senators do. But I give particular thanks to those Senators who have been very helpful to get this put together and get it passed without any rancor.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

#### INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT—Continued

Mr. KYL. 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. 3302

Mr. KYL. Madam President, I wish to talk a little bit this afternoon about the amendment which Senators CONRAD and GREGG have proposed and which we will be voting on next week. Both of these Senators are very well versed, as the chairman and ranking member of the Budget Committee, in fiscal policy and in the types of reforms everyone is looking for to get a handle on the deficit and the debt this country is facing. So it is with some trepidation that I oppose an amendment the two of them would offer.

I hasten to say that both are respected Members of this body who approach problems with principle in mind, and in this particular case, having talked to Senator GREGG, I know the idea that only by working across the aisle with each other and compromising can we hope to deal with the most vexing problem that seems to face this body; that is, how to deal with the problem of deficit and debt.

Having acknowledged their good will, however, I have to respectfully dis-

agree with the approach they take in their commission. I do it for basically three reasons.

First, I have never found either the House or the Senate in a position where they were anxious to cut spending and thereby save taxpayer money. I have, on the other hand, seen an effort to raise taxes every time we seem to get into a deficit situation. It seems it is always easier to gather in more taxpayer money than it is to stop spending money they have already sent us. The problem with that is, it is no longer money they have sent us, it is money we have borrowed from other people such as China, for example. That borrowing has costs, foreign policy costs as well as interest costs. We eventually have to pay it back. Because we have borrowed so much, the Chinese are saying we better be careful about how much we have borrowed, and they will have to increase interest rates. There is a point at which you cannot be a great nation by being in debt to all the folks around the world.

It is not as if we haven't collected enough taxes. We are now at something akin to 23 or 24 percent of our gross domestic product on Federal spending. It used to be 18.5 percent or so. It is clear, therefore, it is not tax revenues that are the problem. It is spending that has gotten out of control. We know that from all these statistics a lot of us have been talking about relative to the budget last year and the debt ceiling that needs to be raised presumably next week. We wouldn't have to raise the debt ceiling by almost \$2 trillion if we had been more restrained in our spending.

To put it in perspective, before I move on to the next point, the President's budget last year called for more debt in the 5-year period of that budget than all the debt that had been accumulated by every President of the United States from George Washington through George Bush. Think about that for a moment. In 220 years of history, take all the debt, including World War I, World War II, the Civil War, pile it all up, and this one budget included more debt than that. We double the debt in 5 years, triple it in 10 years. That is not responsible. And it is not for a lack of Federal revenues. It is not because we are not taxing the American people enough. It is because we are spending too much. The American people believe that. They understand it. I think it is one of the messages from the Massachusetts election.

When you have a commission that can make recommendations to the Congress that we have to, in effect, abide by, that permit either an increase in taxes or a reduction in spending to solve the problem, it is pretty clear to me which direction we will end up going. We don't have the courage to reduce spending so we increase taxes.

Second, our rules are premised on a fallacy. Unfortunately, I believe it will drive the commission because of this fallacy. The fallacy is, all the money in

the country belongs to the U.S. Government and, therefore, if we reduce taxes somewhere, we have to make up that reduction in tax revenues somewhere else, either by raising taxes somewhere else or cutting spending. Of course, we never cut spending. So the idea is you have to raise taxes somewhere. If I want to give the American people a tax break by reducing their taxes, I should have the right to do that. Congress should be making the rules. We should have the right to say: We are going to reduce your tax burden. But under existing rules, unless you have 60 votes for a permanent change such as that—and even then it is difficult because of our scoring rules—any revenue that is lost because of an action we take in reducing taxes has to be made up somewhere else in some other way. It has to be offset.

What that generally means is, since we don't find ways to cut spending around here very often, you raise taxes over here to make up for the tax revenue lost over here. If I want to reduce the capital gains tax by 5 percent, for example, or to give a real-life example, I want to reduce the estate tax—and Senator LINCOLN and I want to do that—I can't do that without "paying for it." We just want to reduce the estate tax so that people when they die, their heirs will not have to pay as much estate tax. No, you can't do it. You have to make up the revenue that you would lose. It is one of the reasons why we don't cut taxes around here very much. Because it is hard to find offsetting revenue that is acceptable to people.

To carry this a little further, Senator LINCOLN and I would simply like to repeal the estate tax. That is not going to happen. So we have agreed to a compromise in which we would have a \$5 million unified credit; that is to say, that is the amount that is exempt from the tax and that is per spouse in a family. It would be indexed for inflation and then anything that remains above that in the estate would be taxed at the rate of 35 percent. That costs a certain amount of money, according to the budget scorers. I am not sure how much. Let's say \$80 billion. We have to figure out a way to pay for that. So the question is, Is there some other place where we can raise revenue? Ordinarily, raising revenue means raising taxes. We don't want to do that. So we are relegated to the kind of political games, such as maybe phasing it in over time, because it doesn't cost as much if you bring the rates down over time, where you gradually increase the unified credit over time. That is how we got to the crazy situation we are at today, where we had the rate go down over a period of 9 years and then this year it went to zero. But next year it goes right back up to 55 percent. So the rules we have around here create crazy policy. Yet we are stuck with it.

I am afraid a commission that has the ability to both make tax revenue increase recommendations as well as

spending reductions will not only focus a lot on the taxing side, because it is very hard for Congress to reduce spending, but also will be bound by the same rules so we will never get tax cuts anymore. Because every time you want to decrease a particular tax over here, you will have to raise taxes over here. I think we should start from the premise that the money in the country belongs to the people. It is their property. The government should not take it unless it needs to and unless the people acquiesce through their representatives. If Congress decides it wants to take less money from the people, for example, so they will have more money to invest in small businesses to create jobs and put America back to work again, we ought to be able to do that without saying: We are going to give you a tax break here, but we are going to have to raise your taxes over here by an equivalent amount. If the money belongs to the people, we wouldn't have a rule such as that. I think it is very elitist and very wrong to essentially start with the proposition that the money belongs to Washington so you can never give it back to the people without recouping it in some other way. That is the second reason why I think this is not a good idea.

Third, we should be focusing on spending reductions. Everyone talks about not spending as much. Yet we have increased spending dramatically over the years. One of the reasons why is because our constituents want lots of things. If a particular special interest asks for some spending, there tends to be political support for that. The opposition to it being spread over all the people, in effect being everyone's problem, is no one's problem. So you have in spending bills here Members who put earmarks in bills or request certain spending, and there is a constituency for that. By the way, when I talk about special interests, I am not necessarily talking about bad people. Every family in America is represented by some special interest. You have veterans in the family, and you have the veterans groups supporting them. Does anybody think those are bad special interests? If you have farmers, they belong to the Farm Bureau. That is not a bad special interest, but they may be coming to Washington asking for something specific.

I was visited today by the head of the police department and fire department in my city of Phoenix. Both of them are represented by groups in Washington. They are not bad special interests. There are a lot of special interests in the country. Because the government is so big and so powerful, a lot of what they do consists of persuading Washington it should engage in one policy or another because that is where all the power is, that is where the money is, and so they have to hire lobbyists to come back here. We listen to those special interests. Who pays the bill? Our constituents, the taxpayers, who don't have many representatives back here.

There are groups, such as the National Taxpayers Union, for example, that keep track of how much money we spend around here. They rate Senators based on how much they spend.

Citizens Against Government Waste is another one. But they are pretty general, and they are not specific such as a lot of the special interests. What you end up with is a big push to spend money and not much of a push to save it.

When colleagues of mine, such as my friend TOM COBURN or my colleague from Arizona, JOHN MCCAIN, come to the floor and criticize earmarks in bills, spending they don't think is necessary, they are criticized. Why don't you play the game? Why are you creating such a stir? Senator COBURN has an amendment we will be taking up next week that says let's at least get rid of a whole group of programs that a commission in the United States has decided are duplicative and not necessary. I have forgotten how many child nutrition programs we have or special education programs or job training programs. Probably many more than can efficiently spend taxpayer money to do the good things they are set up to do. But we never seem to get around to putting more efficiency into the system.

I think it was Ronald Reagan who said the closest thing to immortality in the United States is a government program. They are easy to create but hard to get rid of.

When you make deals that if you will just say we will solve the deficit problem, we will save money over here if you will raise taxes over here—I mentioned Ronald Reagan; I will mention him again. That was the deal he cut with Tip O'Neill and the Congress at the time. We got the tax increases, but we didn't get the savings. One of the things Ronald Reagan always said he regretted was being so naive as to make a deal assuming that if he agreed to raise taxes over here, Congress would agree to make savings over here. It is hard to do. Congress very rarely does it.

Another problem is, raising taxes for the purpose of raising revenue has two problems with it. No. 1, we don't end up saving money. We just end up spending it on new things. No. 2, it affects behavior from taxpayers in a negative way. If you raise taxes on businesses, for example, they will not hire as many people. They will not be able to invest as much money in their business. They will probably not make as much money. If they don't make as much money, what happens to their tax liability to the government? It goes down, not up.

On the other hand, frequently—and this has been demonstrated especially with taxes that have a direct relationship to revenues such as the capital gains tax—if you reduce the tax, business activity increases, producing more revenue for the government to tax, and Federal revenues actually go up. This

is not true with all taxes, but it is true with some taxes. I mentioned capital gains.

If you have a high capital gains rate today and businesses are told the rate is going to go down next year, do you think you are going to see a lot of assets sold this year? You will have hardly any economic activity unless it is absolutely necessary. But on January 1 of next year, when the rate goes down, you will see all kinds of activity because the rate at which that activity is taxed is reduced. By the same token, if you have a rate that is low today and you say it is going to go up tomorrow, you will see a lot of activity today but not much tomorrow. That economic activity is what produces revenue, which is what the government taxes. As I said, ironically or paradoxically, a lower rate generates more revenue to the Treasury.

That is what happens when you reduce the capital gains rate.

I believe if the President were to announce tomorrow he is asking Congress to pass legislation to send to him that would fix the marginal income tax rates, the dividends rate, the capital gains rate at exactly where they are right now, for, let's say, a period of 5 years, the certainty that would create—even though some of those rates are too high, in my opinion; let that go—the certainty that would create because the rates would be known for a period of 5 years—and these, by the way, would be the so-called Bush tax cut rates so they would be much lower than they would be if they were allowed to go back up again—if the President were to do that, I think he would see the stock market skyrocket the next day. He would see job creation that would be incredible because businesses would know their taxes are not going up, that they could afford to hire people, and they would do so.

On the other hand, when you leave the tax rates in question or hint they are going to go up or, in fact, ensure they are going to go up—as they did under the health care bill, for example—it is no wonder businesses do not create jobs. In the health care bill, we actually have a couple payroll tax increases. All tax increases hurt business and hurt their ability to invest more and to hire more people, but a payroll tax is a direct tax on jobs. It says: The more people you hire, the more taxes you are going to pay; the more people you keep on your payroll, the higher your tax liability is going to be.

There is one provision that says, if one of your employees leaves and gets a subsidy for the insurance exchange, you have to pay an 8- to 10-percent payroll tax on all the rest of your employees. That is a job killer. Another tax raises, by just under 1 percent, the Medicare payroll tax. That is a job killer.

So there is a relationship between job creation and taxes, economic activity and, therefore, revenues to the Federal Treasury and tax rates. Tax rates and

taxes are not the same thing. You can reduce tax rates and actually collect more taxes. Again, it sounds paradoxical, but it is true. Think of this analogy: When you go to the store just before Christmas and they slash their prices by 40 percent, they are not doing that to go out of business. They are still making money. They make more money on the volume that increases because a lot more people come into the store—even though they have reduced the cost of each of the items—than they would if they increased the cost of the items. I guarantee you, if they raised their prices just before Christmas, their competitors would be reducing their prices, not so they would make less money but so they would get more people in, they would have more volume, and they would end up making more. That is what happens when you reduce certain tax rates when you are the Federal Government. You actually increase your revenue.

So I am very reluctant to support a commission which I believe will undertake to reduce our deficit by raising tax rates. It is not good for job creation. It is not good for the economy. It is not good for families, of course. Ironically, I do not even think it is good for the Federal Government, but I mostly do not think it is because, at the end of the day, we always have the courage to talk big about cutting spending, but we do not do it.

I will close with this. The last budget increased the funding for the departments of government dramatically at a time when we are in a deep recession. Families are having to cut their budgets. Yet you go to the Department of Agriculture, and I think it was a 23-percent increase or 26-percent increase, about the same for the Department of State and so on. I think the average was over 12 percent. Only the Defense Department took a hit.

I think that says something else we need to be very careful of. It is one thing for a commission that is not elected by the people to have the specific goal of reducing the deficit. It is quite another to have the perspective of all the matters Members of Congress have to pay attention to in making decisions that offset each other or that take into account the needs across the entire spectrum of government.

It would be very bad, indeed, if we were not able to factor into our decisions, for example, the need to increase Defense spending next year. Because it got hit last year, it is going to have to be increased. I daresay, I hope and I almost predict the administration will find a way to increase in its budget this year Defense spending because it cannot be sustained at the level it is. Yet if we were having to cut spending across the board, that would be difficult to do.

That is what we are elected to do as Members of the House and the Senate. As hard as that job is, we should be doing it to adequately represent our constituents. I understand the argu-

ment we need some help sometimes, and, frankly, I support some alternatives to what I am talking about. Senator SESSIONS and Senator MCCASKILL, for example, have an amendment which I support because it focuses on spending. It starts with the 2010 budget, which is more than I would like to start with, but at least it says spending has to be constrained relative to that budget.

I think there will be another amendment that relates to spending which focuses on other ways to save money. Senator BROWNBACK, for example, similar to Senator COBURN, has talked about trying to end duplicate programs or Departments or agencies or programs or commissions whose job is finished and we do not need them anymore, for example. Those are the kinds of things I think we need to look at, and we can save big money if we do.

The final point I wish to make is, some say: Well, isn't this a little bit like the health care commission that would reduce Medicare spending? The answer is, there is a similarity at least in concept. The idea in the health care commission, though, is to reduce spending primarily by reducing what we pay doctors and hospitals and other health care providers. That is a tough way to reduce Medicare spending and still provide the services our senior citizens deserve.

The way it should be done is to find the so-called waste, fraud, and abuse—and that is easier said than done. No one denies it is there. But we have had decades to get to the problem, and if we could, we would be doing it right now. I have no doubt if President Obama knew he could save \$100 billion by eliminating waste, fraud, and abuse, he would have gotten about the job by now, and he would not be waiting to see what kind of provisions we put in a health care bill before starting the job.

The private sector cannot afford to waste that much money. Federal bureaucrats, as hard as they work, do not have the responsibility. It is somebody else's money. It is everybody else's problem. It is not my problem. In the private sector, they cannot afford to do that. It is one reason the insurance companies get criticized, because they have people making sure they do not pay claims that should not be paid, and sometimes they are criticized for that kind of activity. Their administrative costs are a little bit higher than the government's because of that. They hire people to make sure they do not have a lot of waste, fraud, and abuse. So the amount of waste, fraud, and abuse against the insurance companies is pretty low, and they are able to stay in business as a result.

With the Federal Government, you have the sort of "Did you ever wash a rental car?" syndrome, where it is somebody else's money, you do not have to be as careful about protecting it, and, as a result, there is a huge amount of money lost in government programs, such as the Medicare Program, for example.

The amendments Senators SESSIONS and MCCASKILL are presenting and, I believe, Senator BROWNBACK and some others will be presenting are going to focus on how we can actually save money in the way I am talking about, rather than cutting services, because that is the wrong way to save money, if they are essential services, as the Medicare services are. That is the distinction between those two items that I think is important to draw.

So the bottom line: The people who are proposing this commission idea are very well motivated and I respect their position. Reasonable people can differ about the wisdom of what they are proposing. I would prefer to, first, focus on whether we could actually reduce spending with a little help from a commission or some other kind of group, depending upon which of the amendments you want to adopt that actually identifies where we can save the money and force us to act upon that. I would rather do that first than to start out with the proposition that we can do it through tax increases because that is a sure way to hurt economic recovery, prevent job creation, take more property and freedom from the American people and, potentially, in the long run, provide for less revenue to the Federal Government.

A friend of mine always likes to say: There is a rate. Well, there are two rates, he says, at which the government collects exactly no revenue: zero and 100. It is true. If you set a very high tax rate, you are going to get very little of whatever it is you are taxing. If you want economic activity that represents economic growth in this country and a high standard of living and a lot of job creation, you cannot achieve that by imposing a lot of taxes, even if you were not worried about the deficit. The way to solve that problem is to stop spending money rather than trying to take more money from the American people.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TODAY'S CITIZEN UNITED DECISION

Mr. SESSIONS. Madam President, I want to share a few thoughts at this time about the Supreme Court's decision in *Citizens United v. Federal Election Commission*, which was announced today. Some comments were made about the decision in the Judiciary Committee earlier today, and some of those comments were critical of the decision. I just want to say that I think it is a sound decision, a decision that is consistent with our Constitution and the first amendment.

I know sometimes people are irritated by seeing ads on television. I

know politicians are not happy when people run ads against them. But this is a free country. We are not immune to criticism and people seeking to promote their point of view throughout our Nation. I think the Supreme Court's opinion today deals with the reality of free speech that simply is not going away.

In *Citizens United*, the Court overruled two recent precedents that had themselves undermined and were inconsistent with this Nation's long tradition of protecting political speech. In doing so, the Court recognized that political speech is protected by the first amendment regardless of whether the speaker is an individual or is acting in corporate form. Over the years, there have been some dubious arguments made under the first amendment, such as arguments that pornography, and even child pornography, are protected under the free speech clause; however, there can be no doubt that the Founding Fathers, when they wrote the Constitution, contemplated the protection of people's right to have robust a political debate. There can also be no doubt that robust political debate includes criticizing political candidates when they are running for office.

The decision today was an interesting matter. It shows how far some congressionally passed laws reach. The decision may indicate that sometimes these bills reach farther than we intended for them to reach when we wrote them. For example, the *Citizens United* case revolved around a film that was critical of one of the main candidates in the 2008 Presidential election. A group called *Citizens United* produced the film, and they wanted to broadcast it; however, under the recent so-called bipartisan Campaign Reform Act, it was illegal for *Citizens United* to broadcast the film during the 30 days before the election because the group had received money from U.S. corporations. *Citizens United* became the plaintiffs in a lawsuit and, eventually, the question of whether Congress could constitutionally prohibit them from broadcasting the film wound up before the Supreme Court.

I think Chief Justice Roberts, correctly summed up the holding of today's opinion in his concurrence. We will probably talk more about it in detail as we go forward and have a little more time to examine it, but he says:

Congress violates the First Amendment when it decrees that some speakers may not engage in political speech at election time, when it matters most.

Or, as Justice Scalia characterized today's holding in his concurring opinion:

A documentary film, critical of a potential presidential candidate is core political speech, and its nature as such does not change simply because it was funded by a corporation.

We hear speech that irritates and frustrates us a lot of times, but we have to put up with it because it is a free country in which we live. I would

not want anyone putting a film like the one at issue in *Citizens United* out against me, but it is a free country, and I don't think it is justified to say that Americans who come together in some corporate body can no longer speak.

I will just add that the current administration has been a bit insensitive about this matter. We had the incidents earlier in the year when an insurance company published material to people they insured that pointed out criticisms of the health care bill. The administration tried to get a federal agency to threaten them with a loss of business if they didn't stop expressing an opinion. The insurance company was engaged in a business impacted by the bill. The people they were communicating with bought this kind of insurance coverage. I think they had every right as free Americans to send out a notice that said: This is not good for our company or for you, we think.

They are not allowed to do this? They are going to be threatened by the White House with punishment if they communicate to the people with whom they do business? That is no little matter. We have to get our heads straight. The first amendment protects speech—real substantive speech—about important issues, issues like health insurance and who is going to be elected President. And it protects them regardless of whether the speaker is an individual or whether the speaker is acting in corporate form.

Justice Scalia dissented in *McConnell v. FEC*, a 2005 case that was reversed by the court's opinion today, and Justice Scalia has a knack for going straight to the heart of the matter. In that dissent he wrote:

In the modern world, giving the government power to exclude corporations from the political debate enables it effectively to muffle the voices that best represent the most significant segments of the economy and the most passionately held social and political views.

He goes on to say:

People who associate—who pool their financial resources—for purposes of economic enterprise overwhelmingly do so in the corporate form; and with increasing frequency, incorporation is chosen by those who associate to defend and promote particular ideas—such as the American Civil Liberties Union and the National Rifle Association, parties to these cases.

I agree with Justice Scalia. We cannot allow the government to suppress speech simply because it is near an election time and corporations have given some money to put it on. I think that is not healthy. In fact, I think our whole approach to constricting and limiting people in pooling their money and running ads is clearly in conflict with the first amendment.

I would just say this: The Supreme Court made it clear that all the limits we have placed on corporations giving to political campaigns were not struck down. That is a separate issue, I suppose, but the issue the Supreme Court decided in its opinion today is a very

important one. We have had a debate on this issue for a long time. We have roared about it in this Senate for many years, and people have passionately argued about the first amendment and whether some of our laws mean an evisceration of it.

I used to say in my speeches that I just don't think it is right to tell an American, or even a group of Americans who come together in corporate form, that they can't buy an ad, even on the eve of an election, and say that JEFF SESSIONS is bad for our business, bad for our State, bad for our Nation, and ought to be thrown out of office. It can, perhaps, be a problem sometimes—if someone took out an ad like I just described I might think it is a problem—but the balancing test we use is the plain language of the first amendment, and it says that the right to free speech shall not be abridged. That right is important. We incur great danger when we say: Well, you can talk, but we are not going to let you make a political message 30 days before the campaign. You can contribute but only under our rules. A clear case can be made that the law at issue in *Citizens United* favored political incumbents. It gave an advantage to politicians already in office, who have an edge in obtaining individual, "hard money" contributions. I myself am an incumbent—I myself have been fortunate enough to receive many such contributions—but that does not change the clear mandate of our Constitution. I think the Supreme Court's opinion should be respected for the fact that it takes the text of the first amendment very seriously. The opinion addresses very fundamental questions about what power politicians in Washington have to constrict the right of Americans, either individually or corporately, to defend their interest and speak out. That freedom is fundamental to the preservation of our Constitution.

Think about it. The *New York Times*. What is the *New York Times*? Is it a corporation? Yes, it is. Can the *New York Times* run an editorial every day saying they don't like this party or they don't like this Senator and criticize them repeatedly? Why, sure they can. But can Ford Motor Company defend its interests? Can it run an ad and say: We are getting a little bit tired of the Federal Government giving another \$3 billion to General Motors Acceptance Corporation and we don't get any money from the Federal Government to help Ford Motor Credit. Under the law the Supreme Court was dealing with in *Citizens United* the answer was no. That was wrong, and it threatened our Constitution. Under our constitution people ought to be free to push back and defend their interests, whether they do it individually or through a corporation. Otherwise, I think it allows us in Washington to appropriate power to ourselves—the power to benefit one another and avoid being criticized for it. I think that is the exact opposite of the robust political debate the Founding Fathers intended.

That is my two cents' worth. I think the case is one of significance. It is one we have debated here for so long. I know Senator McCONNELL, the Republican leader, has been so eloquent and consistent for probably 15 years in debating this issue. In many ways, this opinion validates some of the principal constitutional arguments he made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Madam President, for the past few days I have heard a number of my colleagues come to the floor to discuss whether this Congress should vote to raise the limit on the national debt. As this debate has unfolded, I am beginning to hear a familiar refrain from my friends on the other side of the aisle. Instead of offering constructive criticism or original ideas of their own, my Republican colleagues keep returning to the same irresponsible politics and empty rhetoric that got us into this mess in the first place. They seek to shift the blame and hold Democrats responsible for the failed policies that led us to this point.

The American people remember who really is responsible. In 2001, at the end of the last Democratic administration, our country enjoyed a \$236 billion budget surplus with a projected surplus of \$5.6 trillion over the next decade. But then Republicans took control of the Congress and the White House. Were they good stewards of the surplus left to us by the Clinton administration? Were they? Did they spend only what America could afford? Were they responsible with our pocketbook? After all, the decade is over. I ask, so where is the \$5.6 trillion surplus?

It is nowhere to be found. Republicans squandered our surplus by spending wildly on massive tax breaks for the wealthy and the special interests. They tried to place the blame on President Obama, but the reality is that this President inherited a massive deficit of \$1.3 trillion on the day he took office last year. Now, as we try to clean up the mess we have inherited, our Republican friends are trying to pass the buck. They seem to be more interested in scoring political points than making sound policy.

Who is going to be hurt if we don't extend this debt? We are all going to be hurt. It is not going to be Democrats who are hurt. It is not going to be Republicans. Every American is going to be hurt.

We need to raise the debt limit so that America can avoid the economic catastrophe that would be created if the United States defaulted on its debt. If we fail to take action now, our Nation's credit would be undermined, our economy would be further weakened, and important programs, such as Social Security and veterans' benefits, would be at grave risk. Raising the debt limit is the only responsible course of action at this time. It would not authorize one penny of new spending, but it would allow us to pay the

bills we have already incurred. We ate the meal. We had the dinner. Now we have to pay the check.

I am asking my Republican friends to join us on this measure. I am asking them to take responsibility for the mess they helped create and to be a part of the solution, rather than leaving other people to clean up their mistakes.

During the years when they were in control, Senate Republicans voted seven times to increase the debt limit. They refused to pay for major initiatives. They cut revenues and increased spending. It did not take a financial expert to recognize that this was just plain irresponsible. So when our Republican colleagues talk about fiscal responsibility, they are talking about an issue on which they have absolutely no credibility. Their record simply does not match their rhetoric. This demonstrates yet again that they do not have a plan to solve the economic challenges they helped create.

I believe it is time to move forward. Let's be honest with the American people. Let's work together to solve this problem rather than hiding behind the same irresponsible policies that got us here in the first place.

I call on my friends across the aisle to join us in passing this measure. This should not be a partisan issue. We all have a responsibility to keep this Nation on the road to economic recovery, and if we do not extend this debt ceiling, what will the consequences to the American people be? It is essential that we get an extension of this debt ceiling and that we pass this legislation and that we be responsible as we go forward in our programs and policies of spending so that we will not have to be back here time and time again talking about raising the debt ceiling. We must get it under control at this time because if we do not, a catastrophe could be overwhelming and we may not even recover from it.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURRIS.) Without objection, it is so ordered.

#### GLOBAL WAR ON TERROR

Mr. McCONNELL. Mr. President, as the Senate reconvenes in a new calendar year, it is hard not to notice that many of the toughest challenges we face in 2010 have been with us for a long time. Among the toughest and most persistent of these is the ongoing global war on terror. More than 8 years have now passed since September 11, 2001. Yet we are reminded every day of the need to remain as vigilant now as we were in the weeks and months after that terrible day.

This fact was recently brought home to us in a vivid way when a Nigerian-

born terrorist attempted to kill nearly 300 innocent people in the skies over Detroit on Christmas Day. What could have been a terrible tragedy became instead an urgent reminder to remain focused—a wake-up call, if you will.

But even before Abdulmutallab boarded the plane, many Americans had already begun to wonder whether we had become too slack over the past year in the fight against terrorism.

And who could blame them? Time and again, the administration has made decisions that suggest a pre-9/11 mindset of prosecution over prevention—decisions which have left most Americans scratching their heads and concluding that some of the administration's priorities are dangerously out of whack. Most Americans did not understand why the administration was in such a rush to close Guantanamo, for example, before it had a plan for dealing with the dangerous detainees who were held there. Most did not see why classified memos detailing interrogation techniques that had saved American lives were made public and thus available to the very people we are trying to keep from harming us. And most recently, most people were shocked again when we treated the Christmas Day bomber not as a potentially rich source of intelligence for stopping future attacks but as a common criminal who needed a lawyer. We should have gotten every bit of information we could have about this man's plans, his connections, and his cronies in al-Qaida on the Arabian Peninsula. Instead, the administration placed a higher priority on reading him his Miranda rights and on getting him a lawyer.

Even more outrageous is the administration's plan for getting information out of the Christmas Day bomber, offering him a plea bargain and a hope he will talk. These are just some of the signs that when it comes to prosecuting the war on terror, the administration has caused the pendulum to swing too far in the wrong direction.

No one denies a balance must be struck between preserving civil liberties and protecting the homeland. No one wants to sacrifice one for the other. But in many cases, all that is involved is a simple question of judgment. When a judgment call has to be made, our priorities should be clear: Keeping Americans safe should always—always—win out.

Over the past year, the administration has grappled with these questions. It sought to find the right balance. In some cases, it has gotten it wrong. In others, it has been quite sensible. The President was clear and convincing, for example, when he explained our goals in Afghanistan last December—to deny al-Qaida a safe haven, to reverse the Taliban's momentum and deny it the ability to control population centers, and to strengthen the capacity of Afghanistan's security forces and government so that they can take the lead

and take responsibility for Afghanistan's future. The President had it exactly right. But Americans know that in this fight, in the global war on terror, getting the strategy partly right will only lead to partial success. As the attempted Christmas Day bombing showed all too plainly, partial success isn't good enough.

So today I would like to discuss some of my own impressions of how our mission is going in the place where the attacks of September 11, 2001, were launched, and to describe the mission within the broader context of the global war that extends to places such as Yemen and to our own borders because success in one place overseas could easily be undermined by neglect in another, and success in both could still be undermined by neglect at home. We simply cannot prevail in this fight if we treat the various elements of it as separate events or if we fail to restore the proper balance between safety and civil liberties.

As the years wear on, it is easy for some to forget why we are still committing young men and women to fight in far off places such as Afghanistan or why our national security interests demand that we prevail. That is why it is important for us to recall that al-Qaida and other extremists were at war with the United States long before the attacks of 9/11.

The World Trade Center had been attacked 8 full years before the 19 hijackers destroyed it on September 11, 2001. The Khobar Towers bombing in 1996 killed 19 U.S. military personnel and injured hundreds more. Thousands were injured and hundreds were killed, including a dozen Americans, in the East Africa Embassy bombings in Nairobi and Dar es Salaam in 1998. That same year, Osama bin Laden declared that "the judgment to kill and fight Americans and their allies, whether civilian or military, is an obligation for every Muslim who is able to do so in any country." A year before 9/11, al-Qaida attacked the USS *Cole*, killing 17 sailors and injuring dozens more.

So 9/11 may have been the day we realized the consequences of inaction, but the pattern of attacks leading up to that day is undeniably clear. From the first days after 9/11, our strategy has been the same: to deny al-Qaida and its affiliates sanctuary and to deny them a staging ground from which they could plan or launch another attack on U.S. soil. This is why we resolved shortly after 9/11 to rid Afghanistan of the Taliban which had harbored al-Qaida and its leader Osama bin Laden.

We had early successes in that effort. By November 2001, the Taliban had been driven from Kabul. Soon after that, an international body met to name an interim government in Afghanistan to be led by its current president, Hamid Karzai.

But despite that early success, al-Qaida's senior leadership was able to find a safe haven in Pakistan's tribal

areas, and a few years later it had regained enough strength to once again pose a serious threat to the United States. Meanwhile, the Taliban had re-established its headquarters in Pakistan and gained enough strength as a result of inadequate Afghan security forces and poor governance to return to Afghanistan and to risk success to our mission there.

By last year, the situation had grown so perilous that our then recently appointed top general in Afghanistan, GEN Stanley McChrystal, issued a report stating that our failure to gain the initiative and reverse the momentum of the Taliban within 12 months could make defeating the insurgency impossible. It was largely as a result of that assessment that the President agreed last year to send 30,000 more troops to Afghanistan.

Earlier this month, I and some of my colleagues had the opportunity to visit Afghanistan and Pakistan to assess the situation on the ground firsthand. Among other things, we saw progress in the crucial southern provinces of Helmand and Kandahar. Although still in the early phases, General McChrystal's plan to clear these areas of Taliban, hold terrain, control the population, build Afghan security forces, and establish a viable government for future and long-term stability shows early signs of success, not unlike the kind of success during the surge in Iraq.

The Taliban continues to put up a fight. As recently as last week, Taliban leaders accused NATO forces of defiling the Koran, a charge that led to major protests in Garmsir. This Monday, the Taliban demonstrated its lethality when it launched an attack against the heart of the government in Kabul. But the bottom line is this: Our commitment and that of our partners has given Afghanistan and its government a chance to succeed. While ultimate success is far from certain, every member of our delegation was impressed with the quality of the people we have sent to Afghanistan and with the strategy that General McChrystal has put in place.

Pakistan must do its part. The ultimate success of our mission in Afghanistan depends upon the continued efforts of the Government of Pakistan to fight extremist networks in the tribal areas. Over the last year, Pakistan has waged aggressive campaigns in the Swat Valley and in South Waziristan. After meeting with the Pakistani Army's chief of staff and with Prime Minister Gilani, we concluded they genuinely believe their national interests will be served in defeating the Pakistani Taliban. Still, action against the Quetta Shura, the leadership of the Afghan Taliban harbored just across the border in neighboring Pakistan, isn't likely to occur until the Pakistanis are convinced—convinced—that the United States has the endurance to remain committed in both Pakistan and Afghanistan and to defeat the

Taliban in Afghanistan as well. In this regard, the leaders we spoke to in both countries were clearly troubled by the Obama administration's announced deadline of July 2011 for the withdrawal of U.S. forces.

We saw firsthand on our trip that the fight in Afghanistan and Pakistan is difficult, and the situation is fragile. But complicating matters even further is the resilience and determination of al-Qaida and its affiliates, and we must not fail to appreciate all the implications of this. In this regard, the administration showed a shocking lack of common sense when it failed to treat the Christmas Day bomber as an enemy combatant, instead reading him his Miranda rights and giving him a lawyer.

As I said earlier, in my view, the administration has on a number of instances struck the wrong balance over the past year between safety and civil liberties. Its preference for prosecuting a terrorist like the Christmas Day bomber in civilian courts shows a dangerous preoccupation with prosecution over prevention, just as its hasty decision to close Guantanamo showed a preoccupation with symbolism over security.

But whether it is Guantanamo, interrogation memos, or prosecuting terrorists in civilian courts, many of the administration's priorities in this fight appear to be dangerously misplaced. Take the case of Khalid Shaikh Mohammed. Here is the man who admits to planning the most catastrophic terrorist attack in U.S. history—nearly 3,000 people dead on our own soil in a single day. Yet once in court, he will enjoy all the rights and privileges of an American citizen. Classified information may be compromised, as it has been many times before in such cases. The consequences are easy to imagine.

Trying KSM in a civilian court makes even less sense in light of the fact the administration has decided to prosecute other foreign terrorists in a military commission, creating a baffling scenario in which those who target innocent people in the homeland are treated better than those who attack a military target overseas.

The administration also needs to ensure that our intelligence professionals and men and women in uniform are free to gather intelligence from detainees wherever they are captured. A U.S. marine assigned to a NATO-led security and development mission in Afghanistan shouldn't have to release or turn over a captured terrorist within 96 hours, as is now the case, nor should the Christmas Day bomber be treated as a common criminal at home when the nation where he met his al-Qaida handlers, Yemen, is actively pursuing al-Qaida in the Arabian Peninsula.

The intelligence community must be able to gather information from detainees in a way that is lawful and which protects American lives. Equilibrium between safety and civil liberties must be restored, and currently

it is not, in my view. A plea bargain for a terrorist who tried to blow a plane out of the sky on Christmas Day? It is wrong to think that al-Qaida would not use a civilian courtroom in New York or a long-term detention facility inside the United States for the same recruiting and propaganda purposes for which they have used other courts and Guantanamo in the past. This fact alone eliminates the administration's only justification for closing Guantanamo—that it was some kind of recruitment tool.

We need a place to send terrorists like the Christmas Day bomber—and that place is not a civilian courtroom or a prison in the Midwest. Once here, these terrorists will enjoy new legal rights, including, quite possibly, the right to be released into our country, as one Federal judge previously ordered with respect to a group of detainees from GTMO.

The war on al-Qaida will continue for years to come. In order to prevail, we must not only remain focused on the threat but also reliant on the reasonable tools that have served us well in the past. For example, now is not the time to experiment with the PATRIOT Act. We should clearly reauthorize its expiring provisions rather than eliminate one of them, sunset another, and tinker with those that remain, as the administration or some of its congressional allies propose.

As we continue to pursue this global network, we will rely more heavily on intelligence personnel, a point that was recently underscored by the December 30 suicide attack that killed seven CIA employees in Afghanistan. We mourn the loss of these brave Americans. Their sacrifice, along with the attempted Christmas Day bombing and the recent plot to attack the New York subway system, reminds us that the threat from al-Qaida and other extremists to our homeland has not—I repeat, not—diminished.

But in its eagerness to distinguish its own policies from those of the past, the administration has gone way too far. The reaction to the attempted Christmas Day bombing offered conclusive proof. Hoping that terrorists are incompetent is not enough to defeat them; and showing more concern about their Miranda rights than the right of Americans to be safe suggests a fundamental and dangerous shift in the priorities since 9/11.

The good news is this: The administration is doing the right thing in Afghanistan. If it recognizes some of its errors in the broader fight, there is good reason to hope historians will look back on 2010 as the turning point not only in our fight with the Taliban but also as the year in which America achieved a balance in the war against al-Qaida.

Soon we will have an opportunity to make a good first step in the direction of bipartisan balance. Once the Congress receives the war funding request from the Defense Department and the

administration, the Senate can demonstrate a new unity of purpose by quickly considering this legislation. This would signal our resolve not only to Americans but to our allies and to our forces in the field. This is not too much to hope for, and it is not too much to expect. Bipartisanship is not always easy to come by in Washington, but in the war on terror it is necessary, and in my view it is achievable.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

#### THE ECONOMY

Mr. CASEY. Mr. President, I rise tonight for two purposes. One is to talk about the state of our economy, the challenges we face but also the obligations we have to address those challenges, and, secondly, to speak for a couple minutes tonight about our brothers and sisters in Haiti and, in particular, children in Haiti.

Let me start with our economy here at home. We got word today in Pennsylvania—this is a newspaper story, an AP story, 3:52 p.m. The headline on this very brief story from the wire services is as follows. I know it cannot be read from that distance. But the headline is: "Pa. Jobless Rate Up, Jobs at Most Scarce in Decade."

It says:

A new report says that jobs in Pennsylvania were harder to find in December than they have been in more than a decade.

It goes on to talk about the unemployment rate jumping up four-tenths of a percent, to 8.9 percent. That is disturbing in a lot of ways. First of all, not just the rate, because sometimes when we look at the unemployment rate, it does not tell the whole story. Sometimes it undercounts the people who are not looking for work, and sometimes the numbers do not make sense.

What it means in real terms, in numerical terms, I should say, real people, it means that in Pennsylvania, there are well more than half a million people out of work. I cannot even imagine what those numbers look like proportionally, when you have States where the unemployment rate is 10 percent, 11 percent, 12 percent, and even higher in some States.

So it is bad enough in a State such as ours when you have 8.9 percent, what that translates into in terms of real life, real families, and the horrific impact of this recession. I cite that number, several of those numbers for a very basic reason. A lot of folks around here are looking for messages from the recent election in Massachusetts or they are looking for messages from the election of this past November.

I do not think you need to go very far or do a lot of election analysis to know

one of the central and overarching messages I have heard in Pennsylvania—and I am sure others have as well—and that message is this: The American people want us to focus on job creation right now. They do not want to hear about some long-term plan, a multiyear plan to create jobs. They want us to put on the table, to enact into law, strategic, short-term, effective job creation strategies that will have the effect of incentivizing small businesses to hire more employees.

The idea that I and others in the Senate have is a job creation tax credit. If you are a small business—in this case we drew the line at 100 or less; I know that is not often the dividing line—if they qualify, they get a 20-percent tax credit; higher than 100 employees, a 15-percent tax credit.

That kind of targeted and specific strategy for 1 year—this is a 1-year bill we are about to introduce—will have that effect. It is one of several things we have to do on job creation.

We have to have strategies, for example, that have as their intended target the positive impact on small business. All across Pennsylvania—and I think this is true across the country—it is not just the question of the unemployment rate going up and joblessness increasing, it is small business owners—I do not care where they are from—coming to us and telling us: Please help us with obtaining access to credit. There is no way a small business can grow if they cannot borrow. Our whole system is predicated on borrowing money so you can invest in a new plant and equipment, borrow money so you can hire another employee or two or three or more.

If they do not have access to credit, this economy cannot create jobs and grow jobs at a fast enough pace. So that has to be our focus. We also have to understand, as best we can from the distance of Washington and the security we feel here, most people in the Federal Government and certainly individual Members of the Senate do not have to worry about health care. They have it. They do not have to worry about a paycheck. They are getting that.

But even in those secure circumstances, we have to do everything we can to understand what real people are up against, what they are up against every day when they wake up in the morning. Even if they have a job, sometimes the costs that are impacting their budget, the costs of paying for health care, the costs of higher education, the costs just to make ends meet in their daily lives have never been more tested, never been more of a severe challenge.

So part of it is enacting job creation strategies, but that is not enough. Part of it is also speaking directly to the needs and the concerns and the anxiety and the sense of insecurity a lot of Americans feel. That is our No. 1 obligation.



I think, in addition to that, we should pass health care legislation. We do not know how that will happen in light of the new political realities here in Washington. But I think we need to do that as well.

But no matter what happened in the elections, no matter what happens on the issue of health care, job creation has to be the No. 1 priority, second to none, in terms of the work we do here in Washington.

I ask unanimous consent to have printed in the RECORD this very brief wire service story about the unemployment situation in Pennsylvania.

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

PA JOBLESS RATE UP, JOBS AT MOST SCARCE  
IN DECADE

[From the Associated Press, Jan. 2010]

HARRISBURG, PA. (AP)—A new report says jobs in Pennsylvania were harder to find in December than they have been in more than a decade.

The state Department of Labor and Industry said Thursday that statewide unemployment jumped to 8.9 percent last month.

The October rate also was 8.9 percent, the highest level in 25 years, before dipping to 8.5 percent in November.

The department says employers eliminated about 8,100 jobs in December, leaving Pennsylvania with fewer than 5.6 million jobs—the lowest level since September 1999.

The state's unemployment rate is below the national average of 10 percent. Among the 10 most populous states, only Texas' rate is lower.

Mr. CASEY. Let me conclude this part of my remarks by speaking for a couple minutes about what we have done in this past year: The Recovery and Reinvestment Act, known by—as many things are here—the acronym AARA, the American Recovery and Reinvestment Act. Those two words in the middle are very important, the word “recovery” and the word “reinvestment” because that is the intended effect of that legislation. It was the right legislation—not perfect but the right legislation—at the right time at the beginning or the early months of 2009.

But there are a lot of Americans who believe it is not being implemented fast enough. The jump-starting effect of the spending, whether it is on infrastructure or energy efficiency or investments in education, investments in health care, tax cuts for 95 percent of the American people, which was in the recovery bill, that all of that is not moving fast enough.

So one of the jobs we have, in addition to new strategies on job creation, is to implement, at a faster pace, at a faster rate, the recovery bill. I also believe we should remind ourselves that the recovery bill was not a 10-month bill. We are in about the 10th month right now.

But the spending that will create the jump-start of a positive economic effect is supposed to take place over 2 and 3 years, depending on the program, depending upon the initiative. So one

of the things we have to do is push the recovery bill aggressively to make sure those investments, whether they are recovery, getting our economy out of the ditch, so to speak, and moving down the road or whether they are expenditures that relate to reinvestment, reinvestment in people skills, reinvestment in their opportunities to have higher education, reinvestment or investment, in some cases, in people's ability to recover from this recession, unemployment insurance, COBRA health insurance extensions, food stamps. All those are critically important to our recovery.

For those who say: Well, I do not like when we spend money on unemployment insurance or food stamps—we get that criticism from folks once in a while—they should understand there is no comparison, at least according to the economist Mark Zandi, there is no comparison between tax cuts for wealthy folks versus unemployment insurance, food stamps, and other strategies in terms of their positive impact on the economy.

By one measurement that Mark Zandi pointed to, bang for the buck, if you spend a buck on unemployment insurance or spend a buck on food stamps, you get a return above \$1.50, you get as high as \$1.60 to \$1.70 in return. You cannot say that, according to his analysis, with regard to some of the tax cut policies we have seen here.

So investments in vulnerable Americans who are trying to recover from the recession—food stamps and unemployment insurance being the two best examples—those investments actually have a return to the taxpayer as well.

So what do we need to do? We have to focus on job creation. When we focus on that legislation, it should have a couple component parts or elements. First of all, stabilizing that safety net for vulnerable Americans which I just spoke of. Secondly, supporting small business in a very direct and targeted way. Investing and investing more in infrastructure, including broadband infrastructure, which is another kind of knowledge infrastructure and, finally, building a clean energy economy. If we continue to do that, we will create jobs, we will keep our environment clean, we will reduce our dependence on foreign oil and literally make us more secure from a national security standpoint.

I think a major part of job creation, in the short term, has to be a job creation tax credit.

#### HAITIAN ORPHANS

Mr. CASEY. Mr. President, over the past week, we have witnessed the immense destruction that the earthquake in Haiti and its subsequent aftershocks have wrought on the Haitian people. Old and young, rich and poor, weak and strong, no matter who you are, this earthquake has brought heartache and sadness to numerous lives.

First, I want to send my condolences to the people of Haiti and their family

and friends around the world who lost loved ones in this tragedy. I also want to send my condolences to our brave men and women in the U.S. Embassy who also have lost loved ones, but who are continuing to help the people of Haiti and Americans in Haiti in the midst of this natural disaster. These individuals represent the very best of what America encompasses.

I am proud that as soon as this earthquake struck our southern neighbor, the U.S. Government as well as the American people galvanized their resources to ensure that resources were delivered for people who have lost everything.

Today, I come to the floor to speak about a specific population that has been and will continue to be affected by this disaster, the most vulnerable population of all, Haitian orphans. Before the earthquake, these children were looking for families, for people to love them and for people to love. This quest has not changed; however, their tenuous situation in life only further deteriorated after the earthquake. While I know that everyone has suffered so much, these children are without the natural protection that parents provide. Therefore, it is our duty to be their voice and to make sure that if they survived the earthquake that they also survive this critical period of time while resources are trying to be delivered and a sense of order is trying to be restored.

This weekend several of my constituents have contacted me about their concern for this most vulnerable population. One constituent wrote:

Senator Casey:

I am writing on behalf of our friends, Michael and Monica Simonsen who have been in the process of adopting their son, Stanley Hermene (DOB: 4/9/2008), from Haiti since August 2008. Stanley was brought to Petit Anges de Chantal orphanage when he was only two months old. He was severely malnourished and covered in scabies. They have visited him in Haiti three times, each time bringing supplies and donations to the orphanage. The resources are scarce under normal circumstances and with the current crisis, there is a genuine concern that the children will not survive.

I am writing to request that you support initiatives created to help expedite the adoption process for children who already have completely committed U.S. approved families waiting at home. Expediting the process will not only secure their safety but will free up already scarce resources for children orphaned by this disaster.

Senator Casey:

After years of personal investment there, Jamie and Ali McMutrie, of Pittsburgh, Pennsylvania, have brought 30 children almost through the entire adoption process to anxiously waiting families here in America. Almost.

The recent earthquake of January 12th has destroyed their orphanage leaving Jamie and Ali to sleep outside on the lawn with all their children. With food and water in short supply and rioters all around, the clock is ticking for you to do something.

I am happy to report that Jamie and Ali McMutrie, who help run the BRESMA orphanage in Haiti, were able to evacuate 53 of their orphans and

united them with their American adoptive parents earlier this week. However, Jamie and Ali were not able to bring back all 150 children at their orphanage home. Many people across the nation like Michael and Monica Simonsen are still waiting to know that their child is safe and many orphans like Jamie and Ali's orphans who remain in Haiti still need food, clean water and a safe place to stay until they can complete an adoption process.

This Monday, the Department of Homeland Security announced that they would use their authority to extend humanitarian parole to Haitian orphans already in the adoptive process with an American family. I commend the Department of Homeland Security and the State Department's Office of Children's Issues for making this policy decision and I fully support their desire to assure that the best interests of these orphans are put first.

However, I am very concerned that when the Department of Homeland Security announced its decision to provide humanitarian parole, there was no plan at that time to ensure a safe and orderly process by which eligible orphans could be processed and evacuated.

I continue to hear reports that orphanage directors in Haiti are going to the U.S. Embassy and while some are being admitted others are being turned away. Some of these orphanages are more than 125 miles away. I am concerned for the safety of the 600-700 orphans that this announcement affects. They may be harmed trying to get to the embassy, and if they are okay on that journey and even succeed in obtaining travel documents, they may be harmed when they are told to wait back at the orphanage until a plane is available. I am also hearing from American families so desperate to ensure their child is safe that they are trying to make their way to Haiti. We don't need more chaos in an already chaotic situation.

I along with some of my colleagues have called on the State Department and USAID to set up safe havens for orphans, which will provide food, water and protection for all orphans as well as time to ensure that those orphans who are eligible for humanitarian parole are processed and evacuated in a timely manner. This is just one idea; however, in the absence of an alternative plan, more and more children will continue to show up at the Embassy's gate.

Therefore, I ask the administration to implement a plan to ensure that these 600-700 orphans are safely and efficiently processed and evacuated to be united with their awaiting adoptive parents, and that we work with the international community and other NGOs on the ground to ensure the safety of all orphans until they can be placed in loving homes. Again, I thank the U.S. governmental officials who have been working around the clock

trying to ensure the safety of these orphans and all those affected in Haiti.

"Though he brings grief, he will show compassion, so great is his unflinching love." Lamentations 3:32. In this time of darkness, I believe that Haiti can emerge in a better place. And I am grateful that our country will be a friend with Haiti in this endeavor.

Similar to a lot of Americans, I am not surprised but heartened and proud by the response of the American people, a tremendous outpouring of generosity. People in America from all walks of life recognized immediately that the people of Haiti, in the depths of an incalculable, an indescribable horror and tragedy, in the depths of that, the American people showed their generosity, they showed that they understand that our Haitian brothers and sisters are just that, they are part of the family, the human family, and they are our brothers and sisters.

The most vulnerable member of that family, in most instances—maybe not in every instance in every family but most of the time—will be a child. We are seeing unforgettable imagery and video of young children being rescued in Haiti, surviving for days at a time in the rubble and the horror they have been living through. Thank goodness so many people have invested in ways to save those children.

But what we still have to do a better job on is making sure that if a Haitian child is in the adoption process, is in the pathway, so to speak, to being adopted, we have to do everything possible, in addition to the obvious safeguarding, to provide that child with security, physical security and food and water and medicine and medical treatment and, in addition to that, that we provide, as expeditiously as possible, a process for their adoption and ways to make it possible for them to be adopted, that the adaptive parent or guardian can have that assurance but also so that child can be well on the way to being adopted.

We do not quite have that yet in terms of what the Federal Government can do and should do. I had a call late this afternoon with Secretary of State Clinton, who should be commended for her work, in a broad way, with regard to the response to the tragedy in Haiti but, in particular, her concern and her actions that she has taken to make sure these young children are taken care of. I will not go into all the details now, but let me cite in summary fashion that a number of my colleagues in the Senate and I have called upon the State Department and USAID to set up safe havens which will provide food, water, and protection for all orphans, as well as time to ensure that these orphans in Haiti who are eligible for what is called humanitarian parole—those who are on the way to being adopted through the process—that those who are eligible for that process, humanitarian parole, are indeed evacuated and processed in a timely manner.

This is just one idea, one way to help. In the absence of an alternative plan,

more and more children will continue to show up at the American Embassy. It is vitally important that happen.

I commend the work of our government at various levels in terms of what they have been doing to respond to the challenge posed by these orphans and their circumstances. I know in our home State of Pennsylvania, Governor Rendell and Congressman ALTMIRE worked very hard to bring some of these children back to Pennsylvania. I commend them for the effort they put forth. For all these reasons, there is plenty of evidence to show that the American people understand that these individuals, these families, and especially these children are God's children. We have to be cognizant of that as we go forward with sound policies in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me say to my colleague, Senator CASEY, his comments about the nearly unspeakable tragedy that has occurred in Haiti strike all of us in a very poignant way. I have been to Haiti. It is one of the poorest regions in the world. We have people in Haiti living in unbelievable poverty. Fly to the airport and near the airport is an area called City Soleil. It is a slum of nearly a half million people living in desperate conditions. The entire country of Haiti has suffered such immense difficulties for so long. The people of Haiti are wonderful people. To be visited now by this great tragedy with an unbelievable loss of life that will exceed 200,000 people is heartbreaking to me, and I know to all Americans who watch this tragedy play out on television as volunteers are digging through rubble and, in some cases, finding people still alive and, in most other cases, finding a lot of people who have lost their lives.

The American people are a people full of great generosity, and that expression of generosity in the form of contributions to organizations that are there helping these people is something that is very important. All of us can be proud of the generosity of this country and what is now happening in the outpouring of support.

CHAIRMAN BERNANKE

Mr. DORGAN. Mr. President, I rise to briefly explain why I am going to vote against the nomination of Mr. Ben Bernanke as Chairman of the Federal Reserve Board. Mr. Bernanke has been serving as Chairman of the Federal Reserve Board. I will be the first to say I think there are things that Mr. Bernanke has done that are very important to this country. He steered our country in a very difficult circumstance. There was a time when our economy could have completely collapsed, which would have been devastating. It was teetering on the precipice of that. Mr. Bernanke and others made decisions, some of which I thought were good decisions.

It is the case that Mr. Bernanke worked for the previous administration that in many ways created circumstances that took us to that cliff or near the cliff with economic policies. I will talk about that for a moment. But when Mr. Bernanke became Chairman of the Fed, I understood that his background fit fairly well what we were going through, and I think he did some things that should be commended and supported. I have told him that I supported a number of these actions that were very important.

One of those actions was to open, for the first time in history, the window at the Federal Reserve Board to extend credit directly from the Federal Reserve Board to the biggest investment banks in the country. It has always been the case that FDIC-insured banks, commercial banks, would have a window at the Fed to go get direct loans from the Fed, but it has never been the case that the investment banks were able to do that. During this great crisis, Fed Chairman Bernanke and the Board of Governors opened that window for direct lending from the Federal Reserve Board to the investment banks.

I wasn't critical at that moment. I didn't come to the floor and express criticism. I don't know exactly what they saw that persuaded them to do that. But some months later, I sent, along with nine of my colleagues who signed the letter, a letter, dated July 31, to Chairman Bernanke and said: The Federal Reserve Board took action to allow all of the major investment banks in the United States to effectively access direct lending from the Federal Reserve Board for the first time in history.

Down in the letter I say: We now urge you to release the names of financial institutions that have received the emergency assistance and how much each has received. The American taxpayers' funds were put at risk, and we believe the American people deserve information about the Federal Reserve Board's bailout activities to determine how much and what kind of funds were used, and so on.

We received a letter back from the Chairman of the Fed in which he said: Publicly releasing the information on the names of borrowers and amounts borrowed under the Federal Reserve Board liquidity program could seriously undermine our liquidity programs. He essentially said: I don't intend to tell you, and I don't intend to tell the Congress or the American people.

It is interesting to me that a Federal judge last year ordered the Fed to release the names of the institutions that received the emergency financial assistance from the Federal Reserve Board and the amount of the assistance. A Federal judge said to the Fed: You must release that information to the American people. The judge in this case, which was an FOIA case, found that the Federal Reserve had "improp-

erly withheld agency records." The judge said that the Fed's argument that borrowers would be hurt if their names were released was "conjecture without evidence of imminent harm." But the Fed went ahead to appeal the judge's ruling and, therefore, it has been stayed.

The American people are now in a situation where their Federal Reserve Board said for the first time in history: We will give the biggest investment banking institutions direct access to loan money from the Federal Reserve Board, and we don't intend to tell anybody who got it, how much they got, or what the concessions or prices were. We don't intend to give anybody that information.

I find that completely untenable. I just am not going to vote for the nomination of a Chairman of the Federal Reserve Board who says to Congress and the American people: Yes, we opened that window. We decided to do direct lending to the biggest investment banks, which, by the way, steered this country right into a huge wreck. Take a look at what and who caused this financial wreck that cost this economy \$15 trillion in wealth. American families had lost \$15 trillion in wealth.

The Federal Government had either spent or lent or committed \$12 trillion to bail out particularly Wall Street and the biggest firms on Wall Street. All of those biggest firms on Wall Street, I believe, and even those that are now the healthiest firms that are experiencing record profits and are preparing to pay out record bonuses of somewhere around \$120 to \$140 billion, those firms would not have survived. They would have gone under were it not for the help of the American people through their government.

The question for the Federal Reserve Board from the Congress and the American people is: What did you do? How much did you do? What was the collateral? Under what conditions? We need to know.

The Chairman of the Fed said he supports transparency. If that is the case, show us a little transparency. How is it that someone can possibly argue that telling us now that they gave \$200 billion here or \$1 trillion there to firms that are now showing record profits and preparing to pay the biggest bonuses, how can that possibly injure those firms? In fact, many of them have apparently paid the TARP funds back, let alone the direct loans from the Federal Reserve Board.

My only point is simple. I don't have a beef against Ben Bernanke personally. I kind of like him. I met him a number of times. I think he steered us through some tough times and probably made some good decisions at the right time. I also have some differences with him on economic policy and monetary policy. But I have a very big difference on this question. This question is controlling for me. If the Federal Reserve Board believes it has unlimited

capability to decide it will change the rules on everything, open a direct lending window and give it to the biggest investment houses in the country, and they don't intend to ever tell any of us what they did or why or how; they don't intend to disclose any of it, that is not what I call open government.

That is not something that is written in the Constitution. It is not something that this Congress should tolerate.

This Congress should say to Mr. Bernanke: Your nomination is here in front of the Senate. We will act on it as soon as you provide the information Senators have requested of you—by the way, the information that a Federal judge has already ordered that you disclose. As soon as you comply with that, then your nomination shall have a vote in the Senate.

I wanted to explain in more detail my response to people who had asked me what I was going to do on the nomination. That gives adequate explanation.

I also wanted to comment briefly that the President today said something quite extraordinary, and I want to compliment him for it. I know he is walking into a thicket of trouble because a whole lot of big interests are going to gang up on these proposals. Let me tell you the two proposals the President offered that make a lot of sense.

No. 1, he said big financial institutions that are too big to fail are too big. That is pretty simple. If they are too big to fail, they are just flat out too big. We ought to stop this concentration because too big to fail means no-fault capitalism. If they run themselves into trouble, the taxpayer picks up the tab. The taxpayer bails them out. That is what too big to fail means.

The President says no more. Let's get rid of that too-big-to-fail tag and let's decide that if they are that big, let's stop this concentration.

The President also has indicated that we ought to have financial institutions that are not trading in derivatives on their own proprietary accounts. I wrote a piece in 1994, 15 years ago, that was the cover story for Washington Monthly magazine. The piece I wrote was "Very Risky Business." I believe at the time there was \$16 trillion of notional value of derivatives in our country. I said what is happening is outrageous. We have taxpayer-insured banking institutions that are trading on derivatives in their own proprietary accounts, putting taxpayer money at risk. It is flat out gambling. I said they may just as well have a craps table or a Keno table in their lobby. Oh, they can still call it a bank, but it is a casino.

Fifteen years ago, I wrote that article. The fact is, we have gone through this unbelievable collapse of the economy—\$15 trillion of wealth lost by the American people—and we still have

these institutions trading on proprietary accounts. The President says it ought to stop. I agree with him.

The President also says we ought to separate, as Paul Volcker suggests, the FDIC-insured commercial banking institutions from the investment banks over here. They were put back together. I said on the floor of this Senate 10 years ago—five, six, eight times—and gave long speeches predicting that if you do this, if you fuse together commercial banks and investment banks, you are headed for trouble. I said on this floor: Within a decade I think you are going to see massive taxpayer bailouts. People have asked me: How did you find the crystal ball? I just guessed. But I worried that if you put this together, this is a bargain for trouble, this is asking for trouble. Ten years later, we have seen this unbelievable collapse.

The President is right; and it takes courage for him to say it—let's decide to separate investment banking from commercial banking. Paul Volcker has talked a lot about that, and he is right about it. So I know what is happening.

I just saw, in CongressDailyPM: "Banks Kick Off Effort Against Volcker Rule." "A furious lobbying effort among large banks was set off today by President Obama's announcement that he will push a rule forcing them to choose between being a commercial institution or an investment bank that focuses primarily on trading for its own profits." The President dubbed this plan the "Volcker Rule."

I met with Paul Volcker in my office recently. I have talked with him at some length about this. Paul Volcker is dead right, and so is the President. This is going to provoke an unbelievable battle here. I understand that. There is a lot at stake. The big interests—they want to keep doing what they are doing. The big investment banks, at the moment—you take a look at their balance sheet. They are not, by and large, loaning money to the interests in this country that desperately need it. They are trading on proprietary accounts and making a lot of money trading. The fact is, if they are still too big to fail—and they are—that is called no-fault capitalism, and it is our risk, not theirs.

None of them would be around anymore had the U.S. Government not stepped in to provide a safety net. Now they are telling us: Well, these changes the President and others suggest, they are radical changes. No, they are not. They are changes that go back to the future in many ways. They are changes that go back to a period—1999—before a piece of legislation that was passed by the Congress to decide: Let's put together these big old holding companies and put everything into one. One-stop financial shopping, they said. Compete with the Europeans. We will put up firewalls. It turned out they were made of tissue paper and the whole thing collapsed.

I just say I think the President has made the right call. It is gutsy. It is

going to provide a big fight around here. But it is not a secret, perhaps—given my history and what I have said in opposing the kinds of things that were done 10 years ago that set us up for this fall—it is not surprising that I fully intend to support the President's effort. I think it is critically important to get our financial system reformed and done right.

Then, it is important to do one other thing; and that is have regulators who do not brag about being willfully blind. We had a bunch of folks in here for a bunch of the last decade who said: Do you know what? We have decided to take this important government job—in any number of these regulatory areas—and we are proud to say we are probusiness. What does that mean? We are proud to say we are at the SEC, we are at this agency or that agency, and you all do whatever you want. We won't look. We won't watch.

In fact, some of them were so incompetent that even when people—whistleblowers—came and said: Bernie Madoff is running a Ponzi scheme, even when somebody told them what was going on, they did not have the guts or the time or the intelligence to investigate it.

But being willfully blind ought not be something to boast about anymore. Going forward, we want effective regulation. Regulation is not a four-letter word. The lack of regulation caused this crash in many ways and cost trillions of dollars to American families.

I am not suggesting overregulation. I am saying when you have certain areas that are regulatory in this government, to make sure the free market system works, and works well, when people commit fouls in the free market system in this area of competition, you need to have somebody there with a whistle and a striped shirt to blow the whistle and say: That's a foul. If you do not have that, the system does not work and the system gets completely haywire. That is what happened in the last decade. That is not a technical term, that haywire issue. But we have the right and the opportunity to get this right now, and I say to the President, good for you. This proposal is the right proposal.

Then, let's see, in the weeks ahead and the months ahead: Whose side are you on? I say to those in public service on these issues: Whose side are you on? Are you on the side of the big investment bankers who helped steer us into the ditch that involved substantial wagering and gambling here, and then we pick up the tab because it is no-fault capitalism on too-big-to-fail issues? Or are you going to stand up for the American people here and decide you have to put this back in place the right way? I hope we will have enough support to follow the President's lead on this issue.

Let me just make one final comment. I understand the need for a financial system that works. I admire bankers who do banking the old-fashioned way:

take deposits and make loans and do underwriting in between, looking in somebody's eyes to say: You want a loan? What is it for? Let me evaluate that. Can you repay this loan? That is underwriting. That is the way it works. The Presiding Officer, I know, ran a bank and understands that.

We need a good financial system. You even need investment banks. I know one of my colleagues once said: Investment banking is to productive enterprise like mud wrestling is to the performing arts. Well, that was tongue in cheek. But we need investment banks to take the riskier investments out there. But our investment banking system went completely off the map. We need good commercial banks that are capitalized. We need investment banks. All of that is important. We need to get it right. I do not mean to denigrate all finance because finance is very important in this system to help this free enterprise system work, to help people who want to start businesses and hire people. That is very important for our country.

So we will have that debate in a longer fashion in the weeks ahead.

Mr. President, I yield the floor and 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. Mr. President, 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. DORGAN. 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.

#### CITIZENS UNITED V. FEC

Mr. KAUFMAN. Mr. President, I wish to discuss today's regrettable Supreme Court decision in *Citizens United v. the Federal Election Commission*.

Despite nearly 100 years of statutes and precedent that establish the authority of Congress to limit the corrupting influence of corporate money in Federal elections, the Court today ruled that corporations are absolutely free to spend shareholder money with the intent to promote the election or defeat of a candidate for political office.

What makes today's decision particularly galling is that it is at odds with the testimony of the most recently confirmed members of the Court's majority, who during their confirmation hearings claimed to have a deep respect for existing precedent. Although claims of "judicial activism" are often lobbed, as if by rote, at judicial nominees of Democratic Presidents, including Justice Sotomayor, this case is just

one in a long line of disturbing cases in which purportedly “conservative” justices have felt free to disregard settled law on a broad range of issues—equal pay, antitrust, age discrimination, corporate liability, and now the corrupting influence of corporate campaign expenditures—all in ways that favor corporate interests over the rights of American citizens.

The majority opinion in *Citizens United* should put the nail in the coffin of claims that “judicial activism” is a sin committed by judges of only one political stripe. Indeed, as I have said before, charges of judicial activism, while persistent, are almost always unhelpful.

What is especially unhelpful about calling someone a judicial activist is that many times it is an empty epithet, divorced from a real assessment of judicial temperament.

As conservative jurist Frank Easterbrook puts it, the charge is empty:

Everyone wants to appropriate and apply the word so that his favored approach is sound and its opposite ‘activist.’ Then ‘activism’ just means Judges Behaving Badly—and each person fills in a different definition of ‘badly’.

In other words, the term “activist,” when applied to the decisions of a Supreme Court nominee, is generally nothing more than politically charged shorthand for decisions that the accuser disagrees with.

I don’t mean to say that the term “judicial activism” is necessarily without content. Indeed, legal academics and political scientists are hard at work trying to shape a set of common definitions. If we want to take the term seriously, it might mean a failure to defer to the elected branches of government, it might mean disregard for long-established precedent, or it might mean deciding cases based on personal policy preferences rather than “the law.”

I think it is fair to say that, based on any of these definitions, the Supreme Court’s current conservative majority has been highly “activist.”

Let me give just a few examples. In *U.S. v. Morrison*, decided in 2000, the Rehnquist Court struck down a key provision of the Violence Against Women Act. Congress held extensive hearings, made explicit findings and voted, 95 to 4, in favor of the bill. An activist Court chose to ignore all that and substitute its own constricted view of the proper role of the national government for that shared by both Congress and the States.

That same year, the Court decided *Kimel v. Florida Board of Regents*. The five-Justice majority concluded that private citizens could not sue States for age discrimination without their consent because of a general principle of sovereign immunity. This is another decision that was, simultaneously, conservative in terms of policy outcome and activist in terms of judging. It was conservative because it expanded

States’ rights and contracted anti-discrimination rights. It was activist both because it struck down the considered judgment of Congress and because it was based not at all on the text of the Constitution but instead on the policy preferences of five Justices.

In his dissent in *Kimel*, Justice Stevens said:

The kind of judicial activism manifested in such cases represents such a radical departure from the proper role of this Court that it should be opposed whenever the opportunity arises.

With the addition of Chief Justice John Roberts, Jr., and Justice Samuel Alito, Jr., the conservative majority of the current Court has continued to be highly activist.

In *Leegin v. PSKS*, the Court discarded 96 years of precedent in ruling that manufacturers may fix the prices that retailers charge. It elevated big manufacturers’ interests over those of the consumer based not on any change in facts or circumstances but, rather, based on the Court’s embrace of a particular economic theory.

Then there is *Parents Involved in Community Schools v. Seattle School District No. 1*, in which the Court rejected local community authority in the area of voluntary integration of public schools. Chief Justice Roberts’ plurality opinion for the four-person conservative bloc gave scant respect to a long line of desegregation precedents that afforded local communities discretion in this arena. Remember that this is the same Justice who, during his confirmation hearing, repeatedly professed his allegiance to *stare decisis*. If not for the opinion concurring in the judgment by Justice Anthony Kennedy, communities that want some modest measure of racial integration in their schools would be virtually powerless to act.

That brings us back to *Citizens United*. In reviewing what is wrong with the Court’s opinion in this case, it is hard to know where to begin. As with the cases listed above, the Court went out of its way to overturn settled precedent. As Justice Stevens said in his dissent, “The final principle of judicial process that the majority violates is the most transparent: *stare decisis*.”

Beyond ignoring precedent, the Court could have decided this case on far narrower grounds. *Citizens United* is a not-for-profit firm that exists to facilitate political advocacy. Those who contribute to that firm do so with full knowledge of the political ideas and candidates that the group is likely to support. As a result, when that group speaks it much more closely resembles an act of collective speech by its benefactors than the independent political views of a fictional corporate “person.” During the Supreme Court hearing on this case, the attorney for *Citizens United* recognized this distinction and admitted that its arguments “definitely would not be the same” if his client were a large for-profit enterprise, such as General Motors. But by

issuing the broadest possible reading, the majority opinion admits of no differences between *Citizens United* and General Motors.

Even if we accept that purpose-built political advocacy corporations have a right to direct resources to influence elections, how do we apply this to larger corporations that exist to make a profit? Who determines what candidates General Motors supports or opposes? Is it the board of directors? The CEO or other officers? Employees? All of these groups and individuals serve the corporation for the benefit of the shareholders. Even so, how are we to determine what speech the shareholders favor? And do we care if the shareholders are U.S. citizens or citizens of an economic, political, or military rival to the United States?

These are questions left unresolved by today’s reckless, immodest, and activist opinion. As we move forward, my colleagues in Congress and I will do our best to answer them. Boardroom executives must not be permitted to raid the corporate coffers to promote personal political beliefs or to curry personal favor with elected politicians. We must ensure that the corporation speaks with the voice of its shareholders, and we must ensure that those who would utilize the corporate form to magnify their political influence do not do so for improper personal gain or to impose the will of a foreign power on American citizens.

Today’s decision does far more than ignore precedent, make bad law, and leave vexing unanswered questions. As noted by Justice Stevens in his dissent, the “Court’s ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution.”

I share Justice Stevens’ fear. I am particularly concerned that the decision will erode the public’s confidence in its government at precisely the time when so many challenges—climate change, financial regulatory reform, health care, immigration reform, and the need to stimulate job creation—all call for bold congressional action. Our ability to meet our Nation’s pressing needs depends on our ability to earn and maintain the public’s trust.

Earning that trust will be all the more difficult in a world in which undiluted corporate money is allowed to drown out the voices of individual citizens and corrupt the political process.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JIM BLASINGAME

● Mr. BEGICH. Mr. President, I congratulate a hard-working Alaskan, Mr. Jim Blasingame, on his well-deserved retirement after many years of dedicated service to the Alaska Railroad Corporation, AKRR.

Thirty-five years ago, Mr. Blasingame commenced his employment with the AKRR. Since then, he

has proven to be an exceptional member of the AKRR family. One of his greatest accomplishments was the pivotal role he performed in assisting with the transference of the AKRR from Federal to State ownership. This greatly assisted in the development of the AKRR into an award winning, world class, State-owned corporation. His work has helped the AKRR safely operate and successfully contribute to the economic development of Alaska.

During his time with the AKRR, Mr. Blasingame was a mentor to his fellow railroaders and his leadership abilities resonated through the depots and rail yards. Outside work, Mr. Blasingame is a dedicated member of his community. He volunteers his time on behalf of several nonprofit organizations and in various civic board memberships.

The Alaska Railroad is a truly unique element of Alaska. For many Alaskans, the AKRR signifies a great source of pride. Running from Seward north to Fairbanks, the Alaska Railroad offers some of the most majestic views in America. Without Mr. Blasingame's commitment and enthusiasm towards developing the AKRR, this landmark of Alaskan culture would not be so today.

On behalf of Alaskans, I thank Mr. Blasingame for his many years of dedication and service to Alaska. Mr. President, I congratulate Mr. Blasingame and wish him the best of luck in retirement.●

#### TRIBUTE TO BARRY W. JACKSON

● Mr. BEGICH. Mr. President, on the occasion of his 80th birthday, January 27, I recognize the life achievements of a resident of Fairbanks, AK, Mr. Barry W. Jackson.

As a young man, Mr. Jackson served in the Marine Corps during World War II and later retired as major. While still working on his law degree from Stanford University in 1957, he travelled to Alaska and obtained a clerkship with a territorial judge.

After being admitted to the Alaska bar in 1959, he was hired as the city attorney for Fairbanks and later opened his own practice, concentrating on estate planning, personal injury, bankruptcy, family and real estate law.

Mr. Jackson also used his legal talents in the Alaska State Legislature. He served in the State house of representatives in the Fourth and Sixth State legislatures from 1965 to 1966 and 1968 to 1970 respectively, where he was a colleague of my late father, then State Senator Nick Begich. He served on the prestigious House Finance Committee and later in a leadership position as chairman of the House Judiciary Committee.

Mr. Jackson also served the Alaska Democratic Party as a convention chair and later, was chair of the Interior Democrats. Last October, I was privileged to attend a banquet in Fairbanks where the Interior Democrats honored Mr. Jackson for his many contributions to Alaska.

Perhaps his most significant career accomplishment was his work with Alaska tribes. Much of his legal career has been spent on Alaska Native social and justice causes.

In 1967, he was legal counsel to the State-sponsored Alaska Land Claims Task Force. Among task force's findings was a recommendation that legislation be introduced in Congress that would convey land to Native villages, pay a monetary settlement, form corporations organized by villages and regions and form a statewide corporation. Subsequently, a bill was introduced in 1968 by Alaska Senator Ernest Gruening and Mr. Jackson testified before congressional committee hearings throughout the year.

In the time leading to the passage of the Alaska Native Claims Settlement Act, ANCSA, in 1971, funding for attorneys grew short. Recognizing the monumental importance of the matter, Mr. Jackson took upon himself to work pro bono at great personal hardship to himself and his family. This deed typifies Barry's degree of dedication to a worthy cause.

Many have judged the ideas in the 1968 bill to be the foundation for ANCSA. In the book "Take My Land, Take My Life" published in 2001, Mr. Jackson was credited as being the first person who considered the concept of corporations for Alaska Native tribes.

Mr. Jackson is a tireless worker who still engages in his part-time private law practice. I wish Mr. Jackson a happy birthday, thank him for his military and legislative service and applaud him as one of the quiet, selfless contributors to the settlement of Alaska Native land claims.●

#### TRIBUTE TO RAYMAN DODSON

● Mr. LEVIN. Mr. President, I speak today in tribute to one of the citizens of my own hometown of Detroit, one of the thousands of decent, hard-working, community-minded Detroiters who make me so proud to call the city my home.

You will not find Rayman Dodson in the history books or the newspapers. But for the last 80 years, since he graduated from Northwestern High School, you would have found him doing what so many other Detroiters have done: working hard, and doing his part, building the lives that make up our city.

As an employee of Ford, Chrysler, the city's street railway, and in the homes of several of Detroit's most prominent citizens, Rayman earned a living sufficient for him and his beloved wife Margaret to buy a home on the city's east—side a place for Margaret to display her crystal collection. For decades, he has contributed to Mayflower Congregational Church of Christ.

Several years ago, Rayman lost his sight but not his interest in the world around him or his ability to delight his friends. Many of those friends are pre-

paring to help him celebrate his 100th birthday. I wish him well on that day, and congratulate him on a century well lived.●

#### RECOGNIZING APPLIED THERMAL SCIENCES

● Ms. SNOWE. Mr. President, as our country seeks a sustained recovery, we will be looking to innovative small businesses to jumpstart the Nation's economy. My home State of Maine is home to hundreds of such firms that display the stellar ingenuity and creativity of the American people. Today I recognize one of these businesses, Applied Thermal Sciences of Sanford, which has been at the cutting edge of engineering for over two decades.

Founded as a sole proprietorship in 1989, Applied Thermal Sciences, or ATS, is rooted in the promotion of thermal, structural and fluid sciences. Specifically, ATS, which was later incorporated in 1998, focuses on the research and development of fuel-efficient engines and propulsion systems. The company's high-skilled and diligent employees regularly work on a number of contracts for both government and industry, and their solutions are often recognized as groundbreaking. They fabricate prototypes in-house for testing, using computer modeling and simulations to ensure that these archetypes are of the highest quality.

The research facilities at ATS house critical engineering workstations, high-tech supercomputers, various analytical tools, and significant experimental lab space. Additionally, the fabrication facilities include a machine shop and laser welding equipment, giving them a leg up when competing for contracts and customers.

ATS employs a unique system that combines laser welding with a gas-metal arc weld, thereby enabling customers to manufacture products with improved metallurgical properties at higher speeds and with greater reliability and repeatability than typically possible. Utilizing this distinctive method, ATS is able to provide its clients the most advanced and state-of-the-art technology available. Indeed, because of this exceptional technology, ATS recently won a major multi-year award from Bath Iron Works to produce hybrid laser welded panels for the Navy's DDG 1000 destroyer, and later earned the 2008 Department of Defense Manufacturing Technology Achievement Award.

One of ATS's most impressive prototypes is the high-performance toroidal engine concept, or HiPerTEC, engine. This inventive technology, which is hundreds of pounds lighter than a traditional engine of similar power, provides an unprecedented power-to-weight ratio in an internal combustion engine. Additionally, HiPerTEC's combustion processes are extraordinarily fuel efficient, a crucial concern for ATS's numerous clients. Another of

ATS's ground-breaking projects is its low-cost flight test platform which seeks to acquire knowledge in the operation of ramjet and scramjet engines. Funded by the Office of Naval Research, the platform provides a cost savings of 90 to 95 percent, bridging the gap between ground testing and traditional, high-cost flight testing.

Leading the way in accelerating remarkable technological advances, Applied Thermal Sciences has earned the trust of its public and private clients by consistently providing them with cost-effective and forward-looking solutions. I thank Karl Hoose, the firm's president and owner, ATS's vice president Fred Webber, and everyone at the company for their remarkable work, and wish them continued success in the future.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, 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 and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:14 a.m., a message from the House of Representatives, delivered by Ms. Niland, 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. 2611. An act to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

H.R. 4462. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

#### ENROLLED BILL SIGNED

At 2:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2611. An act to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2939. A bill to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4207. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-243, "Waterfront Park at the Yards Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4208. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-244, "F Street, N.W., Downtown Retail Priority Area Clarification Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4209. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-245, "Affordable Housing For-Sale and Rental Distribution Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4210. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-242, "Unused Pharmaceutical Safe Disposal Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4211. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-246, "Income Tax Joint Filing Clarification Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4212. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-247, "Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4213. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-261, "Homeland Security and Emergency Management Agency Use of Video Surveillance Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4214. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 18-262, "Private Adoption Fee Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4215. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, a report relative to competitions initiated or conducted in fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4216. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4217. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2010-2015 Strategic Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-4218. A communication from the President of the James Madison Memorial Foundation, transmitting, pursuant to law, the Foundation's annual report for the year ending September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4219. A communication from the Inspector General of the Department of Energy, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4220. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4221. A communication from the Grants Management Officer, Management Directorate, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Department of Homeland Security Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4222. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4223. A communication from the Executive Director of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's annual FAIR Act Inventory Summary for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4224. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2009, through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4225. A communication from the Chief Financial Officer of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report relative to financial integrity for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4226. A communication from the Acting Director of Infrastructure Security Compliance, National Protection and Programs Directorate, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Appendix to Chemical Facility Anti-Terrorism Standards" (RIN1601-AA41) as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4227. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "State Technical Committees Final Rule" (RIN0578-AA51) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4228. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Compliance with NEPA Interim Final Rule" (RIN0578-AA55) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4229. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Republic of Korea with Regard to Foot-and-Mouth Disease and Rinderpest" (Docket No. APHIS-2008-0147) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4230. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Movement of Fruit From Quarantined Areas" (Docket No. APHIS-2009-0023) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4231. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 09-141, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4232. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 135-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4233. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 130-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding

any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4234. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 122-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4235. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 103-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4236. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 142-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4237. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 153-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4238. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 117-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4239. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Iran-Related Multilateral Sanction Regime Efforts"; to the Committee on Armed Services.

EC-4240. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Lead System Integrators" (DFARS Case 2006-D051) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Armed Services.

EC-4241. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Business Systems—Definition and Administration" (DFARS Case 2009-D038) as received during adjournment of the

Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Armed Services.

EC-4242. A communication from the Under Secretary of Defense (Policy), transmitting a report relative to cleanup operations due to the use of weapons systems, and munitions containing depleted uranium in a number of countries, including Saudi Arabia, Kuwait, Iraq and Afghanistan; to the Committee on Armed Services.

EC-4243. A communication from the Deputy Assistant Secretary for Import Administration, Foreign Trade Zones Board, Department of Commerce, transmitting, pursuant to law, an annual report on the Activities of the Foreign-Trade Zones Board, for fiscal year 2008; to the Committee on Finance.

EC-4244. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Class 9 Bonded Warehouse Procedures" (RIN1505-AB85) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Finance.

EC-4245. A communication from the Senior Advisor for Regulations, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Revisions to the Supplemental Security Income (SSI) Regulations on Income and Resources" (RIN0960-AG66) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Finance.

EC-4246. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Correcting Failures of Nonqualified Deferred Compensation Plans to Comply with Section 409A" (Notice 2010-6) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Finance.

EC-4247. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Certain Obligations under section 956(c)" (Notice 2010-12) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Finance.

EC-4248. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Total Return Swaps (TRSs) Used to Avoid Dividend Withholding Tax" (LMSB-4-1209-044) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4249. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-4" (Rev. Proc. 2010-4) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4250. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2010-3, Annual Update of Domestic No-Rule Areas" (Rev. Proc. 2010-3) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Finance.



EC-4251. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-5" (Rev. Proc. 2010-5) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4252. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-6" (Rev. Proc. 2010-6) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4253. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-8" (Rev. Proc. 2010-8) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4254. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Approval of Changes in Funding Method for Takeover Plans and Changes in Pension Valuation Software" (Announcement 2010-3) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Finance.

EC-4255. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States and Entry Modified for Clarification" (RIN0694-AE78) as received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4256. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Exception to the Maturity Limit on Second Mortgages" (RIN3133-AD64) as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4257. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 740—Accuracy of Advertising and Notice of Insured Status, and 12 CFR Part 745—Share Insurance and Appendix" (RIN3133-AD54; RIN3133-AD55) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4258. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-8053)) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4259. A communication from the Associate General Counsel for Legislation and

Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System—Amendments" ((RIN2501-AD48) (FR-5351-F-02)) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4260. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13396 with respect to Cote d'Ivoire Sanctions; to the Committee on Banking, Housing, and Urban Affairs.

EC-4261. A communication from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the awarding of a sole-source bridge contract to provide property management support for Federal Housing Administration Single Family Homes; to the Committee on Banking, Housing, and Urban Affairs.

EC-4262. A communication from the Secretary of the Department of Commerce, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-4263. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to Executive Order 13346 of July 8, 2004, the annual certification of the effectiveness of the Australia Group; to the Committee on Banking, Housing, and Urban Affairs.

EC-4264. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was declared in Executive Order 12938 with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC-4265. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AD29) as received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4266. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, a report on the Bank's system of internal controls for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4267. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's management report for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4268. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9100-1) received during adjournment of the Senate in the Office of the President of

the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4269. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9097-2) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4270. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9096-9) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4271. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Deadline for Promulgation Designations for the 2008 Ozone National Ambient Air Quality Standards" (FRL No. 9102-2) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4272. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Puerto Rico; Guaynabo PM10 Limited Maintenance Plan and Redesignation Request" (FRL No. 9091-4) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4273. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky: Approval of Revisions to the State Implementation Plan" (FRL No. 9102-6) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4274. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi; Update to Materials Incorporated by Reference" (FRL No. 9088-6) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4275. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District" (FRL No. 9097-1) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4276. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Update to Include New Jersey State Requirements" (FRL No. 9103-3) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4277. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Alaska" (FRL No. 9095-9) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4278. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Alaska" (FRL No. 9095-8) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4279. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the Reports of Building Project Survey for Panama City, FL and Clarksburg, WV; to the Committee on Environment and Public Works.

EC-4280. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Changes in the Regulations Governing Falconry" (RIN1018-AW44) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Environment and Public Works.

EC-4281. A communication from the President of the United States, transmitting, pursuant to D.C. Code 1-204.34(d)(1), in accordance with, and to effectuate, the District of Columbia Judicial Nomination Commission's nomination of Milton C. Lee, Jr. to be an Associate Judge of the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

EC-4282. A communication from the Chair of the District of Columbia Judicial Nomination Commission, transmitting, pursuant to D.C. Code 1-204.34(d)(1), the nomination of Milton C. Lee, Jr. to be an Associate Judge for the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 375. A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes (Rept. No. 111-118).

S. 313. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes (Rept. No. 111-119).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

O. Rogerie Thompson, of Rhode Island, to be United States Circuit Judge for the First Circuit.

Robert William Heun, of Alaska, to be United States Marshal for the District of Alaska for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## 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. PRYOR (for himself and Mr. CARDIN):

S. 2942. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENSIGN, and Mr. BOND):

S. 2943. A bill to require the Attorney General to consult with appropriate officials within the executive branch prior to making the decision to try an unprivileged enemy belligerent in Federal civilian court; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mrs. HUTCHISON, Mr. VITTER, Mr. CHAMBLISS, Mr. ROBERTS, Mr. LEMIEUX, and Mr. ISAKSON):

S. 2944. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review all visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 2945. A bill to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW:

S. 2946. A bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI (for herself, Mrs. LINCOLN, Mr. BARRASSO, Mr. NELSON of Nebraska, Mr. CHAMBLISS, Ms. LANDRIEU, Mr. THUNE, Mrs. HUTCHISON, Mr. GRAHAM, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, Mr. GRASSLEY, Mr. ALEXANDER, Mr. BOND, Mr. INHOFE, Mr. BUNNING, Mr. CRAPO, Mr. BROWNBACK, Mr. ROBERTS, Mr. MCCONNELL, Mr. ENZI, Mr. MCCAIN, Mr. WICKER, Mr. LUGAR, Mr. CORKER, Mr. COCHRAN, Mr. KYL, Mr. BENNETT, Mr. RISCH, Mr. JOHANNES, Mr. SESSIONS, Mr. VOINOVICH, Mr. BURR, Mr. SHELBY,

Mr. GREGG, Mr. HATCH, Mr. LEMIEUX, and Mr. DEMINT):

S.J. Res. 26. A joint resolution 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; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. SCHUMER, and Mr. ROCKEFELLER):

S. Res. 390. A resolution prohibiting text messaging by employees of the Senate while driving on official business; to the Committee on Rules and Administration.

By Mr. CRAPO (for himself, Ms. KLOBUCHAR, and Mr. VITTER):

S. Res. 391. A resolution recognizing the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys' offices and other components of the Department of Justice; considered and agreed to.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. NELSON of Florida, Mr. DODD, Mr. LEAHY, Mr. MENENDEZ, Mr. BURRIS, Ms. STABENOW, Mr. SANDERS, Mr. BENNETT, Ms. MIKULSKI, Mr. DORGAN, Mr. JOHNSON, Mr. DURBIN, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. BROWN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. CARPER, Mr. LAUTENBERG, Mr. KIRK, Mr. BEGICH, Mr. BAYH, Mr. WYDEN, Ms. KLOBUCHAR, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. CASEY, Mr. CARDIN, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. KOHL, Mr. INOUE, Mr. AKAKA, Mr. FEINGOLD, Mr. WHITEHOUSE, Mrs. HAGAN, Mr. REED, Mr. CORKER, Mr. ROCKEFELLER, Mr. BARRASSO, Mr. ISAKSON, Mr. KAUFMAN, and Mr. REID):

S. Res. 392. A resolution expressing the Sense of the Senate on the humanitarian catastrophe caused by the January 12, 2010 earthquake in Haiti; considered and agreed to.

By Mrs. HAGAN (for herself and Mr. BURR):

S. Res. 393. A resolution recognizing the contributions of the American Kennel Club; to the Committee on the Judiciary.

By Mr. BURRIS (for himself and Mr. DURBIN):

S. Res. 394. A resolution congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 694

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of

S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 936

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 936, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 1058

At the request of Mr. UDALL of Colorado, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of S. 1058, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1234

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1234, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 1329

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1329, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 1345

At the request of Mr. REED, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2796

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs.

LINCOLN) was added as a cosponsor of S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2853

At the request of Mr. CRAPO, his name was withdrawn as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

At the request of Mr. BROWNBACK, his name was withdrawn as a cosponsor of S. 2853, *supra*.

S. 2885

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2885, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

S. 2908

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2908, a bill to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, and for other purposes.

S. 2926

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2926, a bill to amend the XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010, to provide an additional round of economic recovery payments to certain beneficiaries, and to assess the need for a consumer price index for elderly consumers to compute cost-of-living increases for certain governmental benefits.

S. 2936

At the request of Mr. BAUCUS, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from Alaska (Mr. BEGICH), the Senator from Montana (Mr. TESTER), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. ROBERTS), the Senator from Tennessee (Mr. ALEXANDER), the Senator from South Dakota (Mr. THUNE), the Senator from Colorado (Mr. BENNET) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2936, a bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

S. 2938

At the request of Mr. THUNE, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms.

COLLINS), the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. RISCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2938, a bill to terminate authority under the Troubled Asset Relief Program, and for other purposes.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) 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.

S. RES. 373

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 373, a resolution designating the month of February 2010 as "National Teen Dating Violence Awareness and Prevention Month".

AMENDMENT NO. 3301

At the request of Mr. THUNE, the names of the Senator from Arizona (Mr. KYL), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Utah (Mr. HATCH), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. RISCH), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. TESTER), the Senator from Georgia (Mr. ISAKSON) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of amendment No. 3301 proposed to H.J. Res. 45.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. CARDIN):

S. 2942. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program; to the Committee on Health, Education, Labor, and Pensions.

Mr. PRYOR. Mr. President, I rise today with Senator CARDIN to introduce the Nanotechnology Safety Act of 2010 which will authorize a program of scientific investigation by the Food and Drug Administration on nanotechnology-based medical and health products.

Nanotechnology holds great promise to revolutionize the development of new medicines, drug delivery, and orthopedic implants while holding down the cost of health care. However, Congress and the FDA must assure the

public that nanotechnology-based products are both safe and efficacious. The Nanotechnology Safety Act of 2010 will enable the FDA to properly study how nanomaterials are absorbed by the human body, how nanomaterials designed to carry cancer fighting drugs target and kill tumors, and how nanoscale texturing of bone implants can make a stronger joint and reduce the threat of infection.

Nanotechnology, or the manipulation of material at dimensions between 1 and 100 nanometers, is a challenging scientific area. To put this size scale in perspective, a human hair is 80,000 nanometers thick.

Nanomaterials have different chemical, physical, electrical and biological characteristics than when used as larger, bulk materials. For example, nanoscale silver has exhibited unique antibacterial properties for treating infections and wounds. Nanomaterials have a much larger ratio of surface area to mass than ordinary materials do. It is at the surface of materials that biological and chemical reactions take place, and so we would expect nanomaterials to be more reactive than bulk materials.

The novel characteristics of nanomaterials mean that risk assessments developed for ordinary materials may be of limited use in determining the health and public safety of products based on nanotechnology.

The FDA needs the tools and resources to assure the public that nanotechnology-based medical and health products are safe and effective. The development of a regulatory framework for the use of nanomaterials in drugs, medical devices, and food additives must be based on scientific knowledge and data about each specific technology and product. Without a robust scientific framework there is no way to know what data to collect. More than a dozen material characteristics have been suggested even for relatively simple nanomaterials. Without better scientific knowledge of nanomaterials and their behavior in the human body, we do not know what data to collect and examine.

In 2007, the FDA Nanotechnology Task Force published a report analyzing the FDA's scientific program and regulatory authority for addressing nanotechnology in drugs, medical devices, biologics, and food supplements. A general finding of the report is that nanoscale materials present regulatory challenges similar to those posed by products using other emerging technologies. However, these challenges may be magnified because nanotechnology can be used to make almost any FDA-regulated product. Also, at the nanoscale, the properties of a material relevant to the safety and effectiveness of the FDA-regulated products might change.

The Task Force recommended that the FDA focus on improving its scientific knowledge of nanotechnology to help ensure the agency's regulatory ef-

fectiveness, particularly with regard to products not subject to premarket authorization requirements.

The FDA has already reviewed and approved some nanotechnology-based products. In the coming years, they expect a significant increase in the use of nanoscale materials in drugs, devices, biologics, cosmetics, and food. This will require the FDA to devote more of its regulatory attention to nanotechnology based products.

Let me talk for a few minutes about two areas where nanotechnology is already being applied to health care.

The early detection of cancer and multifunctional therapeutics.

The early detection of cancer can result in significant improvement in human health care and reduction in cost. Nanotechnology offers important new tools for detection where existing and more conventional technologies may be reaching their limits. The present obstacle to early detection of cancer lies in the inability of existing tools to detect these molecular level changes directly during early phases in the genesis of a cancer. Nanotechnology can provide smart contrast agents and tools for real time imaging of a single cell and tissues at the nanoscale.

Nanotechnology promises a host of minimally-invasive diagnostic techniques and much research is aimed at ultra-sensitive labeling and detection technologies. In the *in vitro* area, nanotechnology can help define cancers by molecular signatures denoting processes that reflect fundamental changes in cells and tissues that lead to cancer. Already, investigators have developed novel nanoscale *in vitro* techniques that can analyze genomic variations across different tumor types and distinguish normal from malignant cells.

In the *in vivo* area, one of the most pressing needs in clinical oncology is for imaging agents that can identify tumors that are far smaller than is possible with today's technology. Achieving this level of sensitivity requires better targeting of imaging agents and generation of a larger imaging signal, both of which nanoscale devices are capable of accomplishing.

Perhaps the greatest near-term impact of multifunctional therapeutic compounds will come in the area of tumor targeting and cancer therapies. Nanotechnology can be used to develop new methods of drug delivery that better target selected tissues and cells, and to improve on the efficiency of drug activity in the cytoplasm or nucleus. Drug delivery applications will provide a solution to solubility problems, as well as offer intracellular delivery possibilities.

The introduction of nanotechnology to multifunctional therapeutics is at an early stage of development. The delivery of nanoscale multifunctional therapeutics could permit very precise site specific targeting of cancer cells. More sophisticated "smart" systems for drug delivery still have to be devel-

oped that sense and respond to specific chemical agents and are tailored to each patient. Multifunctional therapeutic devices need to be developed that simultaneously detect, diagnose, treat and monitor response to the therapy. For example, various nanomaterials can be made to link with a drug, a targeting molecule and an imaging agent to seek out cancers and release their payload when required.

The FDA has already begun to devote some resources to the understanding of the human health effects and safety of nanotechnology. It has established a Nanotechnology Core Facility at the FDA's Jefferson Arkansas Laboratories. Combining the expertise of the National Center for Toxicological Research and the Arkansas Research Laboratory, which is part of the FDA Office of Regulatory Affairs, this new Nanotechnology Core Facility will support nanotechnology toxicity studies, develop analytical tools to quantify nanomaterials in complex matrices, and develop procedures for characterizing nanomaterials in FDA-regulated products.

In conclusion, the Nanotechnology Safety Act of 2010 will provide the FDA the authority necessary to scientifically study the safety and effectiveness of nanotechnology-based drugs, delivery systems, medical devices, orthopedic implants, cosmetics, and food additives regulated by the agency. This bill is a sound investment on the promise of nanotechnology to improve human health and reduce costs in the 21st Century.

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. 2942

*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 "Nanotechnology Safety Act of 2010".

**SEC. 2. NANOTECHNOLOGY PROGRAM.**

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

**"SEC. 1011. NANOTECHNOLOGY PROGRAM.**

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Nanotechnology Safety Act of 2010, the Secretary of Health and Human Services, in consultation with the Secretary of Agriculture, shall establish within the Food and Drug Administration a program for the scientific investigation of nanoscale materials included or intended for inclusion in FDA-regulated products, to address the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

"(b) PROGRAM PURPOSES.—The purposes of the program established under subsection (a) shall be to—

"(1) assess scientific literature and data on general nanoscale material interactions with biological systems and on specific nanoscale materials of concern to Food and Drug Administration;

"(2) develop and organize information using databases and models that will enable

the formulation of generalized principles for the behavior of classes of nanoscale materials with biological systems;

“(3) promote intramural Administration programs and participate in collaborative efforts, to further the understanding of the science of novel properties at the nanoscale that might contribute to toxicity;

“(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanoscale materials;

“(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanoscale materials with biological systems;

“(6) build scientific expertise on nanoscale materials within such Administration;

“(7) ensure ongoing training, as well as dissemination of new information within the centers of such Administration, and more broadly across such Administration, to ensure timely, informed consideration of the most current science;

“(8) encourage such Administration to participate in international and national consensus standards activities; and

“(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

“(c) PROGRAM ADMINISTRATION.—

“(1) PROGRAM MANAGER.—In carrying out the program under this section, the Secretary shall designate a program manager who shall supervise the planning, management, and coordination of the program.

“(2) DUTIES.—The program manager shall—

“(A) develop a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

“(B) coordinate and integrate the strategic plan with investments by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

“(C) develop intramural Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

“(d) REPORTS.—Not later than March 1, 2012 and March 1, 2014, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the program carried out under this section. Such report shall include—

“(1) a review of the specific short- and long-term goals of the program;

“(2) an assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities; and

“(3) a review of the coordination of activities under the program with other departments and agencies participating in the National Nanotechnology Initiative.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$25,000,000 for each of fiscal years 2011 through 2015. Amounts appropriated pursuant to this subsection shall remain available until expended.”

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENSIGN, and Mr. BOND):

S. 2943. A bill to require the Attorney General to consult with appropriate officials within the executive branch

prior to making the decision to try an unprivileged enemy belligerent in Federal civilian court; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, yesterday the Senate Homeland Security Committee heard testimony from the three top U.S. intelligence officials about the errors that the Federal Government made leading up to the thwarted Christmas Day plot. We dodged a bullet that day when Umar Farouk Abdulmutallab, a Nigerian-born terrorist, failed to detonate a bomb on flight 253 in the skies above Detroit.

But today, Mr. President, I rise to discuss an error that was made after that foreign terrorist had already been detained by American authorities in Detroit, an error that may well have prevented the collection of valuable intelligence about future terrorist threats to our country. The error became clear during my questioning of three of our Nation's top intelligence officials at the committee's hearing yesterday. Frankly, Mr. President, I was stunned to learn that the decision to place the captured terrorist into the U.S. civilian criminal court system had been made without any input or the knowledge of the Director of National Intelligence, the Director of the National Counterterrorism Center, or the Secretary of the Department of Homeland Security. That is right, Mr. President, these officials were never consulted by the Department of Justice before the decision was made.

That decision was critical. The determination to charge Abdulmutallab in civilian court likely foreclosed the collection of additional intelligence information. We know that the interrogation of terrorists can provide critical intelligence, but our civil justice system, as opposed to the military detention and tribunal system established by Congress and the President, encourages terrorists to lawyer up and to stop answering questions. Indeed, that was exactly what happened in the case of Abdulmutallab. He had provided some valuable information to law enforcement officials in the hours immediately after his capture, and we surely would have obtained more information if we had treated this foreign terrorist as an enemy belligerent and had placed him in the military tribunal system. Instead, once he was read his Miranda rights, given a lawyer at our expense, he was advised to cease answering questions, and that is exactly what he did.

That poor decisionmaking may well have prevented us from finding out more of Yemen's role in training terrorists and more about future plots that are underway in Yemen targeting American citizens in this country or abroad. Good intelligence is clearly critical to our ability to stop terrorist plots before they are executed. We know that lawful interrogations of terrorist suspects can provide important intelligence. To charge Abdulmutallab

in the civilian criminal system without even consulting three of our Nation's top intelligence officials simply defies common sense.

To correct this failure and to ensure that our Nation's senior intelligence officials are consulted before making the decision to try future foreign terrorists in civilian court, I am today introducing a bill that would require this crucial consultation. I am very pleased to be joined by the chairman of the Homeland Security Committee, Senator LIEBERMAN, who has been such a leader in this entire area, as well as by three other Senators, Senator BOB BENNETT, Senator JOHN ENSIGN and Senator KIT BOND, who are also concerned about the testimony yesterday.

Specifically, our bill would require the Attorney General to consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense before initiating a custodial interrogation of foreign terrorists or filing civilian criminal charges against them. These officials, Mr. President, are in the best position to know what other threats the United States is facing from terrorists and to assess the need to gather more intelligence on those threats.

If there is a disagreement between the Attorney General and these intelligence officials regarding the appropriate approach to the detention and interrogation of foreign terrorists, then the bill would require the President to resolve the disagreement. Only the President would be permitted to direct the initiation of civilian law enforcement actions—balancing his constitutional responsibilities as Commander in Chief and as the Nation's chief law enforcement officer.

To be clear, this legislation would not deprive the President of any investigative or prosecutorial tool. It would not preclude a decision to charge a foreign terrorist in our military tribunal system or in our civilian criminal justice system. It would simply require that the Attorney General coordinate and consult with our top intelligence officials before making a decision that could foreclose the collection of critical additional intelligence information.

This consultation requirement is not unprecedented. Section 811 of the Counterintelligence and Security and Enhancements Act of 1994 requires the Director of the FBI and the head of a department or agency with a potential spy in its ranks to consult and periodically reassess any decision to leave the suspected spy in place so that additional intelligence can be gathered on his activities.

As the Senate Intelligence Committee noted in its report on the legislation that added the espionage consultation requirement:

While prosecutorial discretion ultimately rests with the Department of Justice officials, it stands to reason that in cases designed to protect our national security—such

as espionage and terrorism cases—prosecutors should ensure that they do not make decisions that, in fact, end up harming the national security.

The committee got it right. The committee went on to explain:

[T]he determination of whether to leave a subject in place should be retained by the host agency.

The history of the espionage consultation requirement is eerily reminiscent of the lack of consultation that occurred in the case of Abdulmutallab. In espionage cases, Congress has already recognized that when valuable intelligence is at stake, our national security should trump decisions based solely on prosecutorial equities. This requirement must be extended to the most significant threat facing our Nation, and that is the threat of terrorism.

I encourage the Senate to act quickly on this important legislation. The changes proposed are modest. They make common sense. But the consequences could be a matter of life and death.

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. 2943

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

#### SECTION 1. CONSULTATION REQUIREMENT.

(a) IN GENERAL.—Subject to subsection (b), no action shall be taken by the Attorney General, or any officer or employee of the Department of Justice, to—

- (1) initiate a custodial interrogation of; or
- (2) file a civilian criminal complaint, information, or indictment against;

any foreign person detained by the United States Government because they may have engaged in conduct constituting an act of war against the United States, terrorism, or material support to terrorists, or activities in preparation therefor.

(b) CONSULTATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense prior to taking any action identified in subsection (a).

(2) PRESIDENTIAL DIRECTION.—If, following consultation under paragraph (1), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, or the Secretary of Defense believe that any action identified in subsection (a) and proposed by the Attorney General may prevent the collection of intelligence related to terrorism or threats of violence against the United States or its citizens, the Attorney General may not initiate such action without specific direction from the President.

(c) ANNUAL REPORT.—The Attorney General shall report annually to appropriate committees of jurisdiction regarding the number of occasions on which direction was

sought from the President under subsection (b)(2) and the number of times, on those occasions, that the President directed actions identified in section (a) against such foreign person.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF JURISDICTION.—The term “appropriate committees of jurisdiction” shall include—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Select Committee on Intelligence of the Senate;

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(E) the Committees on Armed Services and Judiciary of the Senate and the Committees on Armed Services and Judiciary of the House of Representatives.

(2) ACT OF WAR, TERRORISM, MATERIAL SUPPORT TO TERRORISTS.—The terms “act of war”, “terrorism”, and “material support to terrorists” shall have the meanings given such terms in title 18, United States Code.

(e) SAVINGS CLAUSE.—Nothing in this section shall prevent the Attorney General, or any officer or employee of the Department of Justice, from apprehending or detaining an individual as authorized by the Constitution or laws of the United States except to the extent that activities incident to such apprehension or detention are specifically identified in subsection (a).

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 390—PROHIBITING TEXT MESSAGING BY EMPLOYEES OF THE SENATE WHILE DRIVING ON OFFICIAL BUSINESS

Mr. CASEY (for himself, Mr. SCHUMER, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 390

*Resolved,*

#### SECTION 1. PROHIBITION ON TEXT MESSAGING BY EMPLOYEES OF THE SENATE WHILE DRIVING ON OFFICIAL BUSINESS.

(a) DEFINITIONS.—In this resolution—

(1) the term “employee of the Senate” means any employee whose pay is disbursed by the Secretary of the Senate; and

(2) the term “text messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(b) PROHIBITION.—An employee of the Senate may not engage in text messaging when—

(1) driving a Government owned or leased vehicle;

(2) driving a privately owned or leased vehicle while on official business; or

(3) using text messaging equipment provided by any office or committee of the Senate while driving any vehicle at any time.

(c) EFFECTIVE DATE AND APPLICATION.—This resolution shall apply to the 111th Congress and each Congress thereafter.

#### SENATE RESOLUTION 391—RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE VICTIMS OF CRIME ACT OF 1984 (42 U.S.C. 10601 ET SEQ.) AND THE SUBSTANTIAL CONTRIBUTIONS TO THE CRIME VICTIMS FUND MADE THROUGH THE CRIMINAL PROSECUTIONS CONDUCTED BY UNITED STATES ATTORNEYS' OFFICES AND OTHER COMPONENTS OF THE DEPARTMENT OF JUSTICE

Mr. CRAPO (for himself, Ms. KLOBUCHAR, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 391

Whereas the Victims of Crime Act of 1984 had its 25th anniversary in 2009;

Whereas for 25 years, the Victims of Crime Act of 1984 has provided funds to States for victim assistance and compensation programs to support victims of crime and those affected by violent crimes;

Whereas the Victims of Crime Act of 1984 enables approximately 4,400 community-based public and private programs to offer services to victims of crime, including crisis intervention, counseling, guidance, legal advocacy, and transportation shelters;

Whereas the Victims of Crime Act of 1984 provides assistance and monetary support to over 4,000,000 victims of crime each year;

Whereas the Crime Victims Fund established under the Victims of Crime Act of 1984 provides direct services to victims of sexual assault, domestic violence, child abuse, survivors of homicide victims, elderly victims of abuse or neglect, victims of drunk drivers, and other such crimes;

Whereas in 2008, with financial support from the Victims of Crime Act of 1984, State crime victim compensation programs paid a total of \$432,000,000 to 151,643 victims of violent crime;

Whereas since the establishment of the Crime Victims Fund in 1984, non-taxpayer offender-generated funds deposited into the Crime Victims Fund have been used to provide almost \$7,500,000,000 to State crime victim assistance programs and State crime victim compensation programs;

Whereas the Victims of Crime Act of 1984 also supports services to victims of Federal crimes, by providing funds for victims and witness coordinators in United States Attorneys' offices, Federal Bureau of Investigation victim-assistance specialists, and the Federal Victim Notification System; and

Whereas the Victims of Crime Act of 1984 also supports important improvements in the victim services field through grants for training and technical assistance and evidence-based demonstration projects: Now, therefore, be it

*Resolved,* That the Senate recognizes—

(1) the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(2) the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys' offices and other components of the Department of Justice.

SENATE RESOLUTION 392—EX-PRESSING THE SENSE OF THE SENATE ON THE HUMANITARIAN CATASTROPHE CAUSED BY THE JANUARY 12, 2010 EARTHQUAKE IN HAITI

Mr. KERRY (for himself, Mr. LUGAR, Mr. NELSON of Florida, Mr. DODD, Mr. LEAHY, Mr. MENENDEZ, Mr. BURRIS, Ms. STABENOW, Mr. SANDERS, Mr. BENNET, Ms. MIKULSKI, Mr. DORGAN, Mr. JOHNSON, Mr. DURBIN, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. BROWN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. CARPER, Mr. LAUTENBERG, Mr. KIRK, Mr. BEGICH, Mr. BAYH, Mr. WYDEN, Ms. KLOBUCHAR, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. CASEY, Mr. CARDIN, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. KOHL, Mr. INOUE, Mr. AKAKA, Mr. FEINGOLD, Mr. WHITEHOUSE, Mrs. HAGAN, Mr. REED, Mr. CORKER, Mr. ROCKEFELLER, Mr. BARRASSO, Mr. ISAKSON, Mr. KAUFMAN, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 392

Whereas, on January 12, 2010, an earthquake measuring 7.0 on the Richter scale and its aftershocks devastated Port-au-Prince, Haiti and the surrounding areas, killing potentially 100,000 people, injuring hundreds of thousands more people, and leaving many hundreds of thousands of people homeless;

Whereas Haiti, which is the poorest country in the Western Hemisphere, has an estimated 54 percent of its population living on less than \$1 per day, 120,000 people living with HIV, 29,333 new cases of Tuberculosis reported in 2007, and nearly 400,000 children living in orphanages;

Whereas, despite the heroic efforts of the Haitian people and the support of the international community, Haiti remains seriously weakened by prior natural disasters, including an unprecedented string of devastating tropical storms in 2008 that left almost 500 Haitians dead and affected hundreds of thousands more people during an acute food crisis;

Whereas these disasters have grievously undermined Haiti's struggle to rebuild its infrastructure and to restore critical services related to health, education, poverty, and hunger to create effective governmental and nongovernmental institutions;

Whereas Haiti has struggled for many years to overcome systemic threats to public health and shortages of food, potable water, and cooking fuel, significant environmental degradation, and political and economic fragility;

Whereas, on January 13, 2010, President Obama stated, "I have directed my administration to respond with a swift, coordinated, and aggressive effort to save lives. The people of Haiti will have the full support of the United States in the urgent effort to rescue those trapped beneath the rubble, and to deliver the humanitarian relief—the food, water, and medicine—that Haitians will need in the coming days.";

Whereas on January 13, 2010, Rajiv Shah, the Director of the United States Agency for International Development stated that the United States Government is "working aggressively and in a highly coordinated way across the Federal Government to bring all of the assets and capacities we have to bear to quickly and effectively provide as much assistance as possible.";

Whereas, on January 14, 2010, President Obama pledged \$100,000,000 in immediate assistance to the people of Haiti, and dis-

patched the 82nd Airborne Division, a Marine Expeditionary Unit, the USS *Carl Vinson*, the USS *Bataan*, the United States Navy hospital ship, the USS *Comfort*, and several Disaster Assistant Response Teams, to aid in relief efforts;

Whereas the international community, which has generously provided security, development, and humanitarian assistance to Haiti, has suffered a substantial blow during the earthquake with the collapse of the headquarters of the United Nations Stabilization Mission in Haiti with approximately 150 staff members inside, including the head of the mission, Hédi Annabi, representing the largest single loss of life in United Nations history; and

Whereas, despite the aforementioned losses, the United Nations continues to coordinate efforts on the ground in Haiti, and the United Nations Secretary General Ban Ki-Moon has pledged that "the community of nations will unite in its resolve and help Haiti to overcome this latest trauma and begin the work of social and economic reconstruction that will carry this proud nation forward.";

Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses profound sympathy to, and unwavering support for, the people of Haiti, who have suffered over many years and face catastrophic conditions in the aftermath of the January 12, 2010 earthquake, and sympathy to the members of the international community in Haiti, including the staff of the United States Embassy in Port-au-Prince;

(2) applauds the rapid and concerted mobilization by President Obama to provide immediate emergency humanitarian assistance to Haiti, and the leadership of Secretary of State Clinton, USAID Administrator Shah, and General Fraser of the United States Southern Command in marshaling United States Government resources and personnel to address both the short- and long-term crises in Haiti;

(3) urges that all appropriate efforts be made to secure the safety of Haitian orphans;

(4) urges that all appropriate efforts be made to sustain assistance to Haiti beyond the immediate humanitarian crisis to help the Haitian people with appropriate humanitarian, developmental, and infrastructure assistance needed to overcome the effects of past disasters and the earthquake, and to secure a more stable and sustainable future;

(5) expresses appreciation for the international community's ongoing and renewed commitment to Haiti's security and recovery;

(6) acknowledges the profound sympathy of the people of the United States for the families and colleagues of United Nations officials who lost their lives and the continued support for the peacekeepers who are working around the clock to provide critical humanitarian support for all those affected by the earthquake;

(7) urges all nations to commit to assisting the people of Haiti with their long-term needs; and

(8) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, and other United States Government agencies who are valiantly rescuing thousands of United States citizens and Haitians under extremely adverse conditions.

SENATE RESOLUTION 393—RECOGNIZING THE CONTRIBUTIONS OF THE AMERICAN KENNEL CLUB

Mrs. HAGAN (for herself and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 393

Whereas the American Kennel Club (AKC), headquartered in New York City, with an operations center in Raleigh, North Carolina, was founded in 1884, operates the world's largest registry of purebred dogs and is the Nation's leading not-for-profit organization devoted to the advancement, study, responsible breeding, care, and ownership of dogs;

Whereas the American Kennel Club approves, sanctions, and regulates the events of its 609 member clubs and monitors more than 4000 licensed and sanctioned clubs throughout the United States who hold events under American Kennel Club rules and regulations;

Whereas in 2008, the American Kennel Club sanctioned or regulated 22,630 sporting events that included breed conformation, agility, obedience, earthdog, herding, field trial, retrieving, pointing, tracking, and coonhound events;

Whereas the American Kennel Club honors the canine-human bond, advocates for the purebred dog as a family companion, advances canine health and well-being, works to protect the rights of all dog owners, and promotes responsible dog ownership;

Whereas the American Kennel Club promotes responsible dog ownership and breeding practices and supports thousands of volunteers and teachers from affiliated clubs across the country who teach responsible dog ownership and safety around dogs;

Whereas the American Kennel Club founded and supports the AKC Humane Fund, which promotes the joy and value of responsible pet ownership by supporting breed rescue activities, educating adults and children about responsible dog ownership, and assisting human-services organizations that permit domestic abuse victims access to shelters with their pets;

Whereas the American Kennel Club trains and employs kennel inspectors and conducts over 5,200 kennel inspections each year;

Whereas the American Kennel Club promotes responsible dog ownership, care, and handling of dogs to over 21,000 youths ages 9 to 18 years old enrolled in its National Junior Organization;

Whereas the American Kennel Club is the largest purebred dog registry in the world and the only registry that incorporates health screening results into its permanent dog records;

Whereas the American Kennel Club offers the largest and most comprehensive set of DNA programs for the purposes of parentage verification and genetic identity to ensure reliable registration records;

Whereas the American Kennel Club created and supports the Canine Health Foundation (CHF), which funds research projects focusing on the genetics of disease, the canine genome map, and clinical studies, and has donated over \$22,000,000 to the CHF since 1995;

Whereas the American Kennel Club created and operates DOGNY: America's Tribute to Search and Rescue Dogs, which supports canine search and rescue organizations across the United States;

Whereas the American Kennel Club annually awards \$170,000 in scholarships to veterinary and veterinary technical students;

Whereas the American Kennel Club has reunited more than 340,000 lost pets and their owners through the AKC Companion Animal Recovery (CAR) program;

Whereas the American Kennel Club established the AKC Canine Good Citizen program, which certifies dogs with good manners at home and in the community;

Whereas the American Kennel Club maintains the world's largest dog library and the Museum of the Dog in St. Louis, which houses one of the world's largest collections of dog-related fine art and artifacts, both of which are open to the public; and

Whereas the American Kennel Club celebrates its 125th anniversary this year: Now, therefore, be it

*Resolved*, That the Senate honors the American Kennel Club for its service to dog owners and the United States public.

SENATE RESOLUTION 394—CONGRATULATING THE NORTHWESTERN UNIVERSITY FEINBERG SCHOOL OF MEDICINE FOR ITS 150 YEARS OF COMMITMENT TO ADVANCING SCIENCE AND IMPROVING HEALTH

Mr. BURRIS (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 394

Whereas, on March 12, 1859, the origins of Northwestern University Feinberg School of Medicine began with Drs. Hosmer A. Johnson, Edmund Andrews, Ralph N. Isham, and David Rutter signing an agreement to establish the medical department of Lind University, which provided the first graded curriculum in a medical school in the United States;

Whereas, on October 9, 1859, the medical school marked its first session;

Whereas, on April 26, 1864, the medical department of Lind University became Chicago Medical College;

Whereas in 1870, Chicago Medical College entered into an agreement with Northwestern University to serve as the Department of Medicine for the University;

Whereas in 2002, the Northwestern University Board of Trustees renamed the medical school in honor of benefactor Reuben Feinberg;

Whereas the Feinberg School of Medicine is one of the pre-eminent medical schools in the Nation, producing the next generation of leaders in medical and related fields through its innovative research and educational programs;

Whereas the Feinberg School of Medicine supports the provision of the highest standard of clinical care by its clinical affiliates for their patients;

Whereas the Feinberg School of Medicine is cited annually in national college rankings as one of the top medical schools for research;

Whereas Feinberg School of Medicine alumni are leaders in their fields;

Whereas the Feinberg School of Medicine is a leader in aligning experts from various disciplines to create a collaborative research enterprise that explores the fertile discovery space between disciplines; and

Whereas Feinberg School of Medicine faculty are nationally and internationally prominent physicians and scientists who have an impact on the most pressing medical and research issues: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Feinberg School of Medicine on the momentous occasion of its 150th anniversary, and expresses best wishes for continued success;

(2) recognizes and commends the Feinberg School of Medicine for its dedication to edu-

cating world class physicians and scientists, sponsoring cutting edge medical research, and providing highly specialized clinical care; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Feinberg School of Medicine for appropriate display.

Mr. BURRIS. Mr. President, 150 years ago, a group of outstanding doctors assembled to establish a new medical school, which would offer the first graded medical curriculum in the history of the U.S.

This medical college eventually became a part of the world-renowned Northwestern University—located just outside of Chicago, IL—and grew to become one of the most prominent medical schools in the Nation.

Today, it is known as the Feinberg School of Medicine, and it stands at the forefront of education, research, clinical care, and many related fields.

Today I am proud to join the students, faculty and staff of the Feinberg School in celebrating 150 years of excellence.

Thanks to their fine work and their lasting commitment to the highest standards of medical care, thousands of lives have been saved.

Countless patients have received high-quality treatment from some of the most skilled caregivers in the medical profession.

At the same time, the Feinberg School has prepared the next generation of leaders, innovators, and researchers, who will shape the course of healthcare in this country for generations to come.

I would ask my colleagues to join with me in celebrating the hundred and fiftieth anniversary of this outstanding institution, which is located in my home state of Illinois.

Along with my good friend Senator DURBIN, I am proud to offer a Senate Resolution to mark this momentous occasion, and to shine a spotlight on one of the finest medical schools in the United States.

As we are all well aware, health care is one of the most important issues in America today.

But quite apart from the contentious debate that continues to capture so much national attention, it is vital to recognize the exemplary work of institutions such as this one.

I invite my colleagues on both sides of the aisle to come together to recognize the tremendous track record of the Feinberg School of Medicine, and their continuing contributions to health care services.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3302. Mr. CONRAD (for himself and Mr. GREGG) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, Official Title Not Available.

TEXT OF AMENDMENTS

**SA 3302.** Mr. CONRAD (for himself and Mr. GREGG) proposed an amend-

ment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, Official Title Not Available; as follows:

At the appropriate place, insert the following:

**SEC. . . . BIPARTISAN TASK FORCE FOR RESPONSIBLE FISCAL ACTION ACT OF 2010.**

(a) **SHORT TITLE.**—This section may be cited as the ‘‘Bipartisan Task Force for Responsible Fiscal Action Act of 2010’’.

(b) **ESTABLISHMENT OF TASK FORCE.**—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

‘‘ESTABLISHMENT OF TASK FORCE FOR RESPONSIBLE FISCAL ACTION

‘‘SEC. 316. (a) **DEFINITIONS.**—In this section:

‘‘(1) **TASK FORCE.**—The term ‘Task Force’ means the Bipartisan Task Force for Responsible Fiscal Action established under subsection (b)(1).

‘‘(2) **TASK FORCE BILL.**—The term ‘Task Force bill’ means a bill consisting of the proposed legislative language of the Task Force recommended under subsection (b)(3)(B) and introduced under subsection (e)(1).

‘‘(3) **FISCAL IMBALANCE.**—The term ‘fiscal imbalance’ means the gap between the projected revenues and expenditures of the Federal Government.

‘‘(b) **ESTABLISHMENT OF TASK FORCE.**—

‘‘(1) **ESTABLISHMENT.**—There is established in the legislative branch a task force to be known as the ‘Bipartisan Task Force for Responsible Fiscal Action’.

‘‘(2) **PURPOSES.**—

‘‘(A) **REVIEW.**—The Task Force shall review the fiscal imbalance of the Federal Government, including—

‘‘(i) analyses of projected Federal expenditures;

‘‘(ii) analyses of projected Federal revenues; and

‘‘(iii) analyses of the current and long-term actuarial financial condition of the Federal Government.

‘‘(B) **IDENTIFY FACTORS.**—The Task Force shall identify factors that affect the long-term fiscal imbalance of the Federal Government.

‘‘(C) **ANALYZE POTENTIAL COURSES OF ACTION.**—The Task Force shall analyze potential courses of action to address factors that affect the long-term fiscal imbalance of the Federal Government.

‘‘(D) **PROVIDE RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.**—The Task Force shall provide recommendations and legislative language that will significantly improve the long-term fiscal imbalance of the Federal Government, which—

‘‘(i) may include recommendations addressing—

‘‘(I) Federal expenditures;

‘‘(II) Federal revenues; and

‘‘(III) the current and long-term actuarial financial condition of the Federal Government; and

‘‘(ii) may not make recommendations modifying the Standing Rules of the Senate.

‘‘(3) **DUTIES.**—

‘‘(A) **IN GENERAL.**—The Task Force shall address the Nation’s long-term fiscal imbalances, consistent with the purposes described in paragraph (2), and shall submit the report and recommendations required under subparagraph (B).

‘‘(B) **REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.**—

‘‘(i) **IN GENERAL.**—Not earlier than November 3, 2010, and not later than November 9, 2010, the Task Force shall vote on a report that contains—

‘‘(I) a detailed statement of the findings, conclusions, and recommendations of the Task Force;



“(II) the assumptions, scenarios, and alternatives considered in reaching such findings, conclusions, and recommendations; and

“(III) proposed legislative language to carry out such recommendations as described in paragraph (2)(D).

“(ii) APPROVAL OF REPORT.—The report of the Task Force submitted under clause (i) shall require the approval of not fewer than 14 of the 18 members of the Task Force.

“(iii) ADDITIONAL VIEWS.—A member of the Task Force who gives notice of an intention to file supplemental, minority, or additional views at the time of final Task Force approval of the report under clause (ii), shall be entitled to not less than 3 calendar days in which to file such views in writing with the staff director of the Task Force. Such views shall then be included in the Task Force report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Task Force report may be printed and transmitted immediately without such views.

“(iv) TRANSMISSION OF REPORT.—No later than November 15, 2010, the Task Force shall submit the Task Force bill and final report to the President, the Vice President, the Speaker of the House, and the Majority and Minority Leaders of both Houses.

“(v) REPORT TO BE MADE PUBLIC.—Upon the approval or disapproval of the Task Force report pursuant to clause (ii), the Task Force shall promptly make the full report, and a record of the vote, available to the public.

“(4) MEMBERSHIP.—

“(A) IN GENERAL.—The Task Force shall be composed of 18 members designated pursuant to subparagraph (B).

“(B) DESIGNATION.—Members of the Task Force shall be designated as follows:

“(i) The President shall designate 2 members, one of whom shall be the Secretary of the Treasury, and the other of whom shall be an officer of the executive branch.

“(ii) The majority leader of the Senate shall designate 4 members from among Members of the Senate.

“(iii) The minority leader of the Senate shall designate 4 members from among Members of the Senate.

“(iv) The Speaker of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

“(v) The minority leader of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

“(C) CO-CHAIRS.—

“(i) IN GENERAL.—There shall be 2 Co-Chairs of the Task Force. The President, majority leader of the Senate, and Speaker of the House shall designate one Co-Chair among the members of the Task Force. The minority leader of the Senate and minority leader of the House shall designate the second Co-Chair among the members of the Task Force. The Co-Chairs shall be appointed not later than 14 days after the date of enactment of this section.

“(ii) STAFF DIRECTOR.—The Co-Chairs, acting jointly, shall hire the staff director of the Task Force.

“(D) DATE.—Members of the Task Force shall be designated by not later than 14 days after the date of enactment of this section.

“(E) PERIOD OF DESIGNATION.—Members shall be designated for the life of the Task Force. Any vacancy in the Task Force shall not affect its powers, but shall be filled not later than 14 days after the date on which the vacancy occurs in the same manner as the original designation.

“(F) COMPENSATION.—Members of the Task Force shall serve without any additional compensation for their work on the Task

Force. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Task Force.

“(5) ADMINISTRATION.—

“(A) AUTHORITY TO ESTABLISH RULES AND REGULATIONS.—The Co-Chairs, in consultation with the other members of the Task Force, may establish rules and regulations for the conduct of Task Force business, if such rules and regulations are not inconsistent with this section or other applicable law.

“(B) QUORUM.—Fourteen members of the Task Force shall constitute a quorum for purposes of voting, meeting, and holding hearings.

“(C) VOTING.—

“(i) PROXY VOTING.—No proxy voting shall be allowed on behalf of the members of the Task Force.

“(ii) REPORT, RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.—

“(I) DATES.—The Task Force may not vote on any version of the report, recommendations, or legislative language before the timing provided for in paragraph (3)(B)(i).

“(II) CONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION ESTIMATES.—The Congressional Budget Office and Joint Committee on Taxation shall provide estimates of the Task Force report and recommendations (as described in subsection (b)(2)(D)) in accordance with section 308(a) and 201(f) of the Congressional Budget Act of 1974. The Task Force may not vote on any version of the report, recommendations, or legislative language unless a final estimate is available for consideration by all the members at least 72 hours prior to the vote.

“(D) MEETINGS.—

“(i) INITIAL MEETING.—Not later than 45 days after the date of enactment of this section, the Task Force shall hold its first meeting.

“(ii) MEETINGS.—The Task Force shall meet at the call of the Co-Chairs or at least 10 of its members.

“(iii) AGENDA.—An agenda shall be provided to the Task Force members at least 1 week in advance of any meeting. Task Force members who want to have items placed on the agenda for consideration shall notify the staff director as early as possible, but not less than 48 hours in advance of a scheduled meeting.

“(E) HEARINGS.—

“(i) IN GENERAL.—Subject to subparagraph (G), the Task Force may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Task Force considers advisable.

“(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

“(I) ANNOUNCEMENT.—The Task Force Co-Chairs shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted at least 1 week in advance of such hearing, unless the Co-Chairs determine that there is good cause to begin such hearing at an earlier date.

“(II) WRITTEN STATEMENT.—A witness appearing before the Task Force shall file a written statement of proposed testimony at least 2 days prior to appearance, unless the requirement is waived by the Co-Chairs, following their determination that there is good cause for failure of compliance.

“(F) TECHNICAL ASSISTANCE.—Upon written request of the Co-Chairs, a Federal agency shall provide technical assistance to the Task Force in order for the Task Force to carry out its duties.

“(G) INFORMATION.—

“(i) RESOURCES.—

“(I) IN GENERAL.—Notwithstanding section 1108 of title 31, United States Code, the Task Force shall have authority to access assistance, materials, resources, statistical data, and other information the Task Force determines to be necessary to carry out its duties directly from an officer or employee of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, including the Library of Congress, the Chief Actuary of the Social Security Administration, the Chief Actuary of the Centers for Medicare & Medicaid Services, the Congressional Budget Office, the Department of the Treasury, the Department of Health and Human Services, the Office of Management and Budget, the Government Accountability Office, and the Joint Committee on Taxation. Each agency or instrumentality shall, to the extent permitted by law, furnish such information to the Task Force upon written request of the Co-Chairs.

“(II) COPIES SUPPLIED.—Copies of written requests and all written or electronic responses provided under this clause shall be provided to the staff director and shall be made available for review by all members of the Task Force upon request.

“(ii) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Task Force and its staff consistent with all applicable statutes, regulations, and Executive orders.

“(iii) LIMITATION OF ACCESS TO TAX INFORMATION.—Information accessed under this subparagraph shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

“(H) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(I) ASSISTANCE FROM FEDERAL AGENCIES.—

“(i) GENERAL SERVICES ADMINISTRATION.—Upon the request of the Co-Chairs of the Task Force, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section. These administrative services may include human resources management, budget, leasing, accounting, and payroll services.

“(ii) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in clause (i), departments and agencies of the United States may provide to the Task Force such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

“(J) CONTRACT AUTHORITY.—The Task Force is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activity necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement entered into by the Task Force may not extend beyond the date of the termination of the Task Force.

“(c) STAFF OF TASK FORCE.—

“(1) APPOINTMENT AND COMPENSATION OF SHARED STAFF.—The Co-Chairs may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Task Force to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at

level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) ADDITIONAL STAFF FOR TASK FORCE MEMBERS.—Each member of the Task Force may appoint up to 2 additional dedicated staff and fix the compensation of such dedicated personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5314 of title 5, United States Code. Dedicated staff shall report to each appointing member.

“(3) PERSONNEL AS FEDERAL EMPLOYEES.—

“(A) IN GENERAL.—The staff director and any personnel of the Task Force who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

“(B) MEMBERS OF TASK FORCE.—Subparagraph (A) shall not be construed to apply to members of the Task Force.

“(4) OUTSIDE CONSULTANTS.—No outside consultants or other personnel, either by contract, detail, volunteer, or through a remunerative agreement, may be hired without the approval of the Co-Chairs.

“(5) DETAILEES.—With the approval of the Co-Chairs any Federal Government employee may be detailed to the Task Force with or without reimbursement from the Task Force, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption. Reimbursable amounts may include the fair value of equipment and supplies used by the detailee in support of the Task Force’s activities. For the purpose of this paragraph, Federal Government employees shall include employees of the legislative branch.

“(6) CONSULTANT SERVICES.—The Co-Chairs of the Task Force are authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5316 of title 5, United States Code.

“(7) TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairs of the Task Force may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5316 of that title.

“(8) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Co-Chairs of the Task Force are authorized to accept and utilize the services of volunteers serving without compensation. The Task Force may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of substance, as authorized by section 5703 of title 5, United States Code.

“(B) EMPLOYEE STATUS.—A person providing volunteer services to the Task Force shall be considered an employee of the Federal Government in the performance of those services for the purposes of Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims and chapter 11 of title 18, United States Code, relating to conflicts of interests.

“(C) ETHICAL GUIDELINES FOR STAFF.—In the absence of statutorily defined coverage, the staff, including staff director, shall follow the ethical rules and guidelines of the Senate. Staff coming from the private sector

or outside public government may petition the Co-Chairs for a waiver from provisions of Senate Ethics rules.

“(9) ADVISORY PANEL.—The Task Force may establish an advisory panel consisting of volunteers with knowledge and expertise relevant to the Task Force’s purpose. Membership of the Advisory Panel, and the scope of the Panel’s activities, shall be decided by the Co-Chairs in consultation with the other members of the Task Force.

“(d) TERMINATION.—

“(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the Task Force submits the report required under paragraph (b)(3)(B).

“(2) CONCLUDING ACTIVITIES.—The Task Force may use the 90-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

“(e) EXPEDITED CONSIDERATION OF TASK FORCE RECOMMENDATIONS.—

“(1) INTRODUCTION.—

“(A) RECONVENING.—

“(1) IN THE HOUSE OF REPRESENTATIVES.—Upon receipt of a report under subsection (b)(3)(B), the Speaker, if the House would otherwise be adjourned, shall notify the Members of the House that, pursuant to this section, the House shall convene not later than November 23, 2010.

“(ii) IN THE SENATE.—

“(I) CONVENING.—Upon receipt of a report under subsection (b)(3)(B), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than November 23, 2010.

“(II) ADJOURNING.—No concurrent resolution adjourning the Senate for more than 3 days shall be in order until the Senate votes on passage of the Task Force bill under paragraph (2)(B)(iv).

“(B) INTRODUCTION OF TASK FORCE BILL.—The proposed legislative language contained in the report submitted pursuant to subsection (b)(3)(B), upon receipt by the Congress, shall be introduced not later than November 23, 2010, in the Senate and in the House of Representatives by the majority leader of each House of Congress, for himself, the minority leader of each House of Congress, for himself, or any member of the House designated by the majority leader or minority leader. If the Task Force bill is not introduced in accordance with the preceding sentence in either House of Congress, then any Member of that House may introduce the Task Force bill on any day thereafter. Upon introduction, the Task Force bill shall be referred to the appropriate committees under subparagraph (C).

“(C) COMMITTEE CONSIDERATION.—A Task Force bill introduced in either House of Congress shall be jointly referred to the committee or committees of jurisdiction and the Committee on the Budget of that House, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 7 calendar days after the date of introduction of the bill in that House, or the first day thereafter on which that House is in session. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

“(2) EXPEDITED PROCEDURES.—

“(A) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

“(i) PROCEEDING TO CONSIDERATION.—It shall be in order, not later than 2 days of session after the date on which a Task Force bill is reported or discharged from all committees to which it was referred, for the majority leader of the House of Representatives or the majority leader’s designee, to move to proceed to the consideration of the Task Force bill. It shall also be in order for any Member of the House of Representatives to move to proceed to the consideration of the Task Force bill at any time after the conclusion of such 2-day period. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the Task Force bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(ii) CONSIDERATION.—The Task Force bill shall be considered as read. All points of order against the Task Force bill and against its consideration are waived. The previous question shall be considered as ordered on the Task Force bill to its passage without intervening motion except 100 hours of debate equally divided and controlled by the proponent and an opponent, and any motion to limit debate. A motion to reconsider the vote on passage of the Task Force bill shall not be in order.

“(iii) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to a Task Force bill shall be decided without debate.

“(iv) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in paragraph (2)(A), consideration of a Task Force bill shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any Task Force bill introduced pursuant to the provisions of this subsection under a suspension of the rules pursuant to Clause 1 of House Rule XV, or under a special rule reported by the House Committee on Rules.

“(v) NO AMENDMENTS.—No amendment to the Task Force bill shall be in order in the House of Representatives.

“(vi) VOTE ON PASSAGE.—Immediately following the conclusion of consideration of the Task Force bill, the vote on passage of the Task Force bill shall occur without any intervening action or motion, requiring an affirmative vote of three-fifths of the Members, duly chosen and sworn. If the Task Force bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House. The vote on passage shall occur not later than December 23, 2010.

“(vii) VOTE.—The House Committee on Rules may not report a rule or order that would have the effect of causing the Task Force bill to be approved by a vote of less than three-fifths of the Members, duly chosen and sworn.

“(B) FAST TRACK CONSIDERATION IN SENATE.—

“(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a Task Force bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader’s designee to move to proceed to the consideration of the Task Force bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the

Task Force bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the Task Force bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the Task Force bill is agreed to, the Task Force bill shall remain the unfinished business until disposed of.

“(ii) DEBATE.—All points of order against the Task Force bill and against consideration of the Task Force bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 100 hours. Debate shall be divided equally between the Majority and Minority Leaders or their designees. A motion further to limit debate on the Task Force bill is in order, shall require an affirmative vote of three-fifths of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the Task Force bill, including time used for quorum calls and voting, shall be counted against the total 100 hours of consideration.

“(iii) NO AMENDMENTS.—An amendment to the Task Force bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the Task Force bill, is not in order.

“(iv) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a Task Force bill, and a single quorum call at the conclusion of the debate if requested. Passage shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn. The vote on passage shall occur not later than December 23, 2010.

“(v) ADJOURNMENT.—If, by December 23, 2010, either House has failed to adopt a motion to proceed to the Task Force bill, paragraph (1)(A)(ii)(II) shall not apply.

“(vi) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a Task Force bill shall be decided without debate.

“(C) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

“(i) REFERRAL.—If, before the passage by 1 House of a Task Force bill of that House, that House receives from the other House a Task Force bill, then the Task Force bill of the other House shall not be referred to a committee and shall immediately be placed on the calendar.

“(ii) PROCEDURE.—If the Senate receives the Task Force bill passed by the House of Representatives before the Senate has voted on passage of the Task Force bill—

“(I) the procedure in the Senate shall be the same as if no Task Force bill had been received from House of Representatives; and

“(II) the vote on passage in the Senate shall be on the Task Force bill of the House of Representatives.

“(iii) TREATMENT OF TASK FORCE BILL OF OTHER HOUSE.—If 1 House fails to introduce or consider a Task Force bill under this section, the Task Force bill of the other House shall be entitled to expedited floor procedures under this section.

“(iv) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the Task Force bill in the Senate, the Senate then receives the Task Force bill from the House of Representatives, the House-passed

Task Force bill shall not be debatable. The vote on passage of the Task Force bill in the Senate shall be considered to be the vote on passage of the Task Force bill received from the House of Representatives.

“(v) VETOES.—If the President vetoes the Task Force bill, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

“(3) SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives.”

(c) FUNDING.—From the amounts appropriated or made available and remaining unobligated under Division A (other than under title X of Division A) of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), there is rescinded pro rata an aggregate amount equal to \$9,000,000, which amount shall be made available without need for further appropriation to the Bipartisan Task Force for Responsible Fiscal Action to carry out the purposes of the Bipartisan Task Force for Responsible Fiscal Action, and which shall remain available through fiscal year 2011. Not later than 14 days after the date of enactment of this section, the Director of the Office of Management and Budget shall administer the rescission and make available such amount to the Bipartisan Task Force for Responsible Fiscal Action.

## 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 Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 9, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's Loan Guarantee Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to [Abigail\\_Campbell@energy.senate.gov](mailto:Abigail_Campbell@energy.senate.gov).

For further information, please contact Mike Carr at (202) 224-8164 or Abigail Campbell at (202) 224-1219.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 21, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 21, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 21, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 21, 2010, at 3 p.m., to hold a hearing entitled “Civilian Strategy for Afghanistan: A Status Report in Advance of the London Conference.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 21, 2010, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### EAST ASIA SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 21, 2010, at 10 a.m., to hold an East Asia subcommittee hearing entitled “Principles of U.S. Engagement in Asia.”

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 21, 2010 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, on behalf of Mr. DODD, I ask unanimous consent that Deborah Katz, a member of his staff, be granted the privilege of the floor for the duration of the consideration of H.J. Res. 45.

The PRESIDING OFFICER. Without objection, it is so ordered.

## WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further

consideration of S.J. Res. 25 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 25) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The PRESIDING OFFICER. Without objection, the committee is discharged.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 25) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 25

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia entered into the Washington Metropolitan Area Transit Regulation Compact in 1960 with the consent of Congress in Public Law No. 86-794, 74 Stat. 1031;

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia amended titles I and II of the Compact in 1962 and 1990 with the consent of Congress in Public Law No. 87-767, 76 Stat. 764, and Public Law No. 101-505, 104 Stat. 1300, respectively;

Whereas legislation enacted by the State of Maryland (2008 Md. Laws c. 32 and 2009 Md. Laws c. 76) the Commonwealth of Virginia (2007 Va. Acts c. 378 and 2009 Va. Acts c. 540) and the District of Columbia (D.C. Act 17-622) contain amendments to article III of title I of the Compact regarding appointment of members to the Washington Metropolitan Area Transit Commission; and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.**

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to article III of title I of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 1(a) is amended to read as follows:

“(a) The Commission shall be composed of 3 members, 1 member appointed by the Governor of Virginia from the Department of

Motor Vehicles of the Commonwealth of Virginia, 1 member appointed by the Governor of Maryland from the Maryland Public Service Commission, and 1 member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission.”

(2) Section 1 is amended by inserting at the end the following:

“(d) An amendment to section 1(a) of this article shall not affect any member in office on the amendment’s effective date.”

**SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.**

The right to alter, amend, or repeal this Act is expressly reserved.

**SEC. 3. CONSTRUCTION AND SEVERABILITY.**

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

**SEC. 4. INCONSISTENCY OF LANGUAGE.**

The validity of these amendments to the compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

**SEC. 5. EFFECTIVE DATE.**

This Act shall take effect on the date of enactment of this Act.

**RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE VICTIMS OF CRIME ACT OF 1984**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 391 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 391) recognizing the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys’ offices and other components of the Department of Justice.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 391) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 391

Whereas the Victims of Crime Act of 1984 had its 25th anniversary in 2009;

Whereas for 25 years, the Victims of Crime Act of 1984 has provided funds to States for victim assistance and compensation programs to support victims of crime and those affected by violent crimes;

Whereas the Victims of Crime Act of 1984 enables approximately 4,400 community-based public and private programs to offer

services to victims of crime, including crisis intervention, counseling, guidance, legal advocacy, and transportation shelters;

Whereas the Victims of Crime Act of 1984 provides assistance and monetary support to over 4,000,000 victims of crime each year;

Whereas the Crime Victims Fund established under the Victims of Crime Act of 1984 provides direct services to victims of sexual assault, domestic violence, child abuse, survivors of homicide victims, elderly victims of abuse or neglect, victims of drunk drivers, and other such crimes;

Whereas in 2008, with financial support from the Victims of Crime Act of 1984, State crime victim compensation programs paid a total of \$432,000,000 to 151,643 victims of violent crime;

Whereas since the establishment of the Crime Victims Fund in 1984, non-taxpayer offender-generated funds deposited into the Crime Victims Fund have been used to provide almost \$7,500,000,000 to State crime victim assistance programs and State crime victim compensation programs;

Whereas the Victims of Crime Act of 1984 also supports services to victims of Federal crimes, by providing funds for victims and witness coordinators in United States Attorneys’ offices, Federal Bureau of Investigation victim-assistance specialists, and the Federal Victim Notification System; and

Whereas the Victims of Crime Act of 1984 also supports important improvements in the victim services field through grants for training and technical assistance and evidence-based demonstration projects: Now, therefore, be it

*Resolved,* That the Senate recognizes—

(1) the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(2) the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys’ offices and other components of the Department of Justice.

**EXPRESSING THE SENSE OF THE SENATE ON THE HUMANITARIAN CATASTROPHE CAUSED BY THE JANUARY 12, 2010, EARTHQUAKE IN HAITI**

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 392 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 392) expressing the sense of the Senate on the humanitarian catastrophe caused by the January 12, 2010 earthquake in Haiti.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening actions or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 392) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 392

Whereas, on January 12, 2010, an earthquake measuring 7.0 on the Richter scale and its aftershocks devastated Port-au-Prince, Haiti and the surrounding areas, killing potentially 100,000 people, injuring hundreds of thousands more people, and leaving many hundreds of thousands of people homeless;

Whereas Haiti, which is the poorest country in the Western Hemisphere, has an estimated 54 percent of its population living on less than \$1 per day, 120,000 people living with HIV, 29,333 new cases of Tuberculosis reported in 2007, and nearly 400,000 children living in orphanages;

Whereas, despite the heroic efforts of the Haitian people and the support of the international community, Haiti remains seriously weakened by prior natural disasters, including an unprecedented string of devastating tropical storms in 2008 that left almost 500 Haitians dead and affected hundreds of thousands more people during an acute food crisis;

Whereas these disasters have grievously undermined Haiti's struggle to rebuild its infrastructure and to restore critical services related to health, education, poverty, and hunger to create effective governmental and nongovernmental institutions;

Whereas Haiti has struggled for many years to overcome systemic threats to public health and shortages of food, potable water, and cooking fuel, significant environmental degradation, and political and economic fragility;

Whereas, on January 13, 2010, President Obama stated, "I have directed my administration to respond with a swift, coordinated, and aggressive effort to save lives. The people of Haiti will have the full support of the United States in the urgent effort to rescue those trapped beneath the rubble, and to deliver the humanitarian relief—the food, water, and medicine—that Haitians will need in the coming days.";

Whereas on January 13, 2010, Rajiv Shah, the Director of the United States Agency for International Development stated that the United States Government is "working aggressively and in a highly coordinated way across the Federal Government to bring all of the assets and capacities we have to bear to quickly and effectively provide as much assistance as possible.";

Whereas, on January 14, 2010, President Obama pledged \$100,000,000 in immediate assistance to the people of Haiti, and dispatched the 82nd Airborne Division, a Marine Expeditionary Unit, the USS Carl Vinson, the USS Bataan, the United States Navy hospital ship, the USS Comfort, and several Disaster Assistant Response Teams, to aid in relief efforts;

Whereas the international community, which has generously provided security, development, and humanitarian assistance to Haiti, has suffered a substantial blow during the earthquake with the collapse of the headquarters of the United Nations Stabilization Mission in Haiti with approximately 150 staff members inside, including the head of the mission, Hédi Annabi, representing the largest single loss of life in United Nations history; and

Whereas, despite the aforementioned losses, the United Nations continues to coordinate efforts on the ground in Haiti, and the United Nations Secretary General Ban Ki-Moon has pledged that "the community of nations will unite in its resolve and help Haiti to overcome this latest trauma and begin the work of social and economic reconstruction that will carry this proud nation forward.";

Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses profound sympathy to, and unwavering support for, the people of Haiti, who have suffered over many years and face catastrophic conditions in the aftermath of the January 12, 2010 earthquake, and sympathy to the members of the international community in Haiti, including the staff of the United States Embassy in Port-au-Prince;

(2) applauds the rapid and concerted mobilization by President Obama to provide immediate emergency humanitarian assistance to Haiti, and the leadership of Secretary of State Clinton, USAID Administrator Shah, and General Fraser of the United States Southern Command in marshaling United States Government resources and personnel to address both the short- and long-term crises in Haiti;

(3) urges that all appropriate efforts be made to secure the safety of Haitian orphans;

(4) urges that all appropriate efforts be made to sustain assistance to Haiti beyond the immediate humanitarian crisis to help the Haitian people with appropriate humanitarian, developmental, and infrastructure assistance needed to overcome the effects of past disasters and the earthquake, and to secure a more stable and sustainable future;

(5) expresses appreciation for the international community's ongoing and renewed commitment to Haiti's security and recovery;

(6) acknowledges the profound sympathy of the people of the United States for the families and colleagues of United Nations officials who lost their lives and the continued support for the peacekeepers who are working around the clock to provide critical humanitarian support for all those affected by the earthquake;

(7) urges all nations to commit to assisting the people of Haiti with their long-term needs; and

(8) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, and other United States Government agencies who are valiantly rescuing thousands of United States citizens and Haitians under extremely adverse conditions.

#### ORDERS FOR FRIDAY, JANUARY 22, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Friday, January 22, at 9:30 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of H.J. Res. 45, the debt limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. DORGAN. Mr. President, for the information of Senators, there will be no rollcall votes during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. DORGAN. 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 7:11 p.m., adjourned until Friday, January 22, 2010, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be major general

BRIGADIER GENERAL SAMUEL C. HEADY  
BRIGADIER GENERAL WILLIAM E. HUDSON  
BRIGADIER GENERAL GARY T. MAGONIGLE  
BRIGADIER GENERAL JAMES M. MCCORMACK  
BRIGADIER GENERAL ALEX D. ROBERTS  
BRIGADIER GENERAL GREGORY J. SCHWAB

##### To be brigadier general

COLONEL CARL F. BESS, JR.  
COLONEL GREGORY J. BIERNACKI  
COLONEL JAMES C. BLAYDON  
COLONEL FRANCIS X. CARILLO  
COLONEL DEBORAH L. CARTER  
COLONEL ROBERT F. CAYTON  
COLONEL WILLIAM J. CRISLER, JR.  
COLONEL GREGORY L. FERGUSON  
COLONEL JAMES E. FREDREGILL  
COLONEL ANTHONY P. GERMAN  
COLONEL ANN M. GREENLEE  
COLONEL MARK D. HAMMOND  
COLONEL RICHARD N. HARRIS, JR.  
COLONEL MARK E. JANNITTO  
COLONEL LARRY R. KAUFFMAN  
COLONEL JON K. KELK  
COLONEL DAVID T. KELLY  
COLONEL JOHN E. KENT  
COLONEL DONALD M. LAGOR  
COLONEL MICHAEL E. LOH  
COLONEL CONSTANCE C. MCNABB  
COLONEL CLAYTON W. MOUSHON  
COLONEL PHILLIP E. MURDOCK  
COLONEL JOHN E. MURPHY  
COLONEL GERALD E. OTTERBEIN  
COLONEL MARTIN J. PARK  
COLONEL NICHOLAS S. RANTIS  
COLONEL ROBERT L. SHANNON, JR.  
COLONEL CASSIE A. STROM  
COLONEL GREGORY N. STROUD  
COLONEL THOMAS A. THOMAS, JR.  
COLONEL CAROL A. TIMMONS  
COLONEL STEVEN J. VERHELST  
COLONEL TONY L. WEST  
COLONEL ROBERT S. WILLIAMS  
COLONEL MICHAEL A. WOBWEMA

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be major general

BRIG. GEN. WILLIAM D. FRINK, JR.

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### To be lieutenant colonel

ANTHONY N. DILLS  
MICHAEL S. DUNKEL  
BRADFORD S. GREEN  
MICHAEL K. LEE  
MICHAEL D. MILLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major

MATTHEW A. BAACK  
ANDREW J. BRODER  
NICHOLAS J. SABULA  
NATE A. TERNING  
ROCKY ZACCHEUS

##### IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

##### To be lieutenant colonel

BESS J. PIERCE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

JANINE G. ALLBRITTON  
SCOTT J. PIECEK

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

JUAN G. LOPEZ

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

JERI R. REGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ROBIN T. WORCH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

TYLER E. HARRIS

*To be major*

PETER R. PURRINGTON  
ENRIQUE RIVERA

KELLY A. SUPPLE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant colonel*

SCOTT D. DEBOLT  
GLENN E. DEETMAN  
SHAUNA M. HAUSER  
ERIC A. HOGGARD  
RICKY V. KYLES  
MICHAEL C. MOLONEY  
CHARLES H. NELSON  
LUIS D. SOLANO

*To be major*

YUSHA A. ALI  
MARK L. ALLEN  
ZAHİ K. BOURJEILI  
JOHN A. COFIELD  
KEITH G. HARLEY  
GEORGE B. INABINET  
SCOTT B. JACKSON  
TODD S. REED  
VICTOR H. SUNDQUIST  
OWEN T. WARD  
AUDREY D. WILSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

*To be lieutenant commander*

ROLDAN C. MINA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

*To be lieutenant commander*

JACOB R. HILL  
RODNEY J. NORTON  
CARL F. SCHOLLE  
WILLIAM R. WOODFIN

WITHDRAWALS

Executive message transmitted by the President to the Senate on January 21, 2010 withdrawing from further Senate consideration the following nominations:

ERROLL G. SOUTHERS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE EDMUND S. HAWLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 17, 2009.

JIDE J. ZEITLIN, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 24, 2009.

JIDE J. ZEITLIN, OF NEW YORK, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 24, 2009.

ROSZELL HUNTER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE J. JOSEPH GRANDMAISON, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 1, 2009.

## EXTENSIONS OF REMARKS

IN HONOR OF THE 100TH ANNIVERSARY CELEBRATION OF THE UNITED STATES IMMIGRATION STATION, ANGEL ISLAND

**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Ms. PELOSI. Madam Speaker, on January 21, 2010, we celebrate the 100th Anniversary of the United States Immigration Station, Angel Island. This national historic landmark, designated as one of America's most endangered historic sites, served as a processing center for immigrants coming across the Pacific from 1910 to 1940. More than one million immigrants, including those from China, Japan, Korea, the Philippines, and Central and South America were processed at the station. This "Ellis Island of the West," also known as "The Guardian of the Western Gate," was designed to control the flow of immigration, especially from China. While many immigrants passed through, many were detained here for lengthy periods of time. Inscribed on the walls of the barracks are their voices of hope, fear and despair.

The facility was used by the U.S. Army during World War II, then abandoned, and became part of the California State Park system in 1963. I was proud to have helped secure federal funding to rebuild the dilapidated barracks which enabled the facility to reopen to the public in February 2009. I will continue my commitment to restoring not just an historic landmark but a symbol of the struggles and courage of people from around the globe who look to America as the land of possibility.

In addition to its unique history, Angel Island is a place of great beauty and breathtaking views. It is imperative that we as San Franciscans and Americans preserve and enhance what Angel Island represents culturally, educationally, recreationally and environmentally for present and future generations.

**JOB-KILLING AGENDA CONTINUES**

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. WILSON of South Carolina. Madam Speaker, sadly the Labor Department said today that claims for unemployment insurance rose last week. The unemployment rate is still at 10 percent with more seeking jobless benefits each day. When will Congress get the message?

The job-killing agenda pushed by liberals in 2009 needs to be scrapped. A national takeover of health care and a national energy tax will only worsen a stagnant economy. The National Federation of Independent Business has sounded the alarm about how the health care takeover scheme will kill 1.6 million jobs.

A national energy tax would be just as devastating, raising gas prices, food prices, and the cost of doing business for millions of Americans. \$3,400 a year is what American families might be forced to pay if this national energy tax passes. American manufacturing would be made non-competitive with foreign manufacturers.

It's time to put these bad ideas to rest and look forward to policies to create jobs and capital. We should heed the counsel of Steve Forbes in his new book, *How Capitalism Will Save Us*.

In conclusion, God bless our troops, and we will never forget September 11 in the Global War on Terrorism.

**ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS**

SPEECH OF

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 4462, to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquakes in Haiti, introduced by my illustrious colleague Representative CHARLES B. RANGEL, from New York. This legislation will allow qualifying charitable donations for the victims of the earthquake in Haiti that are made between January 11, 2010, and March 1, 2010, to be treated as if such contributions were made in 2009, rather than in 2010. This will give Americans even more incentive to give to the relief efforts in Haiti.

Madam Speaker, the world witnessed the vivid devastation of Haiti's strongest earthquake in more than two centuries on Tuesday, January 12, 2010 which rocked the very core of the Caribbean. With thousands reported dead and thousands more estimated to be counted in that group, it has been the custom and the unstipulated duty of the American people to help our fellow world citizens in their time of desperation and need!

I have the honor and privilege to represent and serve a city such as Houston, Texas, which has, time and time again, shown its generosity and caring spirits, to anyone who is in need. This is why this bill is very significant; notwithstanding our current economic condition, America is STILL doing what it does best, giving much needed aid and hope to whom ever is in need. We are already playing a key role in both security and much-needed funds in Haiti. This bill will identify a qualified contribution as "a cash contribution made for the relief of victims in areas affected by the earthquake in Haiti on January 12, 2010" and will give much needed tax relief to the many companies and private citizens who have already given millions of dollars to the relief efforts.

The passage of this bill will cultivate more donations for the people of Haiti by "accel-

erating the tax benefit for certain charitable cash contributions made for the victims of the earthquake." We are not reinventing the wheel; similar changes to tax law were done after the tsunami that struck Thailand and Indonesia in December 2004 and other tax considerations were put in place after Hurricane Katrina hit the Gulf Coast in 2005. The bill would waive the current law provision that limits charitable deductions to 50% of a taxpayer's income and 10% for Corporations.

It is also in the United States' best interest, especially pertaining to foreign policy, to help, in any capacity, the relief and ultimate recovery of the nation of Haiti; it will also help govern the global message of "goodwill", which our President deems necessary for the prosperity of us all. For these reasons, I deeply support this legislation and implore my colleagues to join me in this endeavor.

**HONORING TRINITY UNITED METHODIST CHURCH MISSIONS TEAM**

**HON. SCOTT GARRETT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. GARRETT of New Jersey. Madam Speaker, there is not a member of this body who has not been gripped by the graphic stories and images coming out of Haiti since the tragic earthquake on January 12. The human suffering is on a scale we can scarcely comprehend, and its proximity to our country and the need of its victims have rightly roused the charitable spirit of the American people. In the midst of such tragedy, however, we look to stories of hope from the rubble. I would like to share one of those stories today.

On January 9, fifteen members of the Trinity United Methodist Church in Hackettstown, NJ, departed for an eight-day missions trip to Port-au-Prince and Bon Regos, Haiti. This missions team delivered dozens of suitcases filled with medical equipment and personal hygiene items to orphanages, hospitals, and schools in some of Haiti's most disadvantaged neighborhoods. Thankfully, no one on the trip was seriously injured in the earthquake. In the following days, thanks to the tireless work of the State Department and the kindness of strangers, the entire team was evacuated to the Bahamas and is now safe at home with their families and loved ones.

While it was not their intention when they signed up, the members of this team deserve to be recognized for their selflessness and service. Their names are:

Rev. Frank L. Fowler III, Leslie Williams-Wexler, Virginia G. Mitchell, Erica L. Pattky, Frank Proccaccini, Suzanne P. Buchanan, Melissa J. Deibel, Kim M. Koch, Vicki L. Mueller, Virginia L. Thorp, Taylor S. Thorp, Danielle S. Chamberlain, Kathryn A. Stiner, Linda C. Callahan, and Carmen M. Courter.

I join their family, friends, and parishioners in a prayer of thanksgiving for their safe return. I am especially proud of Erica Pattky and

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

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

Taylor Thorp, two teenagers from my district who were part of this team. Their commitment to service at such a young age is a model for people of all ages in our community.

In the coming months and years, American churches, non-profits, and relief-aid organizations will play a vital role in stabilizing and rebuilding the Republic of Haiti. I am convinced that Americans will answer the call to "Love thy neighbor," not due to any government mandate or social obligation, but because it's just what Americans do. In crises both small and large, the United States has proven itself the most philanthropic and charitable nation in the world. I thank the members of Trinity Methodist for providing such a courageous example.

HONORING THE LIFE OF REGINALD "JACK" HORACE FINNEY, JR.

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HALL of Texas. Madam Speaker, I rise today to honor the life and accomplishments of a man who generously helped shape his state and community. Jack Finney of Greenville, Texas passed away on January 1, 2010, at the age of ninety-three.

Jack was born to Reginald Horace Finney Sr. and Valma Bracken in Commerce, Texas on August 15, 1916. Finney attended Paris High School in Paris, Texas. He later graduated from Texas A&M in College Station with a degree in agricultural administration.

Jack founded Finney's Holsum Bread Company in Greenville shortly after graduation. At age thirty-six, Jack was appointed to the Texas A&M Board of Directors where he recruited the famous "Junction Boys" football coach Paul "Bear" Bryant. President and CEO of the Association of Former Students at Texas A&M University, Porter Garner, called Finney a great Aggie and states, "He was always there when Texas A&M needed him."

Jack was a proud resident of Greenville, stating in a 2006 interview, "I could've left Greenville when I sold the bakery, but I stayed here. This is where I was meant to be." He donated land to the city where a public library and swimming pool now sit. He was also a major contributor to the nearby Texas A&M University at Commerce and Hunt Memorial Hospital District Foundation.

Jack was preceded in death by his wife, Lou House Finney. He will be missed by his large family and the grateful citizens of Greenville.

Madam Speaker, Jack Finney was my good friend for many years. I could always rely on Jack to give me his honest opinion about any issue—as well as his support. Jack was the heart and soul of Greenville, and he will be greatly missed. As we adjourn today, let us do so in memory of this great American, Jack Finney.

CONGRESSWOMAN JAN MEYERS  
POST OFFICE BUILDING

SPEECH OF

### HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. TIAHRT. Mr. Speaker, I rise today to wholeheartedly support the naming of the United States Post Office Building located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building." Congresswoman Meyers represented the 3rd District of Kansas in the United States House of Representatives from January 3, 1985 until January 3, 1997. I had the honor of serving with Mrs. Meyers in the 104th Congress, her last two years in Congress. It truly was an honor to learn from her. The state of Kansas is a better place for her tireless service.

Born Janice Lenore Crilly on July 20, 1928 in Lincoln, Nebraska, Mrs. Meyers was raised in Superior, Nebraska. She attended William Woods College in Missouri and the University of Nebraska, earning an Associate Fine Arts degree and a B.A. in communications, respectively. She then married Louis "Dutch" Meyers in 1953, eventually having two children, Valerie and Philip.

Jan Meyers became active in politics in 1966 on the campaign of Edward Lawrence "Larry" Winn, Jr. for the U.S. House of Representatives. She later went on to become a district co-chairwoman for Senator Bob Dole's first U.S. Senate campaign. Mrs. Meyers went into public service herself as a city councilwoman in the city of Overland Park, from 1967–1972. She left the city council in 1972 when she was elected to the State Senate. Congresswoman Meyers then served in the State Senate until her election to the United States House of Representatives in 1984.

Congresswoman Meyers became the Chairwoman of the House Committee on Small Business in the 104th Congress, becoming just the 4th Republican woman to become the chair of a full committee. As a staunch fiscal conservative, she was dedicated to empowering the small business owners of America by introducing legislation to protect their interests and lower taxes to help them expand. Kansas is strong because of our small businesses and Congresswoman Meyers made them stronger. She believed that government works best when it facilitates, rather than restricts private business, as I do.

Congresswoman Meyers did not run for reelection to the 105th Congress in order to spend more time with her family. She said "There are other things in life I want to do, and being a Member of Congress, if you take the job seriously, simply does not leave time."

During her time in Congress, the Congresswoman was fond of saying "Listen to your conscience and your constituents—both. Most of the time they'll agree." This is truly the best way to represent your constituents and has been my goal during my time in this body.

I would like to thank Jan Meyers for acting as a mentor to me in my freshman year and for her dedicated service to Kansas. This legislation is a fitting tribute to an honorable

woman and a respected member of this distinguished body. I urge my colleagues to join me in supporting this legislation.

CONGRATULATING NICHOLAS  
YOUNG, MASSACHUSETTS  
SUPERINTENDENT OF THE YEAR

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to extend my personal congratulations to Nicholas Young who was recently named superintendent of the year by the state superintendents' association. I would like to express my gratitude for Mr. Young's hard work, dedication and leadership.

Mr. Young has served with distinction as the superintendent for the Hadley Public Schools for nine years and continues to be an exemplary educational leader.

Nicholas Young is a very active citizen as he serves as president of the state superintendents association and has previously served as president-elect and vice president. He is also the acting chairman of the state Task Force on Small and Rural School Districts and a member of the state Professional Development Committee and the state Legislative Committee.

We join with Mr. Young's family, friends, colleges and students as he is honored next month at the National Conference on Education in Phoenix, Arizona.

NICHOLAS YOUNG NAMED MASS.  
SUPERINTENDENT OF THE YEAR

(By Diane Lederman)

The program is part of the American Association of School Administrators National Superintendent of the year awards.

In a statement, Thomas Scott, executive director of the state association, stated that Young "is an exceptional educational leader. In addition to his many accomplishments in the Hadley Public Schools, he has been an exemplary model for his colleagues throughout the state, influencing state policy through active research and providing comprehensive and cutting-edge professional development programs."

Young, who has been superintendent here for nine years, said he was pleased and proud to be recognized.

He said it was good for the community anytime someone is recognized in town—be it he or a teacher or administrator.

"It highlights the town having a top-notch school system," he said.

Young is president of the state superintendents association and had previously been president-elect and vice president.

He is also the chairman of the state Task Force on Small and Rural School Districts and a member of the state Professional Development Committee and the state Legislative Committee.

In 2008, he was one of 158 educators from across the country selected to participate in the Japan Fulbright Memorial Fund Fellowship, spending more than two weeks in that country.

Young and the other state winners will be honored next month at the National Conference on Education in Phoenix, Ariz.

The national winner will also be announced then.



HONORING THEODORA J. KALIKOW  
AND THE UNIVERSITY OF MAINE  
AT FARMINGTON'S SUSTAINABLE  
CAMPUS COALITION

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Theodora J. Kalikow and the University of Maine at Farmington's Sustainable Campus Coalition.

Earlier this month President Theodora J. Kalikow announced that the University of Maine at Farmington (UMF) had finalized its roadmap to achieve the goal of carbon neutrality by 2035. The "Climate Action Plan", as it is called, was developed through UMF's own Sustainable Campus Coalition, a collaborative group of driven students, faculty, staff and community members. The plan identifies a number of strategies to reduce carbon emissions, including implementing energy efficient behavior and policies, ensuring future campus structures conform to LEED standards and investing in the use of renewable energy.

According to the U.S. Department of Energy, the UMF campus uses approximately 20 percent fewer British thermal units (BTU) per square foot than the national average for colleges of similar size and climate. Despite an 11 percent increase in campus building space, the university managed to reduce campus wide energy costs by 5 percent of the 2005 levels. A new geothermal heating and cooling system is projected to save \$60,000 and 325 metric tons of carbon emissions per year. These astounding feats are made even more impressive by the fact that the university community led the planning process, with little to no cost to the university system.

The leadership of UMF President Theodora Kalikow in guiding the campus towards energy solutions that reduce greenhouse gases and long-term energy costs is an inspiration to institutions everywhere. I applaud the efforts of the Sustainable Campus Coalition, which reminds us that biggest force of change in a community is the drive of its members. Although the nation has a long way to go in moving towards a clean energy future, the people of UMF have shown that progress is possible and that it is happening now.

Madam Speaker, please join me in honoring Theodora J. Kalikow and the University of Maine at Farmington's Sustainable Campus Coalition for their efforts in making a clean energy campus a reality.

HONORING THE LIFE OF DR. JACK  
HOMER HITTSON, JR.

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HALL of Texas. Madam Speaker, I rise today to honor a fellow veteran and treasured citizen of Garland, Jack Hittson, who passed away last year, at the age of eighty-three.

Jack, a fifth generation Texan, was born June 19, 1925 in Palo Pinto, Texas. He graduated from Strawn High School at the age of

sixteen and enrolled at the University of Texas at Arlington. Before completing his studies, Jack enlisted in the U.S. Navy as a pilot. Jack returned to college following World War II and graduated from Baylor College of Dentistry at the age of twenty-three.

Jack first practiced in Panama where he met and married his wife, Elizabeth Weltzin. Shortly thereafter, they moved to the Alaskan Territories where Jack began work with the Alaskan Health Service. Jack went on to attend the University of Tennessee at Memphis to specialize in orthodontics.

Following graduation, Jack was re-commissioned during the Korean War and stationed in Orleans, France. He returned to Garland after completion of his commission and started one of the first orthodontic practices in North Texas.

Jack was actively involved in the community where he volunteered his time and resources to the benefit of the YMCA, Boy Scouts, Masons, Garland Dental Club, Texas Dental Association, and the Texas Democrats.

Jack will be missed by his wife and the greater Garland community.

Madam Speaker, I commend Jack Hittson for his service to the North Texas community and his country.

CONGRATULATING NANCY  
GOODMAN BRINKER

SPEECH OF

**HON. RON KLEIN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. KLEIN of Florida. Mr. Speaker, I rise in strong support of H. Res. 708, a bill to congratulate Ms. Nancy Goodman Brinker for receiving the Presidential Medal of Freedom. Nancy Brinker, a resident of my Congressional District in South Florida, has had a remarkable impact on the fight against breast cancer. As founder of Susan G. Komen for the Cure, a foundation named for her sister who unfortunately lost her battle with breast cancer 30 years ago, Nancy has helped raise over \$1 billion dollars in support of research, education campaigns and support services for patients and their loved ones.

Susan G. Komen for the Cure and the Race for the Cure have helped create a global movement to empower and support those touched by this disease. Now the largest grass roots breast cancer movement in the world, Susan G. Komen for the Cure offers a place for patients, their friends and family, and those who have lost loved ones to breast cancer to share their stories, raise awareness and donate their time and resources toward finally putting an end to this disease.

I was honored to participate in the Race for the Cure held in West Palm Beach, FL where I walked in honor of my sister, who was recently diagnosed with breast cancer. At this event, I was delighted to meet Nancy in person, and thank her for her tireless efforts in fighting this terrible disease.

Nancy's work to honor the life of her sister by helping countless others is truly admirable, and deserving of this distinguished civilian award. I would like to thank my friend from Illinois, Congressman SCHOCK for introducing this resolution, and Chairman TOWNS for his

leadership in bringing this bill to the House floor today. I urge passage of the bill and I yield back the balance of my time.

PERSONAL EXPLANATION

**HON. TODD TIAHRT**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. TIAHRT. Madam Speaker, on January 19, I missed three rollcall votes numbered 6, 7, and 8 due to being unavoidably detained.

Rollcall No. 6 was a vote on congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science. Had I been present I would have voted "aye."

Rollcall No. 7 was a vote on congratulating the Penn State women's volleyball team on winning the 2009 NCAA Division I National Championship. Had I been present I would have voted "aye."

Rollcall No. 8 was a vote on commending the University of Virginia men's soccer team for winning the 2009 Division I NCAA National Championship. Had I been present I would have voted "aye."

RESPECT THE WILL OF THE PEOPLE AND SEAT SENATOR SCOTT BROWN

**HON. CANDICE S. MILLER**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mrs. MILLER of Michigan. Madam Speaker, prior to my service in this body I had the honor for eight years to serve as Michigan's Secretary of State. In that role I also served as Michigan's chief elections officer.

I am always awed by elections where the people of this nation choose those who they wish to have serve them in government.

Everyone of us who serves in this House is here because of the will of the people.

The people's collective voice must always be honored and respected.

Yesterday we saw another example of the voice of the people when the voters of Massachusetts went to the polls in large numbers to fill the unexpired term of the late Senator Ted Kennedy.

The result of that election is clear. The people of Massachusetts have chosen Senator SCOTT BROWN to be their voice. There is no doubt of the outcome, there is no contest to the election and his opponents have conceded.

When Senator Kennedy was elected in 1962 to fill the unexpired term of his brother President Kennedy, he was seated the very next day, because the people had clearly chosen him to do so.

Senator BROWN and the people of Massachusetts deserve the same consideration.

With all of the important issues facing this nation it is vital that the people's duly elected representatives are able to exercise their important duties.

I respectfully urge the other body to seat Senator BROWN immediately so that the people of Massachusetts can be heard through their elected Senator.

RECOGNIZING THE LIFE OF MR.  
DOUG W. YOUNG

**HON. WALLY HERGER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HERGER. Madam Speaker, it is with sadness that I recognize the loss of a wonderful public servant for Northern California, Mr. Doug Young. Doug was born on a small family farm in Sutter County and lived in Yolo County from 1971 until his death on January 3, 2010. He was married to his high school sweetheart, Diane Lee Young, for fifty-two years, and they have four grown children, five grandchildren, four great grandchildren, and one great-great grandchild.

Doug received a Bachelor of Science degree from the University of California, Davis in 1958. After graduating, he worked as a loan processor and real estate appraiser at the Farm Credit Association until 1966. He performed similar tasks as a Regional Director of the United States Department of Agriculture's Farmers Home Administration Loan Program from 1969 until 1977. He later established Douglas W. Young and Associates, where he acted as a consultant for development in rural areas of California, with a special focus on helping low and middle-income families.

Doug also served his nation and community through his efforts to advance the values and principles he believed in. He was a member of the Yolo County Republican Central Committee and volunteered many hours for the cause he was committed to and the like-minded individuals who sought elected office to uphold his cherished principles. He will be missed greatly by his family, his friends, his colleagues, and the countless people he affected in a positive and enduring way. I was proud to call him a friend, and privileged to watch him serve others with great sincerity and passion.

ACCELERATION OF INCOME TAX  
BENEFITS FOR CHARITABLE  
CASH CONTRIBUTIONS

SPEECH OF

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. VAN HOLLEN. Madam Speaker, I commend Chairman RANGEL and Ranking Member CAMP for bringing this timely legislation to the floor and support its swift enactment.

Simply put, H.R. 4462 will allow charitable cash contributions for Haitian earthquake relief made before March 1, 2010 to be deducted on the contributor's 2009 tax return. As the ongoing rescue and recovery effort in Haiti is still very much an issue of life and death, this targeted initiative will reward those who have already given while providing an extra incentive for those who are considering a contribution. Additionally, I applaud Secretary Napolitano's decision to grant Temporary Protected Status to Haitian nationals living in the United States, which will enable these individuals to stay in the U.S. for up to 18 months past their visa expiration.

America is a generous and compassionate Nation that has always responded to our

neighbors in need. I'm proud to support this bipartisan legislation.

HONORING THE LIFE OF JANET  
SIMPSON COYLE

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HALL of Texas. Madam Speaker, I rise today to honor a lifelong teacher and public servant, Janet Coyle of Rowlett, Texas, who passed away last year at the age of ninety-nine.

Janet was born on April 7, 1910 in Brownwood, Texas to Charles and Janie Simpson. She taught elementary school in Garland, Richardson, and Rowlett for twenty-five years where she followed her personal motto, "There is something to love in every child."

Janet served as President of Classroom Teachers of Garland from 1959 to 1960. She later volunteered her time as the first woman on the Rowlett Planning and Zoning Commission. She was a charter member of the Rowlett Historical Society and was given the Chamber of Commerce Heritage Hall of Fame Award in 2007.

Janet was an active member of her church, First United Methodist of Rowlett, for seventy-seven years. She is preceded in death by her husband of fifty years, William "Bill" Coyle. She will be missed by her three daughters, Nancy Yarnes, Susan Kiby and husband, Larry, Beck Buttram and husband, Will; and son, Billy Coyle and wife, Missy.

Madam Speaker, I commend Janet Coyle for her lifelong devotion to education and public service in her community.

CONGRATULATING NANCY  
GOODMAN BRINKER

SPEECH OF

**HON. DEBBIE WASSERMAN SCHULTZ**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of House Resolution 708, which congratulates Ambassador Nancy Goodman Brinker for receiving the Presidential Medal of Freedom.

I was thrilled when I heard the news last year that President Barack Obama had given this highest civilian honor to Ambassador Brinker.

No one could be more deserving of this great honor. For nearly 30 years she has brought a deep passion to the fight against breast cancer. She has built an organization like no other to fight this terrible disease.

Susan G. Komen for the Cure is the largest and most progressive group of breast cancer activists in the world.

The Race for the Cure, which is now a global effort, has helped raise over a billion dollars for research, health services and educational efforts supporting millions of women in need. All of this because of Nancy, her passion and her vision.

It has been an honor and privilege to work with Nancy over the last year and I cannot

think of a more courageous, dedicated, and passionate woman to honor today.

I thank my colleagues and friends Congressman AARON SCHOCK and Congresswoman JAN SCHAKOWSKY for introducing this fitting and well deserved resolution.

TRIBUTE TO MR. JAMES K.  
STRICKLAND

**HON. J. RANDY FORBES**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. FORBES. Madam Speaker, I rise today to pay tribute to Mr. James K. Strickland, on the occasion of his retirement as Executive Support Officer at the Norfolk Naval Shipyard.

As the Senior Leader assigned coordination of VIP visits, he was successful in promoting the Norfolk Naval Shipyard and its accomplishments to all levels of government, from local mayors in the community up to and including State and U.S. Senators. Those visits had a positive impact on the Naval Sea Systems Command as a whole in that they enabled our governmental representatives to see first-hand the special circumstances and challenging work situations we encounter every day in the ship repair community.

As the Executive Support Officer, he directed a staff which encompasses security, public affairs, congressional affairs, command instructional design, drug free workplace program, internal review, and parking control. His work during this period was complicated by the merger of the Mid-Atlantic Regional Maintenance Center into the Norfolk Naval Shipyard. He not only welcomed new personnel into his organization with proper courtesy and care, his public affairs expertise was helpful in developing and executing a communication strategy for the workforce to accompany such a significant change. That integration was completed in phases, with each phase being executed seamlessly, in accordance with established schedules.

As Executive Support Officer, he developed a relationship of trust and open communication among all levels of the Shipyard, from labor organization representatives up to and including the Shipyard Commander. He brings to the table a well-deserved depth of experience. When emergent or new tasks come about, he continually delivers not only within his assigned responsibilities, but he goes out of his way to help other departments where he can. He has clearly demonstrated excellence through an aggressive pursuit of quality and has shown, not only to the Navy but also to the community, that people with inspiration and dedication can make a difference.

Mr. Strickland's aggressive actions in connection with identified security deficiencies at Norfolk Naval Shipyard resulted in improvements in processes which have crossed over and positively impacted the region as a whole. Similarly, his recent involvement regarding proposed reductions in fire and emergency services at NNSY, Naval Medical Command Portsmouth and Naval Station Norfolk resulted in no reduction in service or adverse impact to mission.

Mr. Strickland was awarded the Purple Heart for injury sustained during his service in the Navy, demonstrating his selfless sacrifice and

the full measure of his devotion to the United States.

Madam Speaker, please join me and the employees of Norfolk Naval Shipyard in offering our sincere congratulations to Mr. Strickland on his exemplary service and a retirement well deserved.

EARLY DETECTION MONTH FOR BREAST CANCER

SPEECH OF

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Con. Res. 158 to express my support for the designation of an early detection month for breast cancer and all other forms of cancer.

Early detection is incredibly important in saving the lives of victims of cancer. While this is true for people suffering from every form of cancer, it is particularly important for those suffering from breast cancer. Breast cancer can be detected through procedures that screen for abnormalities in breast tissue, and it is considered to be the best way for women to lower their risk of dying from the disease. Essentially, these screenings find the cancer early, when it is most treatable, and for this reason, designating an early detection month is incredibly important to help save the lives of the almost 200,000 women in the United States who are diagnosed with invasive breast cancer each year.

It is important to note, as well, that the risk of getting breast cancer is much lower for African-American women than white women; however, African-American women are more likely to die from breast cancer. This is attributed partly to the fact that African-American women are less likely to get regular mammograms, resulting in a diagnosis of breast cancer at a later stage. This is one more reason why designating an early detection month is so important.

In my district, we are doing our part to ensure early detection. Susan G. Komen for the Cure is one of the leading advocates for breast cancer awareness and actively promotes early detection. From their headquarters in Dallas, they have been advancing the cause for breast cancer prevention and awareness across the country. I am proud of the work they have done to save countless lives across the country.

Mr. Speaker, today I encourage my fellow colleagues to join me in supporting this very important resolution that expresses support for the designation of an early detection month for cancer and breast cancer.

HONORING THE LIFE OF WILLIAM MATSON BOYD

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. HALL of Texas. Madam Speaker, I rise today to honor the life and achievements of William Boyd of McKinney, Texas, who

passed away last year at the age of seventy-one.

Bill was born August 8, 1938 in McKinney, Texas to Roland and Nanette Boyd. He received both an undergraduate and JD from SMU in Dallas. He was elected Collin County District Attorney even before completing his law degree.

Bill realized his passion for law and gave up his political ambitions to work for the successful law firm his father founded. Over his career, Bill handled many prominent cases. He was well-known in north Texas area for his work with the Dallas police and firefighters in a back-pay lawsuit.

Bill was a longtime member of the First Baptist Church of McKinney, Texas where he served as Chairman of the Board of Deacons. He was preceded in death by first wife, Betty Boyd.

He will be missed by wife, Barbara White Boyd and a host of friends. Bill and I stayed in touch. I received much advice that I acted on. Bill was a great lawyer and a super friend.

Madam Speaker, I commend Bill Boyd for his commitment to the legal community, and I ask the U.S. House of Representatives to retire at close of House business today in honor of this fine friend.

EARLY DETECTION MONTH FOR BREAST CANCER

SPEECH OF

**HON. DEBBIE WASSERMAN SCHULTZ**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of House Concurrent Resolution 158, expressing support for the designation of an Early Detection Month to enhance public awareness of cancer screening.

As a young woman, I recently experienced firsthand why early detection is vital. As you may know, nearly two years ago, I was diagnosed with breast cancer.

During my year of treatment, I underwent genetic counseling and testing. I met with many specialists. I had seven surgeries. I am pleased to stand before you today cancer-free.

But the fact is, I may not have been around for any of these life saving procedures if I didn't have the knowledge and awareness to catch my lump early.

As a Member of Congress and lifelong advocate for early detection of cancer, I knew the statistics for breast cancer—that 1 in 8 women will be diagnosed in her lifetime.

I knew the importance of knowing what your breasts are supposed to feel like—that's why I chose to do self-exams.

I knew the importance of early detection—clinical exams every 3 years as of age 20; every year after 40 . . . mammograms every year after 40.

And yet for all that I knew to help me increase my chances of early detection of cancer, I soon realized how much I didn't know.

I didn't know that—even with no immediate family history of breast cancer—as an Ashkenazi Jew I was five times more likely to have the mutation . . . and, if I did, that I'd have up to an 85 percent lifetime chance of getting breast cancer . . . and up to a 60 percent chance of getting ovarian cancer.

I didn't know that, because it's often more aggressive and diagnosed later, younger women—compared to older women—are more likely to die.

But I thank God that I knew enough. I didn't find my tumor through luck. I found it through knowledge and awareness, the fundamental tools for early detection.

These are the reasons why I commend my colleague, Congressman ETHERIDGE, for introducing this critical resolution that will enhance public awareness of screening for breast cancer and all other forms of cancer.

At the end of the day, knowledge is power. And with this resolution, we will give men and women all across America the power to detect cancer early, and we will save lives.

HONORING THE LIFE OF ZANER FAY CULBERSON ROBISON BENETIN

**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. HALL of Texas. Madam Speaker, I rise today to honor a respected public servant, Zaner Fay Culberson of Royse City, Texas, who passed away this past June at the age of ninety-five.

Zaner was born to Tom and Hattie May Culberson on March 13, 1914 near Gilmer, Texas. In 1939 Zaner married Robert Robison. They soon moved to Caddo Mills, Texas, where they jointly founded the Caddo Mills Enterprise and purchased the Royse City American in 1942. They started the Tawakoni News in 1963. Robert passed away in 1975, and Zaner continued operation of the newspapers. She went on to found four more local papers in the region.

Zaner served as Mayor of Royse City from 1980 to 1982. She was a longtime member of the Chamber of Commerce of Royse City and the Texas Press Association. In 1979 Zaner married to John Benetin, whom she led into the newspaper industry.

Zaner was an active member of the Royse City United Methodist Church where she taught several classes and served as a member of the administration board. She was later President of the United Methodist Women for the region. She is preceded in death by husbands, Robert Robison and John Benetin. She will be missed by a host of nieces and nephews and the entire Royse City community.

Madam Speaker, as we adjourn today, let us do so in memory of Zaner Fay Culberson, who for many years I could count on for wisdom and support. I commend Zaner for her lasting impact on the newspaper industry and devotion to community service.

HONORING TONY KENNETH MEUNIER

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. HIGGINS. Madam Speaker, I rise today to honor Tony Kenneth Meunier in celebration of his recent retirement from the U.S. Geological Survey (USGS) after almost 42 years of

Federal Government service. He is a remarkable, inquisitive man who, with passion and dedication, has worked tirelessly throughout his career to advance our knowledge of the Earth, Space and social sciences. He has been a soldier, educator, explorer, scientist, writer and devoted family man.

Mr. Meunier, originally from Buffalo, New York, began his Federal Career by enlisting in the U.S. Air Force (USAF) in 1963, when President John F. Kennedy was Commander-in-Chief. Staff Sergeant (E-5) Meunier served overseas for almost 3 of his 4 years with the USAF Security Service. After military service, he used the GI Bill (Vietnam War Era) to earn a Bachelors and Masters Degree in Geology, Geography, and Earth-Space Sciences from the State University of New York at Geneseo and SUNY Brockport, New York. After teaching math and science in the Rochester, New York area, Mr. Meunier joined the USGS Topographic Division, Office of Research and Technical Standards, in May 1972.

Always interested in cutting edge science and technology, Mr. Meunier became one of the USGS's first Research Digital Cartographers and an early advocate of using Landsat imagery for field research and mapping applications. Also, as a physical scientist/cartographer, Mr. Meunier made significant contributions to the USGS program in Antarctica, an international program that spans more than 60 years. He has been a member of three deep field expeditions to Antarctica, including a 14 month period, serving as a member of one of the first USGS satellite surveying winter-over teams at South Pole Station during 1974. For this expedition, in 1974, Mr. Meunier was awarded the Antarctic Service Medal of the United States of America. During the 1982-83 field season, as a member of Antarctic Search for Meteorites (ANSMET) group, working in a previously unexplored region on the East Antarctic Plateau, he initiated a successful plan for locating blue-ice areas with meteorite concentrations using Landsat satellite imagery and also developed a new satellite surveying positioning method to locate and map the meteorites discovered in field operations. In 1995-96, Mr. Meunier was a member of the first U.S. Absolute Gravity team obtaining measurements in the McMurdo and Dry Valley areas and as a supporting member of the South Pole Overland Traverses' search for a usable over-snow route to resupply the South Pole Station. Finally, during the just completed International Polar Year (IPY), Mr. Meunier published a series of USGS Open-File Reports on the Scientific Accomplishments of the USGS over the past 60 years.

Throughout his career, Mr. Meunier has demonstrated a continuing dedication to the advancement of polar science. His contributions to research and the mapping of Antarctica have provided the Nation an invaluable asset. In 1977, at the recommendation of the Advisory Committee on Antarctic Names, Mount Meunier, a feature on the Walgreen Coast of Marie Byrd Land, Antarctica, was named in his honor by the United States Board on Geographic Names. Also, in recognition of his exemplary scientific and programmatic contributions to the U.S. Geological Survey's scientific activities in the exploration of Antarctica, the Department of the Interior, in 2009, awarded Tony Kenneth Meunier, its second highest honor, the Meritorious Service Award.

Madam Speaker, I ask my colleagues to join me in saluting Mr. Meunier for his 42 years of public service, for his accomplishments and for all he has done to engender continued interest in the advancement of knowledge among his colleagues and the public at large.

#### HONORING BUD HUDDLESTON

### HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. CHILDERS. Madam Speaker, I rise today to recognize the life of Bud Huddleston as a music legend from North Mississippi. Mr. Huddleston has been a working musician in Tippah County and across North Mississippi for over 50 years.

Mr. Huddleston, a lifelong resident of Tippah County, has spent the last half century making music and thrilling local crowds with his beloved wife, Hazel, now sadly deceased. The two met in the mid-1940s when Bud encountered Hazel playing at a dance in a band with her father and brothers. He remembers liking both her looks and her guitar playing. Despite the fact that Hazel's father accompanied them on their first date, they continued to see one another and play together, eventually getting married in 1949.

Both Bud and Hazel Huddleston played music from childhood and learned from family members. The Huddlestons attributes a 1979 encounter with bluegrass musician Clarence Goodrum as having a significant impact upon their career. Although the two played country music, Mr. Huddleston's great love was bluegrass. Having the opportunity to spend time and play with Goodrum convinced Mr. Huddleston to make the change and they have played mountain music ever since.

Despite an excellent reputation as live performers, the couple may be best known for their radio work. Since 1982, the Huddlestons were a fixture on the airwaves on Kudzu 102, a station that covers a large portion of North Mississippi, North West Alabama and South West Tennessee. They performed a bluegrass show on KUDZU 104.9 Saturday mornings and a bluegrass gospel program on Sundays. Mr. Huddleston is the voice of the program and chooses the music. Mrs. Huddleston lost her long battle with cancer on March 29, 2008.

Mr. Huddleston still lives in Ripley, Mississippi where the Huddlestons have sponsored the Tippah Lake bluegrass festival for over 20 years, now with crowds of more than 700. I ask my colleagues to join me today in thanking Mr. Bud Huddleston for the joy his years of performances and broadcasts have brought to his audience. We recognize him today for a life of love and musicianship.

#### IN HONOR OF BISHOP DR. AUDREY F. BRONSON

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. SESTAK. Madam Speaker, I would like to honor Bishop Dr. Audrey F. Bronson in recognition of her investiture as President of the

Zion Baptist Church in Philadelphia, Pennsylvania on January 24, 2010.

Dr. Bronson is an ordained minister and consecrated bishop. She began preaching at the early age of fourteen and after many years of serving as an evangelist, she established the Sanctuary Church of the Open Door in 1975. Under her leadership, Sanctuary Church grew rapidly. She also founded the Sanctuary Christian Academy in 1978, a private academic school from pre-school to fifth grade; the Sanctuary Bible Institute and the Sanctuary Counseling and Referral Center.

Because of the demands of a growing church, Dr. Bronson retired from Cheyney University in 1984 as Associate Professor of Psychology after seventeen years of teaching. She served as Dean of the Philadelphia Urban Education Institute, a subsidiary of the African American Interdenominational Ministries, Inc. (AAIM, Inc.) of Philadelphia in association with the major seminaries of Philadelphia, Pennsylvania. Dr. Bronson serves as secretary on the board of One Church, One Child, Inc. of Pennsylvania, a statewide organization organized to encourage members of African American Churches to adopt African American children. She also served on the Mayor's Transition Team.

Dr. Bronson is deeply touched by human suffering and her church doors are open seven days a week to minister to people in need of both spiritual and physical help. Dr. Bronson has served as block captain; ministered in prisons; worked to rid the area of drugs surrounding her church and helped to feed homeless people. She has a tremendous desire to bring about changes in the lives of her fellowman and faith in his ability to help himself. Dr. Bronson will continue her good works as President of the Zion Baptist Church.

The Zion Baptist Church began as a missionary prayer meeting in 1882 led by Reverend Horace B. Wayland in the home of Mr. & Mrs. Lewis Simms. Over the years, Zion membership grew to an extraordinary 6,000 congregants. In 1955, Zion moved to its current location at Broad & Venango Streets, where it was transformed into an urban Christian center. To this end, the Church initiated the following programs: a day care center, credit union, community center programs, employment agency, retirement home, adult education courses, reading classes and family counseling.

The Zion Baptist Church and its leadership have consistently placed an emphasis on community development and Christian youth leadership. Community, social, and theological initiatives organized by the Church include the Zion Center for Corresponding Biblical Studies, weekly Bible Study, Transportation Ministry, Puppet and Clown Ministry, spiritual retreats, leadership workshops, Zion Outreach Support Ministry and the Human Services Center.

Dr. Bronson's selection as President of the Zion Baptist Church is the well earned result of many years of dedicated service to the church and the Philadelphia community at large. On behalf of the Seventh Congressional District, I wish Dr. Bronson continued success in this new endeavor.

HONORING TEDDY PENDERGRASS  
(1950–2010)

**HON. CHAKA FATTAH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. FATTAH. Madam Speaker, Teddy Pendergrass lived many remarkable lives—a life of song, rich and sensuous, a life of determination to overcome a difficult childhood in North Philadelphia, and finally a life of perseverance and triumph against the greatest odds imaginable.

When Teddy Pendergrass, at the too-young age of 59, died January 13 in a hospital several miles from where he grew up in North Philadelphia, the tributes flowed from across the nation and the world. But they weren't nostalgic reminisces for a faded star whose career might have been cut short by a paralyzing automobile accident. The praise and admiration were present-tense, for a man who—by guts and willpower—kept performing, kept filling concert halls, stayed vibrant on the playlists and wherever music is enjoyed.

Even more, Teddy Pendergrass was a man of character and example. He grew in stature with the passage of years. He endured the hard solitary work of rehab so that he could return to the limelight—in a wheelchair, but ever-soulful. The tragedy of March 18, 1982 did not render Teddy bitter or consumed with self-pity. He emphatically made it clear that “there is life after paralysis”.

Offstage, Teddy Pendergrass worked to inspire and encourage others. He established the Teddy Pendergrass Alliance to raise money for other victims of spinal cord injuries. He partnered with the National Spinal Cord Association. He inspired young artists—and youth people with severed spinal cords.

Theodore DeReese Pendergrass, born March 26, 1950, had a strong and special relationship with his mother Ida Burgess Pendergrass—and with the gift of music that she nurtured. Ida would stand young Teddy, at the age of two, on a chair in church and he would sing praises to the Lord. At age ten he was licensed to the Gospel Ministry. Soon he was playing the drums for various local groups including The Cadillacs. It was while drumming for Harold Melvin and the Blue Notes that his vocal gift was discovered.

In 1972, he signed to Gamble & Huff's Philadelphia International Records label. “Teddy Bear” was smoldering hot—in his recordings, on stage, everywhere he went. He recorded 10 platinum (million-selling) albums in a row for Gamble and Huff at Philadelphia International Records. No one who heard them will ever forget hits like “Love TKO”, “Turn Off the Lights,” “Feel The Fire.” And of course, “If You Don't Know Me By Now.” His “women only” concerts are legendary.

A year after his accident Teddy Pendergrass returned to recording, memorably in a 1984 duet with Whitney Houston, titled “Hold Me.” He rolled that wheelchair onstage at JFK Stadium to perform at the unforgettable “Live Aid” charity concert. He produced a 1998 autobiography, undertook a 2002–2003 concert tour, and all the while serving as an inspiration to many young artists. The milestone of his life was “Teddy 25—A Celebration of Life, Hope and Possibilities” at Philadelphia's Academy of Music. It was a fund

raiser for his Alliance, and it marked 25 years since the accident.

Then, at last, came retirement. This past year, Teddy Pendergrass faced a battle with colon cancer that his great heart and courage could not overcome.

Teddy Pendergrass loved life and would light up any room with his million dollar smile. He loved his family and held them close to his heart. This love was evidenced in the way that he encouraged family and friends to share private moments with him. He and his wife Joan enjoyed spending every possible moment together; laughter was a tremendous part of their life. Their love for each other was ordained by God and they became one in marriage. Teddy returned to the Lord Jesus Christ and together they joined the Enon Tabernacle Baptist Church.

Teddy leaves to cherish his memory, his loving wife, Joan Pendergrass, his devoted mother, Ida Pendergrass, his children, Teddy II (daughter-in-law, Felicia), Tishia (son-in-law, Cedric) and LaDonna; stepdaughters Sherilla Lestrade and Jessica Avila; grandchildren, Montaurius Drane, Desaray Drane, Teddy Pendergrass III, Alana Nida Sky Pendergrass, Jasmine Lestrade, Gabriel Gomes and Jeremiah Sanford. In addition to his immediate family, Teddy will be dearly missed by his godchildren, family and friends; especially, his cousins, Jerry and Francina Pendergrass, George Mouzon, Pee Wee Mosley and Neverland Dent; his special family; Joyce Canderlero, Edwin Dereese Canderlero, Antonio Canderlero, Keya Perinchief, Kylied Perinchief, Lori Edmonds, Paya Williams, “second Mom” Louise Hollerway, his manager's Danny Markus, Shep Gordon and Allan Strahi and longtime friend, Henry Evans.

It is as Enon Tabernacle, one of Philadelphia's great churches, that a Celebration of Life will be conducted on Saturday, January 23, at 10 a.m. Teddy Pendergrass lived a life worthy of celebration at every level. His music lives on. His spirit lives on. His fierce determination and zest for life endures. This is how we know him, by now.

RECOGNIZING DEPUTY CURTIS  
CEPHAS FOR RECEIVING THE  
MEDAL OF VALOR

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Deputy Curtis Cephas of the Escambia County Sheriff's Department upon receiving the Medal of Valor, the department's highest honor. Deputy Cephas risked his life in service to the community, and I am proud to recognize his selfless act of heroism.

On July 3, 2009, while off-duty, Deputy Cephas was informed by a local citizen that a nearby house was on fire. Deputy Cephas ran to the house, noticed smoke pouring from inside, and began searching the home to determine if anyone was inside. After discovering that the home's occupant was inside and unable to escape the fire, Deputy Cephas proceeded to enter the burning house and found the resident inside and immobile. He succeeded in pulling the man outside and safely away from the fire.

For his courage and bravery at extreme risk to his own life, Deputy Cephas is being awarded the Medal of Valor, the highest award of the Escambia County Sheriff's Department.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Deputy Curtis Cephas for going above and beyond the call of duty. He is a hero to the community and a true public servant. My wife Vicki and I wish Deputy Cephas and his family all the best for the future.

RECOGNIZING CAPTAIN JOSEPH A.  
IANNITTI—SCOTTSDALE HEALTH-  
CARE'S “SALUTE TO MILITARY”  
HONOREE

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. MITCHELL. Madam Speaker, I rise today to honor a member of the Armed Forces from my home state of Arizona. Each month, Scottsdale Healthcare recognizes service members who perform diligent service to our country. Scottsdale Healthcare has recognized Captain Joseph A. Iannitti for the month of January.

I commend Scottsdale Healthcare for paying tribute to such an exceptional service member for his bravery and service to our country.

Captain Joseph A. Iannitti is the son of Susan Iannitti who has worked for Scottsdale Healthcare for 23 years and is currently the Supervisor of Registration.

Captain Iannitti has served in the Army for nine years and is currently the Executive Officer for the 286th Signal Company, 11th Air Defense Artillery Brigade at Fort Bliss, Texas. Next month, he will deploy to Kuwait where he will be serving a one year tour of duty as a Communications Officer for the 3rd Battalion, 43rd Air Defense Artillery Regiment, 11th Air Defense Artillery Brigade.

During his service Joseph has received numerous awards, all of which serve as a tribute to his honorable character. He was awarded two commendation medals, an achievement medal, good conduct medal, national defense service medal, reserve mobilization medal and a global war of terrorism service medal.

Madam Speaker, please join me in recognizing this courageous service member for his outstanding contributions and service to our country.

HIGHPOINT'S GUERRA HONORED  
WITH STATE LAWN CARE AWARD

**HON. TIM RYAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. RYAN of Ohio. Madam Speaker, the Ohio Lawn Care Association recently announced Christopher Guerra, of Highpoint Lawn Service in Stow, as the recipient of its first-ever Ohio Lawn Care Applicator of the Year Award. The new annual award recognized Guerra for his dedication to customer service and 7 years of work experience at Highpoint. He was presented a plaque by OLCA Publicity Committee Chair, Rob Palmer,

Weed Pro, Ltd. at the OLCA annual meeting Dec. 8 during the Ohio Turfgrass Conference & Show.

Guerra was selected from five finalists including: Matt Dixon, Buckeye Ecocare; Fred Hoyt, Custom Lawns; Matt Netzley, Fitzwater Tree & Lawn Care; and Dan Paolini, Weed Man Lake County.

Guerra was nominated by Highpoint President John Prusa, who commended Guerra for his productivity and personal, caring service to a loyal customer base while completing his education and earning a degree from the University of Akron. Several complimentary letters from customers accompanied his nomination.

The Ohio Lawn Care Applicator of the Year Award, sponsored by Dow AgroSciences, is a new award to be presented annually by OLCA. To apply, one had to be a member company of the association and could only be nominated by a company owner, manager or supervisor. Nominees were required to have a state of Ohio applicators license with a minimum of two years experience.

OLCA represents nearly 500 professional lawn care companies throughout Ohio, and is committed to promoting and protecting the lawn care industry in Ohio. For more information about OLCA or the Applicator of the Year Award, call 800-510-5296; email info@OhioLawnCare.org; or visit www.OhioLawnCare.org.

CONGRATULATING NANCY  
GOODMAN BRINKER

SPEECH OF

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. HENSARLING. Mr. Speaker, today I would like to honor Ambassador Nancy Brinker for her continued leadership and advocacy in breast cancer research and congratulate her on receiving America's highest civilian honor, the Presidential Medal of Freedom.

Ambassador Brinker's commitment to defeating breast cancer began 28 years ago after she lost her sister to the disease. Since that time, Ambassador Brinker has dedicated her life to increasing public awareness and developing a grassroots network of individuals affected by breast cancer.

As the founder of Susan G. Komen for the Cure, Ambassador Brinker has campaigned tirelessly to help those affected by breast cancer and has raised over \$1.3 billion for research and education purposes since it was founded.

Now serving as the Goodwill Ambassador for Cancer Control for the United Nations' World Health Organization, Ambassador Brinker's dedication and leadership are felt throughout the world as she promotes awareness and continues the global fight against breast cancer.

Breast cancer is a devastating disease that has touched many lives. As a former volunteer and board member of the American Cancer Society of Dallas, I have seen how cancer impacts a family. As a husband and father, I share a deep commitment to the fight against cancer.

Mr. Speaker, on behalf of the Fifth District of Texas, I applaud Ambassador Brinker for her

longstanding dedication, leadership and selfless spirit and congratulate her on receiving the Presidential Medal of Freedom.

INITIATIVE TO WIPE OUT CREDIT  
CARD FRAUD

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. ROHRBACHER. Madam Speaker, I rise to speak briefly about an initiative by MagTek, a company from California's 46th District, which I represent. This initiative is aimed at eliminating credit card fraud which funds gangs, crime syndicates and global terrorist organizations, including Al Qaeda. I would include in the record a short excerpt from a speech describing the initiative, and I ask all of my colleagues and the American people to join us in wiping out credit card fraud.

EXCERPT FROM A SPEECH TO THE FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC) PAYMENT SECURITY CONFERENCE

(By MagTek Chief Security Officer Tom Patterson)

Billions of dollars are being stolen every year from thousands of banks, hundreds of thousands of merchants, and millions of consumers—and it's being used to fund gang activity, organized crime, and terrorist plots. And it's got to stop.

Our identities and credit card information are being stolen across America, by waiters and waitresses in our restaurants, by clerks at our stores, and even our ATM machines and gas pumps. In fact, every time we hand over our credit or debit card, Americans are taking a risk that our critical information could be stolen. Last year, over \$4 billion dollars was stolen from us with these methods and others like them, and many of these thefts are being perpetrated by people and machines that have been co-opted by criminal gangs.

Gangs in America, like the "Bloods" and the "Crips", have now moved aggressively into the counterfeit card business, providing the devices (called skimmers), and paying out \$20 for every card number stolen. In fact, counterfeit card fraud is now the third largest revenue source for many of our largest gangs, moving ahead of extortion. They make their money by selling blocks of these freshly stolen identities up-stream, to foreign organized crime.

A 2009 United Nations report has identified Russian organized crime as the world's largest source of counterfeit card fraud, just ahead of the Chinese triad gangs. The largest of these, known as the Russian Business Network, is well known for purchasing these aggregated lists of identities and card numbers, combining them with near-perfect looking fake cards and then selling them on under-world-sponsored auction sites to the highest bidder.

One of the largest bidders for these counterfeit cards this past decade has been Al Qaeda, who repeatedly purchases them for use in funding their terror plots around the world. The horrific bombing in the nightclub in Bali, which killed 202 people, was funded in large part by recently skimmed cards. A captured Al Qaeda handbook describes in great detail how to fund their plots, including the transliteration "obtain credit card numbers and use them to fund the struggle."

The security of our citizens should be paramount, especially in light of its negative ef-

fects on merchants and banks, and its role in funding of US gang violence, transnational organized crime, and global terrorism. It's time for our financial services industry to put a stop to this, by working together to allow merchants to tell the difference between our real cards, and these fakes that are plaguing our way of life.

It's now possible for banks and merchants to easily and economically completely eliminate counterfeit cards from our world, and they can do it today. By adding a simple "card authentication" check to the credit and debit process, which works with the same 3 billion cards we already have in our wallets and the same "swipe" that we've come to trust over 10 trillion times per year, we will allow our retailers to simply decline counterfeit card charges and thus wipe out counterfeit card fraud around the world.

All it takes to make this a reality is for the banks, processors, and merchants to agree to share the "magnetic fingerprint" inherent in the magnetic stripe of every card we use, and rather than arguing over costs we can be sharing the savings that come to all of us by saving billions of dollars of fraud every year. Already, we have the initial commitments to register the first 100 million cards, and make this check available to the first 250,000 merchants. But we need the rest of the players to take this step.

I am here today to urge you to join the coalition to wipe out counterfeit card fraud (www.NoCardFraud.com), and to do your part in protecting the identities of millions of Americans, improving the financial health of millions of retail stores and banks, shutting down a key criminal activity of gangs and organized crime, and disrupting the funding of global terrorists.

A TRIBUTE TO GRAYSON COUNTY,  
KENTUCKY

HON. BRETT GUTHRIE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. GUTHRIE. Madam Speaker, I rise today to honor a great place in the Commonwealth of Kentucky—Grayson County. On Monday, January 25, 2010, Grayson County will celebrate its 200th birthday.

The county was established in 1810 as the 54th county in Kentucky. It was named after Colonel William Grayson, a Virginian statesman and Revolutionary War aide to General George Washington.

Col. Grayson once owned over 5,000 acres, which included the western end of Grayson County. As the story goes, Washington purchased the land from Henry Lee, the father of Robert E. Lee, by trading his favorite horse.

Grayson County includes many great attractions, offering individuals a great place to visit and live. Grayson County's Twin Lakes and the Rough River State Resort Park offers countless recreational opportunities, including swimming, nature trails, boating, tennis, and go-cart racing as well as campsites and lodging.

I am proud to represent the citizens of Grayson County and they should be celebrated for their contributions to making Kentucky such a wonderful place. Madam Speaker, I ask my colleagues to join me in honoring Grayson County and congratulating them on 200 amazing years.

HONORING MS. KRISTEN JARBOE  
FOR EXCELLENCE IN TEACHING

**HON. BEN CHANDLER**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. CHANDLER. Madam Speaker, I rise today to recognize an exemplary resident of Kentucky's Sixth Congressional District, Ms. Kristen Jarboe. Ms. Jarboe, a teacher at Elkhorn Elementary School in Frankfort, has been named as a winner of the Presidential Award for Excellence in Mathematics and Science teaching. This prize, awarded on behalf of the White House's Office of Science and Technology Policy, is a very high honor, and I am proud today to recognize the accomplishments of this exceptional educator in the U.S. Congress.

Her teaching methods emphasize individual attention and small classes so that struggling students are brought up to speed and not left behind. She is recognized as a leader not only among her students, but among the school as a whole, organizing after-school programs such as Family Math Night and creating a school-wide math test for primary through second grades. Her work does not end once students leave her classroom at the end of the year, as she strives to instill a desire to learn in each of her students, and motivates them to become lifelong learners.

Madam Speaker, I believe teaching is one of the most important jobs in our nation and is often underappreciated. Ms. Jarboe's devotion to her work and her students is certainly deserving of this great award and recognition, and with people like her teaching our young people, I am excited for our future generation of leaders.

HONORING THE UNBORN

**HON. JEB HENSARLING**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HENSARLING. Madam Speaker, I need not tell you that tomorrow millions of Americans will reflect upon the Supreme Court decision, *Roe v. Wade*. Some Americans will celebrate. Many others will mourn. I will mourn that decision.

I know this question represents one of the great political fault lines in America today and that many of my countrymen and women feel quite differently than I do. But I believe in my heart and in my head that there is no more fundamental right that we have than the right to life. It is enshrined in our founding documents. Our Creator brought us into this world with certain unalienable rights, including the right to life.

I can come to no other conclusion in my heart and in my head that life begins at conception. I cannot understand my countrymen who come to different conclusions. I do not hate these people, nor do I disparage them, but I have great sadness about what has occurred because of their beliefs: that millions of our countrymen are not here today to take that first breath, to take that first walk, to go into that first dance recital, to hit that first baseball, to put together that first "Two plus two equals

four. I did it, daddy." Millions and millions of our fellow countrymen will never experience that moment because of what I believe to be a very wrongheaded and a very unconstitutional decision made many, many years ago.

And so, a battle continues in this great body as a battle continues all across our land. It's not just a battle to change laws. It is a battle to change the hearts and minds of our countrymen. It is something that I take as an article of faith. But, if there is any parent in this body who has seen that sonogram when your baby is just weeks old, to see that beating heart, to see those little fingers, to see those little toes, and know that you have this great privilege that God Almighty has entrusted you with this gift to nurture this life, how you see that and turn your back on it is beyond me, it is absolutely beyond me.

I wish I knew what I could say to reach out to my fellow citizens and try to convince them to treasure human life and to understand how precious it is. And often when we hear in the debate in this institution that we ought to do something for the least of these, truly unborn life is the least of these. Let us recognize it. Let us hold it precious. Let us live up to our constitutional responsibilities and let us live up to our responsibilities from the Creator and grant our fellow citizens that precious right to life.

There is much work to be done. I see a day, which may not be in my life, but maybe in the life of my children and maybe in the life of my grandchildren, should I be blessed with any, that one day all Americans will somehow lock arms and lock hearts and decide that they will protect and defend that unalienable right to life.

TESTIMONY ON THE 37TH ANNUAL  
MARCH FOR LIFE

**HON. HENRY E. BROWN, JR.**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. BROWN of South Carolina. Madam Speaker, I rise today in support of the 37th Annual March for Life. On Friday, thousands of people from around the country will gather in Washington, DC to rally against the Supreme Court's 1973 *Roe v. Wade* decision.

I have always been a pro-life advocate and throughout my years in Congress have earned a 100% pro-life voting record. I believe every human being has the right to life and that every life should be preserved and protected.

This year it is even more important to bring attention to the unethical principles of abortion as Democrats in Congress continue to discuss the possibility of taxpayer funded abortions in their attempt to create a government takeover of our healthcare system.

I applaud those who made the trip to Washington to participate in the March for Life and I assure you that I will continue to fight for the rights of the unborn.

HONORING BILL JELLISON

**HON. JERRY MORAN**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. MORAN of Kansas. Madam Speaker, I rise today in memory of Bill Jellison—a lifelong Kansan, a revered educator, and my friend. Bill passed away in April of last year at the age of 82, but he will always be remembered for his nearly three decades of service to Fort Hays State University and for his optimism despite adversity.

A native of Lincoln, Kansas, Bill attended Fort Hays State University and received degrees in 1951 and 1952. Following graduation, he taught high school in southwest Kansas along with his wife, Margaret. In 1960, Bill returned to Fort Hays for what was to become a 28-year career. Bill would serve as dean of men, dean of students, and vice president of student affairs. He retired in 1988.

Bill had two passions in life: helping others and the outdoors. During his tenure at Fort Hays, Bill enjoyed assisting students, particularly those from small towns and rural areas. He dedicated his career to ensuring that students achieved success, assisting in any way possible.

In his spare time, Bill loved to hunt and fish with his buddies and inspired others to share in this interest. One of the boys he inspired to hunt was Randy Wood, who is now a columnist for the hunting magazine *Horizontal Bowhunter*. Randy's father was Bill's friend and hunting buddy, as was Randy once he became old enough to hunt. After Bill's passing, Randy wrote a heartfelt tribute, describing Bill as a "big man who loved to talk and always had a smile on his face. The sound of his laughter would fill the room."

In 1994, Bill tragically suffered a severe stroke that left him disabled. Though wheelchair bound and no longer able to walk the fields for pheasants, Bill remained optimistic. He kept a bright outlook on life and continued to care about others. After a 15-year struggle, Bill passed away last spring. For those of us blessed to have known him, let us be thankful that God places men like Bill Jellison in our lives. May we always remember and honor him.

HONORING CHESTER GRAVES

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. DUNCAN. Madam Speaker, I wish today to honor a businessman and beloved community leader in one of my District's most close-knit communities.

Chester Graves recently retired from the pharmaceutical business following a remarkable 60-year career. Chester told his local newspaper, *The Daily Times* in Maryville, Tennessee, that he did not have one bad memory of his years as a pharmacist, and his favorite part of the job was simply helping people.

Like many of his generation, Chester served admirably in World War II. He then returned home to build a business based on the concept of people and personal service.

Chester did not fully retire until recently, instead choosing to continue to work several days a week at the Lowe's Drug Store in Maryville up until his 90th birthday.

Madam Speaker, I would like to congratulate Chester Graves on his well-deserved retirement and bring to the attention of my Colleagues and other readers of the RECORD a tribute to Chester that appeared in The Daily Times on December 14, 2009, which is reprinted below.

**MARYVILLE PHARMACIST RETIRES AFTER 60-YEAR CAREER**

(By J.J. Kindred)

After more than 60 years in the pharmaceutical business, you would think Chester Graves would have at least one negative thing that happened in his career.

Not a chance.

Graves retired last month after a career that spanned more than half of a century. Reportedly he is the longest-serving pharmacist in the State of Tennessee.

He has his wife's uncle to thank for jump-starting his career.

"He had a drug store, and he said if I would go into pharmacy, he would let me come into business with him," said Graves, who will turn 90 next month. "They opened up a new Baptist Hospital in Knoxville and he became a chief pharmacist and he sold his drug store."

A McMinn County native, Graves spent more than four years in the military, serving during World War II. He went to pharmacy school at the University of Tennessee at Memphis and worked for the former Cole Drug Store (which became Revco, then bought out by CVS).

He spent several years in Greeneville, working for Ciba, (Chemical Industries Basel) for 37 years in sales before it merged with Novartis in 1997.

He won the Tennessee Pharmacy Association's Lubin Sales Representative Award in 1984.

For 13 years, Graves worked for Lowe's Drug Store in Maryville in its nursing home division two or more days a week until his retirement.

He originally wanted to attend college to major in chemical engineering until the pharmaceutical opportunity came along.

"I didn't need to be changing (career choices) around all the time," Graves said.

He said with his work at Ciba, which is based in Switzerland, he traveled frequently with the company all over the country.

So what does Graves attribute his long career to?

"I never did drink or smoke," he said with a laugh. "The good Lord has been good to me, and (Lowe's) was exceptionally good to me. I only worked two days a week, but if somebody went on vacation and they needed me, they would call me."

Graves said the best thing about being a pharmacist was that "you help people. A lot of people come in and talk to a pharmacist before they go see a doctor. It's a good profession. What I did over (at Lowe's), they service a lot of nursing homes. We had technicians fill, orders and make stare (customers) have the right orders."

The pharmaceutical business has changed frequently over the years, Graves said.

"Pharmacists don't talk much with the patients like they used to," he said. "I didn't talk to customers much—I worked back in the back. The only people back there were the technicians and me. If there was somebody I knew I would go and talk to them."

"I would still be working if I could—I need the money," Graves added with a laugh.

He said he would miss the contact with people he worked with at Lowe's. "They are very nice people," he said.

Graves added that he would want his legacy to state that he helped a lot of people.

"I would hope that I helped a lot of them," he said. "I worked as manufacturer and worked heavily with doctors and druggists. I had a good repertoire. There would be a new drug that would come out and I would tell them what I had been told about the drug."

Steve Myers, co-owner of Lowe's, described Graves as a "professional person. He never became angry and he never met a stranger. He was just very goodhearted, he worked hard, and just a person everybody liked. The biggest thing I will miss about him is his friendship."

Now that Graves is retired, what will he do now?

"Rake leaves," he said with a laugh.

**HONORING THE MORRISTOWN CLUB OF MORRIS COUNTY, NEW JERSEY, ON ITS 125TH ANNIVERSARY**

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor The Morristown Club of Morris County, New Jersey, which is celebrating its 125th Anniversary Year.

The Morristown Club was organized in December 1884, in response to an invitation sent to a list of residents who lived in the area and were deserving of a social meeting place.

From 1889 to 1929, The Morristown Club was located at 126 South Street. Members of the Club were prominent in the community and many members served in World Wars I and II. In 1928, the Club members purchased a new building at 27 Elm Street where the club still resides today.

In September 1983, the Club admitted women to membership and elected as its first women members, Congresswoman Millicent Fenwick and State Assemblywoman Josephine Margetts.

The club continues to provide luncheons and regular dinners with speakers and various programs. The Club has also made considerable investments in interior and exterior restorations in keeping with the historic character of the building and neighborhood.

Madam Speaker, I ask you and my colleagues to join me in congratulating the members of The Morristown Club as they celebrate 125 years in our community.

**EARLY DETECTION MONTH FOR BREAST CANCER**

SPEECH OF

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. RAHALL. Mr. Speaker, I strongly support designating an Early Detection Month for Breast Cancer and All Forms of Cancer (H. Con. Res. 158). As a cancer survivor myself, I stand here as proof that early detection can save lives.

While the search for a cancer cure continues, much progress has been made in the areas of prevention, detection and treatment

of cancers. However, there are still over 2 million new cases of cancer diagnosed each year.

The statistics are alarming: Breast cancer remains one of the most prevalent cancers affecting women, and prostate cancer is the second leading cause of cancer death among men. Only non-melanoma skin cancer remains more common for men and women overall. Right now, it is estimated that one in eight women will be diagnosed with breast cancer in their lifetime, and one in six men will be diagnosed with prostate cancer.

Sadly, thousands of West Virginia women faced breast cancer diagnosis in 2009 alone. Yet each year, more women survive their battle with breast cancer due to medical advances in early detection and treatment. Medical researchers, including those at Marshall University's Joan C. Edwards School of Medicine in Huntington, West Virginia, are working hard to improve those figures—but early detection remains an important key to saving lives, which is why I strongly support this effort to designate an Early Detection Month to bring attention and focus to this critical issue.

The steady decline in deaths resulting from breast cancer can be attributed to an increase in the number of women who receive mammograms and the development of powerful new drugs that successfully treat cancer.

As many of you are aware, in 2006 I was diagnosed with prostate cancer and subsequently underwent surgery. I am very thankful for all of the West Virginians who contacted me, offering their prayers and support as I prepared for my procedures, through my recovery, and up to this day. I am also truly grateful to the doctors who were able to diagnose my cancer early and—with immediate treatment, they improved my chances for survival.

Cancer screening is often quick and easy and many testing measures can be performed in a local doctor's office. So many lives can be saved and so many families spared a tragic heartache of dealing with cancer diagnosis. That is why I support H. Con. Res. 158 and the efforts to encourage early detection since the bottom line with cancer is raising awareness and early detection saves lives.

**HEALTHCARE DEBATE**

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. DUNCAN. Madam Speaker, I hope that everyone who is concerned about the current healthcare debate will read the following two insertions that I would like to call to the attention of my colleagues and other readers of the Record.

First, this letter from Dr. Douglas MacKenzie, a surgeon from Santa Barbara, California.

Second, this article from Investor's Business Daily by Tevi Troy, a Fellow at Hudson Institute, and former Deputy Secretary of Health and Human Services, and Jeffery Anderson, a Senior Fellow in healthcare studies at Pacific Research Institute.

**HOW TO SOLVE HEALTHCARE ACCOUNTABILITY**  
 "Decades of data confirm the simple truth: If we want to lower health costs, we need to put consumers back in charge.



"Many people now feel like second-class citizens when they enter the doctor's office. That's because everyone in the office knows that the patient isn't really the payer—the patient doesn't hold the purse strings.

"The greater the percentage of medical costs that patients pay to their insurance company in premiums, the more insurers are in charge.

"The greater the percentage that patients instead pay directly to their doctor out-of-pocket, the patients are in charge.

"Whether it's television, computers or Lasik eye surgery, when consumers are in charge, prices stay in check. In 1970, consumers paid for 62% for all privately purchased healthcare out-of-pocket. Today, that percentage is just 26%.

"Consumers are paying less directly to doctors, but they're paying four times as much overall—to insurers or the IRS.

"Only two basic ways exist to cut costs: putting consumers in charge and letting them pursue value; putting the government in charge and letting it ration care.

"So, how do we put consumers back in charge? First, we need to reject the current bills in Congress, which would restrict consumer choice substantially. Then we need to empower consumers in three key ways:

1. End the unfair tax on the uninsured. We should give tax credits to individuals and families that are uninsured or self-insured, thereby putting them on the same ground as those with employer-sponsored insurance.

2. Make it easier for consumers to see prices.

3. Encourage consumer-driven insurance models to give consumers skin in the game.

Intel offers a plan in which it pays all insurance premiums, while its employees pay all health costs up to an annual deductible of about \$2,500 for families—with certain preventive care provided for free.

"Intel employees deposit part of their income into a health savings account tax-free, just like any income that's used to pay for insurance premiums is tax-free.

"These consumers have a stronger incentive to shop for value—as everything they spend up to \$2,500 comes from their own pockets, and everything they save is theirs to keep. Whole Foods offers a comparable plan.

"Across nearly 40 years, the costs of government-run medical care have risen far more, per patient, than the costs of privately purchased care. As consumers' opportunities and incentives to pursue value have diminished, costs have skyrocketed."

Source: Tevi Troy (2007-09 Deputy Secretary of Health and Human Services and now a Fellow at Hudson Institute) and Jeffrey Anderson (Senior Fellow in healthcare studies at Pacific Research Institute), Investor's Business Daily.

**GOVERNMENT IS THE CAUSE OF HEALTHCARE PROBLEMS—NOT THE SOLUTION**

"I would submit that we do not have a healthcare problem in this country, but we do most definitely have a government problem in this country."

"Our healthcare system is a mess, but few understand why, and most tacitly accept the notion that government can or must provide the solutions. But it needs to be recognized that government encroachment into healthcare over the decades was the key ingredient in creating the bureaucratic, inefficient morass that is our current system.

"The logical answer, once this is appreciated, is not to allow the government to fix what it broke in the first place! The answer is to strive to do everything possible toward the goal of getting government out of healthcare completely. This means less regulation, not more. This means less govern-

ment/corporate cooperation (collusion), not more. Lobbying for regulations favorable to one group over another is a toxic concept, based on the immorality of the method itself. Yes, I know that this is the 'way government works' nowadays, and I hear the arguments that we need to have a 'seat at the table,' but that doesn't make it any less wrong."

**"HEALTHCARE IS NOT A RIGHT"**

"We have gotten to the point where we are ready to hand over the last bit of control of our healthcare system to government bureaucrats. . . . Is it really so shocking to ask the question: 'Why is the government involved in my healthcare at all?' Maybe it's shocking to some state 'Healthcare is not a right.' But it's only shocking to someone with no understanding of natural law, rights versus privileges, or why a socialistic system, healthcare or otherwise, is profoundly immoral. The wealthy will always find a way to skirt such a system while the shrinking middle class pays for it, and the poor, the ones the system claims to benefit, suffer the most. . . ."

**ADVICE TO ORGANIZED DOCTORS**

Recommend to your members that if they are one of the 17% of American physicians that remain members of the AMA, get out. Let's make it even clearer that the AMA doesn't represent American physicians and exists solely to feed off its lucrative CPT franchise (merely one example of corporate/government collusion which poisons the system and raises costs).

Learn what's really going on with healthcare in America. A good place to start is the Association of American Physicians and Surgeons and its special project website, [www.takebackmedicine.com](http://www.takebackmedicine.com).

Opt out of Medicare immediately. Continue to care for seniors, as most physician who have opted out do, through private contracts with reasonable fees. Refuse to be part of a corrupt and inefficient bureaucracy that threatens its physicians with draconian punishments and fines while paying them a pittance for the privilege. Imagine the signal that would send if a large organization of physicians like yours had the backbone to recommend this. It would force Reid and Pelosi to tender the idea of forced physician labor. That would likely wake up physicians, indeed the whole of the American people, to just how much power the government craves.

It is only a true free market in healthcare which will lower costs for all patients, increase availability of care, and spur innovation. Most, unfortunately, have no idea what a true free market looks like. It's not what we have now, and certainly not what is on the horizon.

Sincerely,  
DOUGLAS J. MACKENZIE, M.D., F.A.C.S.

**HONORING THE CONTRIBUTIONS OF CATHOLIC SCHOOLS**

**SPEECH OF**

**HON. EDDIE BERNICE JOHNSON**

**OF TEXAS**

**IN THE HOUSE OF REPRESENTATIVES**

*Tuesday, January 19, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 1008 to honor the contributions of Catholic schools.

The tradition of Catholic schools in America dates back to settlement of the new world, and through the centuries, Catholic institutions have been incredibly effective at educating

young people in the United States. Today, enrollment in Catholic institutions numbers at above 2 million students across the country with a student to teacher ratio of approximately 14 to 1. Additionally, Catholic schools graduate roughly 99 percent of their students with 97 percent of those graduates pursuing degrees at institutions of higher education.

Mr. Speaker, as we become a more interconnected and global society, the education of our young people will become increasingly important. Catholic institutions help to ensure that those same young people receive quality educations, and I ask my fellow colleagues to join me today in supporting H. Res. 1008 to honor the contributions of Catholic schools.

**HONORING THE MARTIN LUTHER KING OBSERVANCE COMMITTEE OF MORRISTOWN, NEW JERSEY**

**HON. RODNEY P. FRELINGHUYSEN**

**OF NEW JERSEY**

**IN THE HOUSE OF REPRESENTATIVES**

*Thursday, January 21, 2010*

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor the Martin Luther King Observance Committee of Morristown, New Jersey in my congressional district, which this year is celebrating its 40th anniversary.

Since 1970, the Committee, has been dedicated to promoting the rich legacy of the life and works of the Reverend Dr. Martin Luther King, Jr. with the involvement of the Morris County community in its annual commemorative services.

The observance for 2010 marks the 25th year that Dr. King's birthday will be commemorated as a national holiday. As an expression of local unity and in recognition of this important event, the Martin Luther King Observance Committee is inviting the Morris Clergy Council to join with the committee in sponsoring services on Monday, January 18, 2010.

This year's theme "King's Dream: America, Fight Hate with Love," is the true embodiment of Dr. King's philosophy and teachings. From those individuals who spearheaded the initial celebration, the late Rachel Viola Jones and Dr. Felicia B. Jamison, the planning efforts have broadened to include members of the Morris Area Clergy Council, with representatives from all major faiths. In addition to the two founders, other volunteers who assisted in the early years included Emma L. Martin, George Dorsey, William "Jack" Harris, Reginald and Emanueline Smith, Flora Webb, Norman Jean Matthews, Woody Huff, Elizabeth Lubar, Cecelia Dowdy, Rabbi Z. David Levy, and the Rev. Charles Marks.

The core planning committee is continuing to carry on the tradition of excellence for this great program and has grown to include many dedicated volunteers. Some of those individuals include Nadine Alston, Dr. Judy L. Banks, Pastor Alfonso Sherald, Reverend Leon Sims, Minister Dr. David Hollowell, Reverend Robert C. Rogers, Deacon Henry Lee, George Loveless, Leonard Posey, James Mack, Janet Bonar, Patricia Johnson, Esq., Mae Williams, Elie Sims, Rabbi Donald Rossoff, James Vance, Minister Marian Sykes Johnson, and the Reverend Dr. Jerry M. Carter, Jr.

Madam Speaker, I am quite certain that the Martin Luther King Observance Committee will

continue in the years ahead to promote the cause of equality and opportunities for our young people to pursue productive, fulfilling lives. I ask you and my colleagues to join me in congratulating the Martin Luther King Observance Committee of Morristown, especially the chairwoman, Dr. Felicia Jamison, as they celebrate 40 dedicated years of serving our community.

ESPIONAGE TRIAL AGAINST  
SEVEN LEADERS OF THE IRA-  
NIAN BAHAI COMMUNITY

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. WOLF. Madam Speaker, Monday's Washington Post featured a story about seven leaders of the Baha'i community who are facing "trial behind closed doors in Tehran."

The U.S. Commission on International Religious Freedom rightly called the trial a "sham." The U.S. State Department issued a statement strongly condemning the Iranian government's decision to commence the espionage trial against seven leaders of the Iranian Baha'i community: Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mr. Vahid Tizfahm and Mrs. Mahvash Sabet.

After 20 months in prison these individuals finally had their first court appearance on January 12. According to the Baha'i International Community Iranian authorities have notified the lawyers of seven imprisoned Baha'i leaders that the next session of their trial will be held on February 7.

They spent their first year in prison without formal charges or access to lawyers, in violation of Iranian law. And now, the stakes are getting even higher for members of this minority faith.

A recent state-sponsored media campaign levied false accusations against the Baha'is claiming this religious group incited the latest protests in the Iran. This is a regime that is scared of its own people and desperately looking to redirect public discontent.

Sadly, we should not be surprised by these actions. The government of Iran's gross violations of religious freedom are well-documented and long-standing including the execution of over 200 Baha'i leaders since 1979, the desecration of Baha'i cemeteries and places of worship and the violent arrest and harassment of members of the Baha'i faith.

The U.S. must continue to work with our partners to speak with one voice about inexcusable human rights violations that are occurring in Iran. We must continue to speak out for due process and a fair trial for these seven Baha'i leaders.

The world cannot turn a blind eye to this regime's persecution of its own people.

CELEBRATING 30TH ANNIVERSARY  
OF SONG TRIBUTE TO DR. MAR-  
TIN LUTHER KING, JR.

SPEECH OF

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H. Res. 1010, Celebrating the life and work of Dr. Martin Luther King, Jr. during the 30th anniversary of the Stevie Wonder song tribute to Dr. King, "Happy Birthday," introduced by my distinguished colleague from Michigan, Representative CONYERS. The first Dr. Martin Luther King, Jr. Federal holiday was officially observed on January 20, 1986, and was celebrated with a concert headlined by Stevie Wonder, who has, in the years since, continued his commitment to promoting peace and equality, for which he has been recognized with a Lifetime Achievement Award from the National Civil Rights Museum in Memphis, Tennessee.

Stevie Wonder encouraged the establishment of a Federal holiday in recognition of Dr. King on his album sleeve for "Hotter Than July" by expressing that, "I and a growing number of people believe that it is time for our country to adopt legislation that will make January 15, Martin Luther King's birthday, a national holiday, both in recognition of what he achieved and as a reminder of the distance which still has to be traveled." The tribute song "Happy Birthday," became a rallying cry that led to 6,000,000 signatures supporting a Federal holiday in honor of civil rights leader Dr. Martin Luther King, Jr. Legislation designating the third Monday of January as a Federal holiday in observance of Dr. Martin Luther King, Jr. occurred on November 3, 1983, was signed into law. This campaign secured a Federal holiday in honor of Dr. Martin Luther King, Jr. lasted for fifteen years with the 1980 Stevie Wonder song solidified the campaign's success.

The life and work of Dr. King, to advance justice, equality, and peace for an entire human race ended prematurely when he was assassinated in Memphis, Tennessee, on April 4, 1968, while he was challenging the wages and treatment of Memphis sanitation workers. Four days after the assassination of Dr. King, on April 8, 1968, Representative JOHN CONYERS, JR. introduced legislation to recognize civil rights leader Dr. King with a Federal holiday coinciding with his birthday on January 15, 1929.

Stevie Wonder dedicated his album sleeve for "Hotter Than July," an album released on September 29, 1980, and upon which "Happy Birthday" is recorded, to Dr. King, with an inscription that read, "Martin Luther King, Jr. showed us, non-violently, a better way of life, a way of mutual respect, helping us to avoid much bitter confrontation and inevitable bloodshed." On January 17, 2000, for the first time, Dr. Martin Luther King, Jr. Day was officially observed in all fifty states.

Dr. Martin Luther King, Jr. was a dreamer. His dreams were a tool through which he was able to lift his mind beyond the reality of his segregated society, and into a realm where it was possible that white and black, red and brown, and all others live and work alongside each other and prosper.

But Martin Luther King, Jr. was not just an idle daydreamer. He shared his visions through speeches that motivated others to join in his nonviolent effort to lift themselves from poverty and isolation by creating a new America where equal justice and institutions were facts of life.

It appears that too many of our nation's young people have forgotten how to dream. They have forgotten what Dr. Martin Luther King, Jr. taught us, when he started his journey towards equality—with peace in his heart and the dream of equality in his eyes.

Today, children and young people often ask: "What is a dream?" or "How can it change my life?" We must once again introduce our young people to the life of Dr. King and his enduring dream. His vision is still so pertinent today, our lives continue to be shaped by his efforts.

A young Martin managed to find a dream, one that he pieced together from his readings—in the Bible, and literature, and just about any other book he could get his hands on. And not only did those books help him educate himself, but they also allowed him to work through the destructive and traumatic experiences of blatant discrimination, and the discriminatory abuse inflicted on himself, his family, and his people.

The life and work of Dr. Martin Luther King, Jr. was properly captured in Dr. King's most famed speech, "I Have A Dream," on August 28, 1963, when he said, "I have a dream that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal.'" The legacy of Dr. Martin Luther King, Jr. is continued today, as evidenced by the work of organizations like the National Association for the Advancement of Colored People (NAACP) and the Southern Christian Leadership Conference, which is currently led by Dr. King's daughter, Bernice King, and was at one time led by Dr. King's son, Martin Luther King, III. In addition to organizations, the legacy of Dr. King continues on today with people in the United States and throughout the world, with individual acts of compassion, courage, and peace.

This legislation will benefit the well-being of the public as it celebrates the life and work of Dr. Martin Luther King, Jr. during the 30th anniversary of the Stevie Wonder tribute song to Dr. King. It recognizes the legacy left by Dr. Martin Luther King, Jr. with commitments to freedom, equality, and justice, as exhibited by Stevie Wonder and so many others; and finally, encourages the people of the United States to commemorate the legacy of Dr. King by renewing pledges to advance those principles and actions that are consistent with Dr. King's belief that "all men are created equal." As such, I strongly support this legislation and urge my colleagues to join me and do the same.

INAUGURAL SPEECH OF GOV-  
ERNOR ROBERT F. McDONNELL

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. WOLF. Madam Speaker, I rise today to share with our colleagues the speech new Virginia Governor Robert F. McDonnell gave at

his inauguration in Richmond on January 16. I was moved by his speech, "A Commonwealth of Opportunity," and believe the message is relevant to all Americans.

I submit for the RECORD the governor's speech:

INAUGURAL ADDRESS OF GOVERNOR ROBERT F. MCDONNELL

"A COMMONWEALTH OF OPPORTUNITY"

Thank you, Mr. Speaker, Lt. Governor Bolling, Attorney General Cuccinelli, members of the General Assembly, distinguished guests from around the world and across the country, family and friends, my fellow Virginians, good afternoon!

We gather today on the steps of our magnificent and newly renovated State Capitol.

From this hill the land rolls gently down to the James River, the waterway of the settlers in 1607.

From this place, the sweep of history has moved us forward to today.

This is the cradle of democracy for Virginia and America.

Governor Thomas Jefferson designed this Capitol building.

Governor Patrick Henry came here for the laying of its cornerstone.

I am humbled today to follow in their historic footsteps.

The General Assembly first convened in this new building during the first term of America's first President, Virginia's George Washington.

Behind me, in the Rotunda, are the busts of the eight Virginians who became President.

It was here that Robert E. Lee, the son of a Virginia Governor, was commissioned as Commander of the Commonwealth's military forces as a young nation split into war.

It was here, just four years later, that President Abraham Lincoln came to begin the process of reuniting our war-torn nation, walking the streets of still smoldering Richmond.

And it was here, 125 years after Lincoln's visit that a grandson of slaves, L. Douglas Wilder, took the Oath of Office as the nation's first African-American Governor.

And it is here, today, that an average middle class kid from Fairfax County, a grandson of Irish immigrants, is given the enormous honor of becoming the 71st Governor of Virginia.

As it turns out, I succeed another descendant of Irish immigrants, Governor Timothy Kaine.

On behalf of the grateful people of Virginia, I thank Governor Kaine for his leadership and service to our Commonwealth.

Today's Virginia is a thriving and diverse home of nearly 8 million people, with one in ten born outside the United States.

A state of rich history and strong people, we do face many challenges together.

We do not face the challenges of forming a new government or securing a young nation, as did Washington, Jefferson and Henry.

We do not encounter the devastation and destruction of Civil War, as did Lincoln and Lee.

We do not struggle with the injustice of slavery and its legacy of segregation as did Governor Wilder as a young man.

We do not march into bullets and artillery shells, as did the Greatest Generation on the beaches of Normandy and the islands of the Pacific. Two members of that generation, who served in World War II, my father Jack McDonnell and my father-in-law Frank Gardner, join us here today.

On behalf of a grateful Commonwealth I thank them, and all military members and veterans, for their incredible sacrifice and service to our nation that continues today.

The actions of those patriots that came before us had a common purpose—to create and expand freedom and opportunity for the generations that came behind them.

The creation of, and desire for, new opportunity has shaped Virginia from its foundation.

It was in seeking the Opportunity of a New World that Captain John Smith and 104 settlers braved the perilous Atlantic to step onto the sands of Cape Henry in April 1607.

It was in securing the Opportunity of a New Nation that Virginia patriots joined together with their fellow colonists in the first fight for freedom and independence, and thus was born a country of ordered liberty that, 234 years later, is the beacon of hope for the world.

It was in seizing the Opportunity of equality and education that a courageous 16 year-old girl named Barbara Johns, memorialized behind this majestic Capitol at the Virginia Civil Rights Memorial, stood up and walked out of Moton High School in Farmville 59 years ago this spring.

New opportunity helped them meet the challenges of their time.

Greater opportunity will help us meet the challenges of ours.

Together we must create jobs and economic opportunities.

Provide new educational opportunities for all Virginians.

And enhance family and community opportunities by easing government burdens on free people.

As Virginians, we believe that government must help foster a society in which all our people can use their God-given talents in liberty to pursue the American Dream.

Where opportunity is absent, we must create it. Where opportunity is limited, we must expand it. Where opportunity is unequal, we must make it open to everyone.

Our Administration will be dedicated to building "A Commonwealth of Opportunity" for all Virginians.

It starts with restoring economic opportunity to Virginians in every corner of our Commonwealth.

Tens of thousands of our family members, friends and neighbors have lost their jobs.

Thousands more worry they could be next.

As we confront the worst economy in generations, the creation of new job opportunities for all our citizens is the obligation of our time, so all Virginians who seek a good job can find meaningful work and the dignity that comes with it.

Virginia has received high rankings over the years for being a business-friendly state.

Those rankings speak well of our past. They do not determine our future.

Competition for jobs is intense among the states, and between nations. States are aggressively positioning themselves to best appeal to job creators and entrepreneurs.

We must make this the best state in which to start and grow a small business.

It is why we will reduce burdensome taxation and regulation that impede job-creation.

And, it is why, even in these tough times, we will have the foresight to invest today in ideas and policies that increase economic prosperity tomorrow.

This economic crisis has touched every Virginian.

Declining home values and diminished retirement accounts have wiped away in just a few months the accumulated savings of many years.

As jobs are lost and consumer confidence remains low, state revenues have declined, and an historic budget shortfall has stretched into the billions. Thus, like so many households and businesses across the Commonwealth, state government needs to devise new ways to operate and find savings.

This austerity won't be easy, but it is necessary. The circumstances of our time demand that we reconsider and restore the proper role of government. Without reform the continued growth of government threatens our very prosperity.

We must properly fund the core priorities of government, but—equally important—we must utilize innovation, privatization, and consolidations to deliver government services more effectively.

And as we enact these reforms we must remember this: that government cannot guarantee individual outcomes, but equality of opportunity must be guaranteed for all.

All Virginians must have the same fundamental opportunities to work hard, live free and succeed.

Access to a quality education is the foundation of future opportunity. My Dad stressed to me as a child that to get a good job, you need a good education. It was true then and even more true today.

Virginians are blessed with many great schools with dedicated, professional teachers like my sister Nancy in Amherst, who work tirelessly to mold the minds and character of the next generation.

To compete in this global economy every young Virginian must have the opportunity of a world-class education from pre-school to college.

A child's future prospects should be as unlimited as his intelligence, integrity and work ethic can take him. No child in Virginia should have her future determined by her place of birth or zip code.

We will work with President Obama to expand high-quality charter schools and institute performance pay to our great teachers.

More money must go to the classroom and less into administration, and new opportunities in science, technology, engineering, math and healthcare must be created through our schools and colleges.

And let us recognize that a high school degree is no longer the finish line in a global economy. We must create affordable new pathways to earning a college degree and make a commitment to confer 100,000 additional degrees over the next 15 years. We must make our community colleges national leaders in workforce development and career training.

These are investments that will pay individual and societal dividends for many years to come.

Barbara Johns was willing to risk everything for the simple opportunity of a good education. Surely, sixty years later, we can work together to provide that opportunity to all Virginia children.

Our Administration will demand excellence, reward performance, provide choices and celebrate achievement.

God has bestowed upon our Commonwealth an amazing wealth of natural resources. Virginians have the intellectual capital to use these resources to create new jobs, reduce our energy bills, and make our nation more energy independent.

We will make Virginia the "Energy Capital of the East Coast" by growing the natural gas and coal industries, expanding the use of nuclear power, and promoting new energy technologies like wind, solar and biomass.

And we will champion environmentally safe offshore energy exploration and production, bringing with it thousands of new jobs, hundreds of millions in new state revenue and billions in new investment.

We must also seize the opportunity to improve our transportation system by getting long overdue projects underway, and utilizing innovative ideas to build the roads, bridges, rail and ports we need.

A better transportation system will create new opportunities for Virginians across the state.

These are policies focused on addressing the real problems our people face, and delivering results.

I've had people tell me they fear that America may no longer be the land of opportunity it has always been, and that Virginia's history in playing a leading role in the life of our nation may be just that—history. I say: They are wrong.

Working together—Republicans, Democrats and Independents alike—Virginia will continue to blaze the trail of opportunity and prosperity.

And like the mechanic looking to the owner's manual to troubleshoot the automobile, we should look to the Founders and their writings for wisdom.

The Founders' capstone on the Constitution is the Bill of Rights. No federal mandate nor program crafted by either political party should undermine the central principle of federalism, enshrined in the birth certificate of America by those who pledged their lives, fortunes and sacred honor.

The Founders recognized that the government closest to the people governs best. More often than not, Richmond knows better about the hopes and dreams of the people than Washington. And Galax and Fairfax and Virginia Beach know far better than Richmond.

As we enthusiastically pursue the vision of "A Commonwealth of Opportunity", I ask all Virginians to continue to seek your own opportunities to get involved in the life of our Commonwealth.

Half a century ago President Kennedy challenged the American people to "ask not what your country can do for you—ask what you can do for your country." Today, I ask all Virginians to rise up to meet this timeless challenge.

We live in the most generous nation on Earth. So many Virginians give sacrificially of their time, talents and treasure, and rightly so. The Scriptures say, "To whom much is given, much will be required."

Right now, much is required in the nation of Haiti. And I urge all Virginians to donate to the relief efforts underway.

Here in our Commonwealth, I urge business owners to look for opportunities to sponsor a little league team, help a charity, and promote corporate responsibility in the communities in which you live and work.

I urge all the leaders of our faith communities to expand your selfless work of helping the homeless, feeding the poor, and comforting the broken hearted.

I urge the young people of Virginia to use your talents and energy to fully engage in the future of this Commonwealth.

I urge Virginians who came here from other lands to contribute your culture, your history and your traditions to our rich tapestry of life.

I urge every Virginian to take every opportunity to thank a man or woman in a law enforcement or military uniform for the preservation of our freedoms.

There is so much each one of us can do to leave this Commonwealth a better place than we found it.

No government program can substitute for the incredible good done through voluntary actions performed freely by caring individuals every day.

And while government can help provide opportunities, it is every person's responsibility to take advantage of them.

In recent weeks I've seen people exercising that responsibility, and changing lives at: the Healing Place in Richmond, the Carpenter's Shelter in Alexandria, Food Banks in Abingdon, Norfolk and Richmond, the Boys and Girls Club in Virginia Beach, the USO in Norfolk.

As a Commonwealth, we must do the same . . . and we will.

Standing here today, on the steps of our State Capitol, in the inspiring shadows of the shared history behind us, we embrace the limitless future opportunities stretching out far before us. . . .

And now it is here, in this place, that we pledge to work together to create "A Commonwealth of Opportunity" . . . for all Virginians, and to add our steps to Virginia's journey.

It was George Washington who noted, in his first Inaugural Address, "The propitious smiles of Heaven can never be expected to remain on a nation that disregards the eternal rules of order and right which Heaven itself has ordained."

It is right to help one another.

It is right to work together to get results and solve problems.

It is right to provide opportunities for all.

Let us heed the words of the Father of our Country, employ these eternal rules of order and right, and get to work for the good of the people of Virginia.

Thank you and God Bless the Commonwealth of Virginia.

HONORING SEVEN AMERICANS  
KILLED IN AFGHANISTAN ON DE-  
CEMBER 30, 2009

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2010

Mr. LANGEVIN. Madam Speaker, I rise today to recognize the bravery and sacrifice of the seven CIA officers and contractors who gave their lives in the line of duty during the December 30 bombing of a CIA base in Khost, Afghanistan. I also want to recognize those Americans who were injured in the blast and offer my wishes for a full and quick recovery.

As we have all learned by now, a suicide bomber who was believed to possess information critical to counterterrorism operations entered the U.S. forward operating base in Khost, where he activated explosives that took the lives of seven Americans, including one of our nation's top counterterrorism experts. Six other Americans standing nearby were injured in the explosion.

The men and women of our intelligence community work behind a veil of secrecy, yet as this tragic incident reminds us, they are still exposed to the dangers that come from the difficult and often thankless job of protecting our country. Unlike our soldiers in uniform, these public servants must keep their many victories secret, while their rare failures and raw grief make headlines. My thoughts and prayers are with the families of these brave men and women. They, and all the other patriots who serve so honorably in our intelligence community, have my unending gratitude and my unwavering support. I will continue to do everything in my power to ensure that they have the tools, resources and encouragement they need to keep America safe.

THE FEHBP PRESCRIPTION DRUG  
INTEGRITY, TRANSPARENCY,  
AND COST SAVINGS ACT

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 21, 2010

Mr. LYNCH. Madam Speaker, I don't have to remind you that much of the public policy debate in this country has largely focused on healthcare reform and on how best to tackle rising costs, while ensuring access and quality at the same time. These calls for change in the healthcare policy arena have also been coupled with demands for a more fiscally responsible federal government.

Many policymakers look to the FEHBP as a model for providing health care. That's why it's important to ensure the program is providing the best benefits and at the best price for subscribers. Having conducted a Subcommittee on Federal Workforce, Postal Service and the District of Columbia hearing in June, a September policy forum with key stakeholders, and months of additional research and collaboration, I have discovered that when it comes to prescription drugs, our federal employees and retirees are not receiving the best benefit at the best price. Considering that prescription drug costs comprise nearly 30% of the FEHBP's premiums, it is imperative that we do everything in our power to ensure that federal employees and the taxpayer are getting the best value for their dollar.

In short, the FEHBP health plans contract with Pharmacy Benefit Managers (PBMs) to price and to provide the pharmacy benefit to FEHBP members. In contrast with other federal health programs, the FEHBP does not regulate or negotiate drug pricing for its members. Instead it relies on competition among the various carriers and PBMs to keep prices low. However, as we recently affirmed, prices are not low! In fact, when comparing FEHBP drug prices to those of other federal programs, such as the Veterans Administration, the Department of Defense, Medicare, Medicaid and the Public Health Service's 340B Program, the FEHBP is paying substantially more for its drugs. Even more alarming is that some research actually shows that Costco and drug-store.com offer their employees better prices for drugs than the FEHBP does for federal workers and retirees. In these economically challenging times, it is unacceptable to ask federal employees and the American taxpayer to put up with such an irregularity. If the FEHBP wants to remain a model for providing health benefits, legislative changes that allow for alternative prescription drug benefit contracting and pricing are in order.

For this reason, I am proud to be introducing legislation today that will afford the Office of Personnel Management (OPM) greater oversight authority in the contracting and pricing of the FEHBP prescription drug benefit. Titled "The FEHBP Prescription Drug Integrity, Transparency, and Cost Savings Act", this bill will prohibit certain ownership relationships; require Pharmacy Benefit Managers (PBMs) to return 99% of all monies received from manufacturers for FEHBP business; cap prices paid by the health plan to the Average Manufacturer Price (AMP); restrict drug switching by PBMs; and require enhanced transparency and disclosure of all contract terms and related information. These requirements intend to not only

lower costs of prescription drugs in the FEHBP but to also provide our federal employees with a safer, higher quality prescription drug benefit.

In this day and age, when every effort is being made to reduce federal spending and to find money to fund healthcare reform and other domestic policy priorities, the level of ambiguity around costs and drug prices under the FEHBP is appalling and must change. What we have before us is an issue that can save the taxpayer billions of dollars while at the same time reduce premiums for federal workers and their families. All I ask of my colleagues is for their support in passing this important legislation.

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EXPRESSING CONDOLENCES TO  
HAITI

SPEECH OF

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas.

Madam Speaker, I rise today to support the resolution expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

With reports of up to 200,000 deaths and more than 1.5 million people left homeless, this is the worst natural disaster incurred by Haiti in more than 200 years. As the poorest and least developed country in the Western Hemisphere, it is reassuring to see the United States and the international community coming together in solidarity to help this country in its hour of need. The 7.0 earthquake has caused upheaval for almost one-third of the Haitian population and wrecked the existing infrastructure, making roads impassable, hindering rescue/aid flights, and tainting water supplies.

The earthquake's destruction spared no nationality, no class, no age, no religion. Thousands of American volunteers and missionaries were also lost; however, due to the selflessness and quick action of first-responders, we are able to celebrate each life as survivors are found. The rescue effort has been led by rescue teams from around the world. Teams in Texas eagerly await the opportunity to deploy to Port-au-Prince and various organizations in my district have been holding fundraisers to contribute to the effort. Americans have contributed over \$200 million to major relief groups in just 7 days since this disaster, and their generosity will be important in the coming months as Haiti rebuilds its tangible resources as well as its national consciousness.

Haitian recovery from the tragic events in its capital city will require continued support from the international community, and I urge my fellow colleagues to join me in supporting the resolution expressing condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010.

HONORING THE OUTSTANDING  
SERVICE OF THE 354TH EXPEDITIONARY  
FIGHTER SQUADRON

**HON. GABRIELLE GIFFORDS**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Ms. GIFFORDS. Madam Speaker, I rise today to honor the 354th Expeditionary Fighter Squadron on their recent landmark deployment to Afghanistan in support of Operation Enduring Freedom.

During their recent combat deployment, the 354th distinguished itself as the Air Force's premiere Close Air Support unit by flying more sorties per day, per aircraft, than any other ground-attack unit in the Central Command area.

Over the course of their 6-month tour, the unit flew more than 10,000 flight hours and launched more than 2,500 sorties in support of thousands of troops on the ground and all with only half of their full complement of aircraft.

The Bulldogs spearheaded the integration of the SADL communications system or Situational Awareness Data Link. They were also the first A-10 unit to forward deploy to Kandahar Airfield, closer to the action and closer to the enemy.

In order to remain airborne, the maintenance team worked around the clock to ensure a utilization rate of 210% of the usual domestic operational rate. For the 354th that meant 400 sorties a month.

The dedicated service of the airmen of the 354th Expeditionary Fighter Squadron has undoubtedly saved the lives of countless American, Coalition and Afghan ground forces and under the brutal conditions of an unrelenting Afghan winter.

As the first A-10 squadron in theater, the 354th has set the bar very high, but I am confident that their follow-on units will meet that standard.

On behalf of the people of Tucson, I am personally very proud to welcome home the 354th to Davis-Monthan Air Force Base.

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CBS WINS LAP DOG AWARD

**HON. LAMAR SMITH**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. SMITH of Texas. Madam Speaker, for the second time in a row, CBS is the winner of the Media Fairness Caucus' highly un-coveted "Lap Dog Award" for the week's most glaring example of media bias.

During CBS' coverage of the special election in Massachusetts on Tuesday evening, two hours before the polls closed, political analyst John Dickerson claimed that if Republican candidate SCOTT BROWN won the election, it would "get a lot uglier in Washington."

Brown went on to say that Republicans "feel excited and they see glory in attacking the President."

It's no wonder just 2 in 10 Americans say reporters try to offer unbiased coverage of political campaigns, according to a recent Rasmussen poll.

CBS and the national media should give Americans the facts, not tell them what to think.

HUMAN RIGHTS VIOLATIONS IN  
EGYPT

**HON. ALBIO SIRES**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. SIRES. Madam Speaker, I rise today to share my concern and outrage over human rights abuses in Egypt.

I rise to ask that the Egyptian Government uphold the rights of all religious communities by ending discrimination and harassment of groups such as the Coptic Christians, and prosecuting those that do such groups harm.

An attack that happened just weeks ago starkly illustrates the need for change in Egypt. On January 6th, 2010, a drive-by shooting killed six Coptic Christians in Nag Hammadi. This deadly attack, carried out the night before the Coptic Christmas, is the most recent in a long history of repression and abuse of Coptic Christians in Egypt.

On January 14th, 2009, the U.S. Assistant Secretary for Democracy, Human Rights, and Labor, Michael Posner, spoke out against this attack. He stressed the need for prosecution and justice in the country. Last October, the Department of State released its 2009 International Religious Freedom Report detailing the widespread and ongoing persecution of this community. The report also highlights increasing violence and the need for improved investigations.

While the United States and the human rights community have been vocal in condemning this attack and other human rights abuses, the Egyptian government has yet to recognize the full significance of the violent act or the overarching issue of intolerance in the country. Violence in the name of the religion is unacceptable, but when governments do not sufficiently address such behavior, the violence is far more troubling.

Religion is a fundamental freedom that must be upheld and respected around the world, in every nation and in every community. I urge my colleagues in the House to join me in calling for religious freedom and basic rights for all people.

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TRIBUTE TO THE CITY OF  
OWASSO, OKLAHOMA

**HON. JOHN SULLIVAN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. SULLIVAN. Madam Speaker, today, I rise to recognize the City of Owasso, Oklahoma, in the First Congressional District for receiving an A+ rating in government transparency by the online citizen's watchdog group, Sunshine Review. I congratulate the City of Owasso for receiving this prestigious award and becoming the first city in Oklahoma to receive a perfect grade.

The Sunshine Review is an online resource that monitors government transparency at the local, county, and state levels throughout the country. According to the organization, they seek to make government accountability and records accessible for all citizens and taxpayers to read. In order to assess a city's rating, the Sunshine Review compiles a "transparency checklist", consisting of ten basic sections of accountability. Each section must

have proper online access for its constituents to review governmental work, including budgets and contractual information for elected and administrative officials.

I am proud that Owasso became the first city in Oklahoma to receive this distinguished honor. As we work towards accountability and transparency in Congress, Owasso remains a shining example to local and state governments and to what our nation must accomplish as a whole. By receiving a perfect grade, the City of Owasso remains a shining example of a local government taking responsibility to its citizens and taxpayers they represent. All citizens deserve an open forum to see how their government spends their hard-earned, taxpayer dollars.

I firmly believe that an open and honest government is the most effective way to give Americans the transparency they deserve. Owasso's focus on this important issue illustrates their steadfast leadership to promote accountable governance at all levels. I am proud of the city for this great accomplishment.

#### KOREAN AMERICAN DAY 2010

### HON. ENI F.H. FALDOMAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. FALDOMAEGA. Madam Speaker, last week, on January 13, we marked the 107th anniversary of the first Korean immigrants to the United States. From those few Korean individuals who came in 1903 to Hawaii, then a U.S. territory, the Korean American community has grown to nearly two million people.

For the first few decades of the 20th century, Korean immigration was impeded by U.S. law. Regrettably, until the 1960s, U.S. law refused to admit immigrants from East Asia. Fortunately, as attitudes about race and ethnicity changed and matured in the wake of the civil rights movement, these shameful barriers were removed. America became a land of opportunity not just for Europeans seeking refuge and comfort, but for people from Africa, Asia, and Latin America, as well.

Korean Americans have contributed immeasurably to our society and culture. They have raised families and built successful businesses, strong neighborhoods, active civic associations, churches, and charities. Korean Americans have served in the armed forces, been elected to public office, and been appointed to positions of authority in President Obama's administration.

In my capacity as Chairman of the Subcommittee on Asia, the Pacific, and the Global Environment, I have paid close attention to issues of concern to the Korean American community. With many Korean Americans still having family ties to the Korean Peninsula, they care deeply about the continuing resilience of the U.S.-Korea alliance. When I served in the U.S. Army in Vietnam in the 1960s, I met many Korean soldiers who fought side by side with Americans, just as Americans had fought side-by-side with Koreans in the Korean War a decade and a half earlier.

The close alliance between the United States and the Republic of Korea has included South Korea's important contributions to fighting terrorism around the world and promoting

democracy and liberal values. The Republic of Korea has remained a steadfast ally of the United States and ought to be considered America's greatest foreign policy success in the post-World War II era.

It is worth noting today that, later this year, we will be commemorating the 60th anniversary of the outbreak of the Korean War. Veterans of that conflict, both Korean and American, have strong feelings about the U.S.-Korea alliance. I have attended many ceremonies at which Korean War veterans pay tribute to their fallen comrades and share their memories of the battlefield. Many of them have returned to Korea in peacetime to visit the friends they made and—in some cases—the families of their spouses.

Korean War veterans and members of the Korean American community are significant stakeholders in the maturation of the U.S.-Korea alliance, whether that means a security alliance in our mutual effort to denuclearize North Korea, whether it means growth in the number of Korean students who attend American colleges and universities, or whether it means broader and deeper business and trade ties.

The U.S.-Korea Free Trade Agreement (KORUS FTA), which was signed in June 2007 and awaits ratification and implementation, will bring substantial benefits to both of our countries. The U.S. International Trade Commission has forecast that the elimination of tariffs on U.S. goods under the KORUS FTA would increase the GDP of the United States by over \$10 billion annually. The agreement will also eliminate regulatory and other non-tariff barriers that have historically restricted access by American farmers, manufacturers, and service providers to the South Korean market.

Korea's economy is beginning to recover from the worldwide recession, with a special emphasis on creating "green jobs" and encouraging growth in 21st century industries that look to the future. At the same time, Korea remains a major market for American goods and services, for agricultural products, raw materials, and finished goods.

With growing uncertainty about our economy, it is critically important that we make every effort to spur U.S. economic growth and create new American jobs through securing access to markets in which U.S. farmers and businesses can compete and succeed. The KORUS FTA stands to further increase U.S. exports to Korea and will generate new jobs for Americans. This agreement will be a triple-win—a win for workers, a win for businesses, and a win for consumers.

Beyond trade, the United States and Korea share similar values and goals. Both countries are democratic republics, both desire peace on the Korean Peninsula and work to assure that nuclear weapons do not proliferate in Northeast Asia, and both want to see economic growth and opportunity throughout the world.

It is in this context that Korea will host and chair a meeting of the G-20 in November 2010. It is a remarkable achievement and one that is emblematic of how far Korea has come considering that 60 years ago, it was a war torn nation. I am confident that Korea will set an ambitious agenda for the G-20 to include how nations can turn to "Low Carbon, Green Growth" sectors to spur economic growth in the aftermath of the global financial crisis.

Last August, I had the privilege of visiting Korea to receive an Honorary Doctorate from Chonbuk National University. I had numerous opportunities to engage in meaningful dialogue with our Korean friends on a host of issues. But above all, I was struck by the kind generosity and hospitality of the Korean people. The same has always been true of our Korean American friends as well.

Madam Speaker, this is why it is my honor to recognize January 13 as Korean American Day pursuant to House Resolution 487, which was passed in 2005 and introduced by my good friend Representative Tom Davis of Virginia. I urge my colleagues to offer their own expressions of support in recognizing the Korean American community and their achievements and the importance of a comprehensive U.S.-Korea alliance in diplomacy, business, and culture.

#### TRIBUTE TO ANNE McMAHON

### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mrs. CAPPS. Madam Speaker, I rise to pay tribute to a former member of my staff and my dear friend, Anne McMahon.

Anne recently passed away after a tough battle with cancer. She leaves behind a wonderful loving family, including husband Peter and sons Jono and Ryan, and a host of friends and admirers across the country.

Anne was one of the first Congressional staffers who my late husband, Walter Capps, hired when he was elected in 1996. She was the anchor of Walter's and, later my, congressional office in San Luis Obispo, California. The consummate professional, she was completely plugged in to the local community and there was no issue or constituency that didn't have Anne's ear or attention.

Among her many talents, Anne was a wonderful writer, having worked as a local journalist for several years before moving to politics, where she worked not just with Walter and me but two county Supervisors as well. She was also a tireless advocate for the environment and worked extensively to preserve our beautiful Central Coast, including protecting Santa Margarita Ranch from development. Eventually her unquenchable love for the natural environment led her to other professional opportunities with The Nature Conservancy and most recently with the California Coastal Commission. She excelled in all these endeavors and brought to all of them her relentless commitment to leaving the world a better place than she found it.

Walter and I both loved Anne for her commitment to public service and tireless devotion to her community. But we also reveled in her vibrant personality, her irreverent and irrepressible wit, and her enthusiastic embrace of all life's joys and sorrows. I know that this healthy outlook on life, along with the endless support from her family and friends, brought her strength during the difficult days of the past year.

Anne touched many lives and inspired all of us. She faced her battle with cancer with the same courage, grace, and sense of humor that guided her throughout her life. Everyone who knew Anne thought the world of her and

I know that I am not the only one who is heartbroken by her passing.

My thoughts and prayers are with her friends and family during this difficult time.

#### SUPPORTING THE INITIATIVES OF CHICAGO WILDERNESS

SPEECH OF

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 13, 2010*

Ms. MCCOLLUM. Madam Speaker, I rise today in support of H. Res. 860, a resolution supporting the Leave No Child Inside initiative and the Children's Outdoor Bill of Rights. For our children's physical, emotional and intellectual growth, it is important for them to spend time outdoors and in nature. Unstructured playtime nourishes childhood development by stimulating imagination and creativity and building healthy habits.

America's children are spending less time outside, and more time in front of the television or computer. This loss of exercise and exploration negatively affects their physical health, and it causes problems later in life. Nearly 119 million American adults are currently overweight or obese. Childhood obesity has doubled since 1980, costing Americans more than \$117 billion per year. We simply cannot afford to leave our children inside.

The Children's Outdoor Bill of Rights is a call to fight obesity and to provide and promote quality outdoor activities for our children. For these reasons, I urge my colleagues to support H. Res. 860.

#### RECOGNIZING ALAN SPENCER OF MONETT, MISSOURI

**HON. ROY BLUNT**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. BLUNT. Madam Speaker, I rise today to honor an educator and coach who has helped mold, inspire and motivate young men and women for almost four decades in Southwest Missouri. I am proud to recognize Monett High School coach and educator, Alan Spencer, upon his retirement at the end of the 2010 school year.

For 35 years, Alan has had a number of considerable coaching accomplishments. However, his higher calling is to teach and instill in young men and women the traits of a strong moral character. He has taught that success in any endeavor is marked by hard work, respect, and dedication in working as a team to accomplish a common goal.

In his retirement letter, Alan demonstrated his philosophy of success as a coach and respected mentor. He wrote, "Our coaches and student/athletes have gained more than just skills and knowledge of the activities they compete and coach in. They have learned about loyalty, accountability, responsibility and trust. They understand that a team cannot be successful without pride in your performance, effort to make yourself and the team better, determination to overcome all obstacles, enthusiasm for the game and respect of your opponents and teammates."

Alan has been head football coach, athletic director, women's track coach and teacher for the Monett Cubs sports program for nine years. During that period, the Cubs football teams have gone 58–36 and won or shared championships in the Big 8 Conference in 2004, 2007 and 2008. Under his nine years of leadership, the women's track team captured Big 8 Conference crowns five times.

Alan's career began as a coach at Neosho High School in 1975. His first head coaching job was at Nevada, Missouri in 1980. From there Alan coached at Springfield Parkview High School, Springfield Central High School and at Rogers, Arkansas before going to Monett in 2002.

Alan has been recognized many times for his hard work for students and teams. This year, he will be inducted into Missouri's Football Coaches Hall of Fame. He was named the 2008–2009 Missouri Interscholastic Athletic Administrators Association's Athletic Director of the Year for the Southwest District. In 2004 and 2008, Alan was named Big 8 Coach of the Year.

Alan plans to spend time in his retirement with his family and friends while enjoying fishing and hunting. I know Coach Spencer will continue to find ways to use his talents as a motivator to inspire other young people to the highest standards of service to their school, their community and their country.

#### ON INTRODUCING THE WILDLIFE AND ZOOLOGICAL VETERINARY MEDICINE ENHANCEMENT ACT OF 2010

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the Wildlife and Zoological Veterinary Medicine Enhancement Act of 2010. This legislation will develop affordable opportunities for well qualified individuals who are seeking to become wildlife and zoological veterinarians, spur job growth and promote robust public health policy.

Wildlife and zoo veterinarians are the primary source of essential health care for and management of wild animals in their natural habitat and in captivity. Not only do they preserve natural resources and animal lives, but they help protect human health by preventing, detecting, and responding to exotic and dangerous diseases.

With the intensification of globalization and climate change, along with a growing interface between humans, livestock, and wildlife, the threat posed by emerging infectious diseases to humans and wildlife keeps increasing. Controlling pandemic and large-scale outbreaks of disease has become more problematic. However, the United States faces a shortage of positions for wildlife and zoo veterinarians.

On average, veterinarian graduates owe \$130,000 in student loans. Upon graduation, professionals practicing wildlife and zoological veterinary medicine earn relatively low salaries, compared to companion animal medicine. Lower salaries, combined with high educational debt and the small number of positions available discourage students from becoming wildlife and zoo veterinarians. The

number of practical trainings and formal educational programs specializing in wildlife and zoological veterinary medicine are also insufficient to allow graduates to make significant contributions.

My bill will directly address these issues which prevent and dissuade veterinarians from practicing wildlife and zoological medicine. It will participate in the national job creation effort by funding new positions for wildlife and zoo veterinarians and will ensure that veterinary students find jobs upon graduation. The bill will also limit the amount of educational debt for students while providing incentives to study and practice wildlife and zoo veterinary medicine through the establishment of scholarships and loan repayment programs. Lastly, my legislation will advance education by helping schools develop pilot curricula specializing in wildlife and zoo veterinary medicine and by expanding the number of practical training programs available to students.

Madam Speaker, we have reached a point in our history when we cannot ignore the importance of protecting America's wildlife. Wild animals are a very important part of our commonly held natural resources and contribute to maintaining a balanced ecosystem. With an increasing number of endangered species, the introduction of invasive non-native species, and more infectious disease threats, wildlife and zoological veterinarians must be placed at the core of our efforts and be given the resources and recognition necessary to protect both animal and human lives.

I urge my colleagues to extend a helping hand to America's veterinarians by supporting this important piece of legislation.

#### HONORING THE SERVICE OF HIS EXCELLENCY ABDULAZIZ KAMILOV, AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE REPUBLIC OF UZBEKISTAN TO THE UNITED STATES

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to honor the distinguished service of my friend, His Excellency Abdulaziz Kamilov, Ambassador Extraordinary and Plenipotentiary of the Republic of Uzbekistan to the United States.

With distinction, Ambassador Kamilov has represented Uzbekistan in the United States for the past seven years. Before he accepted his assignment to come to the United States in 2003, he was a State Advisor to the President of his home country.

Some three years after the collapse of the Soviet Union, Mr. Kamilov became the Minister of Foreign Affairs of Uzbekistan, the highest diplomatic position in the newly-formed Republic. He served in this prestigious post for nine years.

Mr. Kamilov holds a Ph.D. in the History of International Relations and Foreign Policy. He was President of the University of World Economy and Diplomacy for almost a decade.

Ambassador Kamilov spent much of his early career in rigorous study of the Middle East. He held numerous positions in the Middle East Department of the Ministry of Foreign

Affairs of the USSR. He is fluent in English and Arabic.

His Excellency Kamilov is an experienced diplomat who understands that the U.S. and Uzbekistan have mutual interests, and our relationship has been immeasurably enhanced by his professionalism, intelligence and friendship.

At times when relations between our country and Uzbekistan were uncertain, Ambassador Kamilov remained steadfast, becoming a key figure in strengthening and rebuilding our security and economic alliance.

Ambassador Kamilov is to be commended for his loyalty in discharging his duties to his President, His Excellency Islam Karimov, and the people of Uzbekistan.

As Ambassador Kamilov moves on to new responsibilities and assignments, I extend to him and President Karimov my highest regards and best wishes.

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EXPRESSING CONDOLENCES FOR  
GOLDYE LEVI

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to express condolences and honor the life of my dear friend, political activist, and Dallasite, Goldye Levi.

Mr. Levi, a life-long Democrat, gave so much of his time and energy supporting his party by serving in national and local leadership positions. He had a front-seat to one of the most intriguing points in American history as the Treasurer of the Democratic National Committee during the 1972 break-in of the Watergate building. He brought his expertise of the political process to Dallas County as a Democratic Precinct Chair, and through the years he encouraged countless Democrats to get out and vote. As a candidate for Dallas County Tax Assessor, he also sought to use his experience as a certified public accountant to serve his community. Mr. Levi demonstrated the ultimate in civic duty and Dallas has lost a great advocate.

Our government, "by the people," rests wholly on the willingness of citizens to actively participate in the political process—citizens like Mr. Levi. I urge my fellow colleagues to join me in expressing condolences and honoring the life of Mr. Goldye Levi.

HONORING SIDNEY SINGER

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, the veterans community in Southwestern Pennsylvania lost a dear friend last Wednesday with the passing of Sidney Singer. While we often talk in Congress about the veterans who have fought for our country and freedom, Mr. Singer fought for veterans. A veteran himself, having served in the Army Air Forces from 1942 to 1945, Sidney dedicated his life to helping homeless veterans. Many of who suffered from drug and alcohol addictions.

Because of Mr. Singer's vision and tireless efforts Veterans Place of Washington Boulevard was built for Pittsburgh's veterans. First opened in 1992, it started as a transitional housing project. Due to enormous success was expanded in 2003. The units provide a home for veterans as they recover and transition back into society.

Sydney knew that Veterans Place had to be more than just a place to live, but also a place for veterans to get back on their feet. This is why Veterans Place has a Service Center to give veterans job training, life skills, and alcohol and drug counseling.

Even in his final moments, Sydney's thoughts were with his fellow veterans. On his deathbed, Sydney described his vision to expand Veterans Place right down to the details of the kitchens.

While Sydney is no longer with us, his legacy will live on in Pittsburgh. He will continue to be with every veteran granted a new lease on life at Veterans Place.

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OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$12,327,380,804,696.82.

On January 6th, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$1,688,955,058,403.02 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

HONORING SGT. KIMBERLY  
MUNLEY

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 21, 2010*

Mr. POE of Texas. Madam Speaker, today we honor one of our nation's bravest women, Sgt. Kimberly Munley. Sgt. Munley responded within three minutes after gunfire was reported at Ft. Hood, Texas. If it was not for her quick and heroic response, many more could have been killed. Sgt. Munley was shot during the exchange, but continued shooting at the gunman even after being wounded herself. Her bravery serves as a stark contrast to the cowardly actions of the shooter. Sgt. Munley portrayed the real courage that all of our men and women in the Armed Forces embody that we are all grateful for.

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HONORING SEVEN AMERICANS  
KILLED IN AFGHANISTAN ON DE-  
CEMBER 30, 2009

SPEECH OF

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 20, 2010*

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in strong support of House Resolution 1009, which honors the seven Americans who died in the bombing that took place in Khost, Afghanistan on December 30, 2009, and the families of those patriots for their service and their sacrifice to our country.

These men and women were on the front lines of the battle against terrorism and worked tirelessly on a daily basis for the safety of the American and Afghanistan people. Their absence will be greatly felt throughout the intelligence community.

In 2008, I had the opportunity to visit Khost with the 101st Airborne Division of the U.S. Army along with a Texas Reserve Unit based in Pasadena, Texas in our district. There, I saw these men and women working under harsh conditions, away from their loved ones, and in the face of great risks. Our entire nation owes a great debt to all the men and women working to protect our country and stabilize Afghanistan.

Again, I would like to express my deepest condolences to the families, friends, and loved ones of those killed in the bombings and also offer my support and hope for a full recovery to the other six Americans who were wounded in this tragic bombing.



# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S61–S134*

**Measures Introduced:** Five bills and five resolutions were introduced, as follows: S. 2942–2946, S.J. Res. 26, and S. Res. 390–393. **Page S122**

#### Measures Reported:

S. 375, to authorize the Crow Tribe of Indians water rights settlement, with an amendment in the nature of a substitute. (S. Rept. No. 111–118)

S. 313, to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, with an amendment in the nature of a substitute. (S. Rept. No. 111–119) **Page S122**

#### Measures Passed:

**Relief for Victims of the Earthquake in Haiti:** Senate passed H.R. 4462, to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti, clearing the measure for the President. **Pages S105–06**

**Washington Metropolitan Area Transit Regulation Compact:** Committee on the Judiciary was discharged from further consideration of S.J. Res. 25, granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact, and the resolution was then passed. **Pages S131–32**

**25th Anniversary of the Victims of Crime Act:** Senate agreed to S. Res. 391, recognizing the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys' offices and other components of the Department of Justice. **Page S132**

**Sense of the Senate on the Earthquake in Haiti:** Senate agreed to S. Res. 392, expressing the Sense of the Senate on the humanitarian catastrophe caused by the January 12, 2010 earthquake in Haiti. **Pages S132–33**

#### Measures Considered:

**Increasing the Statutory Limit on the Public Debt—Agreement:** Senate continued consideration of H.J. Res. 45, increasing the statutory limit on the public debt, taking action on the following amendments proposed thereto: **Page S72–S113**

#### Withdrawn:

By 53 yeas to 45 nays (Vote No. 2) Thune Amendment No. 3301 (to Amendment No. 3299), to terminate authority under the Troubled Asset Relief Program. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S73–74, S75–82, S96–S102**

#### Pending:

Baucus (for Reid) Amendment No. 3299, in the nature of a substitute. **Page S73**

Baucus Amendment No. 3300 (to Amendment No. 3299), to protect Social Security. **Pages S73, S74–75**

Conrad/Gregg Amendment No. 3302 (to Amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans. **Pages S81, S82–96, S102–05**

A unanimous-consent agreement was reached providing for further consideration of the resolution at approximately 9:30 a.m., on Friday, January 22, 2010. **Page S133**

**Nominations Received:** Senate received the following nominations:

42 Air Force nominations in the rank of general.

1 Army nomination in the rank of general.

Routine lists in the Air Force, Army, and Navy. **Page S133–34**

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nominations:

Erroll G. Southers, of California, to be an Assistant Secretary of Homeland Security, which was sent to the Senate on September 17, 2009.

Jide J. Zeitlin, of New York, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the

rank of Ambassador, which was sent to the Senate on September 24, 2009.

Jide J. Zeitlin, of New York, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform, which was sent to the Senate on September 24, 2009.

Roszell Hunter, of Virginia, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2013, which was sent to the Senate on October 1, 2009.

**Page S134**

**Messages From the House:** **Page S119**

**Measures Referred:** **Page S119**

**Measures Placed on the Calendar:** **Pages S62, S119**

**Executive Communications:** **Pages S119–22**

**Executive Reports of Committees:** **Page S122**

**Additional Cosponsors:** **Pages S122–23**

**Statements on Introduced Bills/Resolutions:**  
**Pages S123–28**

**Additional Statements:** **Pages S117–19**

**Amendments Submitted:** **Pages S128–31**

**Notices of Hearings/Meetings:** **Page S131**

**Authorities for Committees to Meet:** **Page S131**

**Privileges of the Floor:** **Page S131**

**Record Votes:** One record vote was taken today.  
(Total—2) **Page S102**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 7:11 p.m., until 9:30 a.m. on Friday, January 22, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S133.)

## Committee Meetings

(Committees not listed did not meet)

### JOB CREATION

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine how to save and create jobs, after receiving testimony from Iowa Governor Chet Culver, Des Moines; Lawrence Mishel, Economic Policy Institute, Washington, DC; Jerry D. Weast, Montgomery County Public Schools, Rockville, Maryland; and Marlena Sessions, Workforce Development Council of Seattle-King County, Seattle, Washington.

### INDEPENDENT REVIEW RELATING TO FORT HOOD

*Committee on Armed Services:* Committee concluded open and closed hearings to examine findings and recommendations of the Department of Defense Independent Review Relating to Fort Hood, after receiving testimony from Togo D. West, Jr., and Admiral Vernon E. Clark, USN (Ret.), both Co-Chair, Department of Defense Independent Review Relating to Fort Hood.

### NOMINATIONS

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the nominations of Kevin Wolf, of Virginia, to be Assistant Secretary for Export Administration, who was introduced by Senator Lincoln, Suresh Kumar, of New Jersey, to be Assistant Secretary and Director General of the United States and Foreign Commercial Service, who was introduced by Senator Menendez, and David W. Mills, of Virginia, to be Assistant Secretary for Export Enforcement, all of the Department of Commerce, Douglas A. Criscitello, of Virginia, to be Chief Financial Officer, Department of Housing and Urban Development, Theodore W. Tozer, of Ohio, to be President, Government National Mortgage Association, who was introduced by Senator Brown, and Orlan Johnson, of Maryland, and Sharon Y. Bowen, of New York, both to be a Director of the Securities Investor Protection Corporation, after the nominees testified and answered questions in their own behalf.

### CLIMATE CHANGE RESEARCH AND DEVELOPMENT

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine the research and development priorities and imperatives needed to meet the medium- and long-term challenges associated with climate change, after receiving testimony from Steven Chu, Secretary of Energy.

### U.S. ENGAGEMENT IN ASIA

*Committee on Foreign Relations:* Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine principles of United States engagement in Asia, after receiving testimony from Kurt M. Campbell, Assistant Secretary of State for East Asian and Pacific Affairs; and Robert Sutter, Georgetown University School of Foreign Service, and Robert Herman, Freedom House, both of Washington, DC.

### AFGHANISTAN

*Committee on Foreign Relations:* Committee concluded a hearing to examine civilian strategy for Afghanistan, focusing on a status report in advance of the London conference, after receiving testimony from

Richard C. Holbrooke, Special Representative for Afghanistan and Pakistan, Department of State; and Right Honorable David Miliband, Secretary of State for Foreign and Commonwealth Affairs, London, United Kingdom.

#### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported S. 714, to establish the National Criminal Justice Commission, with an amendment in the nature of a substitute; and

The nominations of O. Rogerie Thompson, of Rhode Island, to be United States Circuit Judge for the First Circuit, and Robert William Heun, of Alaska, to be United States Marshal for the District of Alaska.

#### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

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## House of Representatives

### *Chamber Action*

**Public Bills and Resolutions Introduced:** 18 public bills, H.R. 4484–4501; and 16 resolutions, H.J. Res. 67–7;1 and H. Res. 1025–1035 were introduced. **Pages H325–27**

**Additional Cosponsors:** **Pages H327–28**

**Reports Filed:** There were no reports filed today.

**Taos Pueblo Indian Water Rights Settlement Act:** The House passed H.R. 3254, to approve the Taos Pueblo Indian Water Rights Settlement Agreement, by a yea-and-nay vote of 254 yeas to 158 nays, Roll No. 12. **Pages H272–79, H298**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. **Page H272**

H. Res. 1017, the rule providing for consideration of the bills (H.R. 3254, H.R. 3342, and H.R. 1065) was agreed to on Wednesday, January 20th.

**Aamodt Litigation Settlement Act:** The House passed H.R. 3342, to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque, by a yea-and-nay vote of 249 yeas to 153 nays, Roll No. 13. **Pages H279–90, H298–99**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. **Page H279**

H. Res. 1017, the rule providing for consideration of the bills (H.R. 3254, H.R. 3342, and H.R. 1065) was agreed to on Wednesday, January 20th.

**White Mountain Apache Tribe Water Rights Quantification Act:** The House passed H.R. 1065, to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, by a yea-and-nay vote of 262 yeas to 147 nays, Roll No. 14. **Pages H290–97, H299**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in part C of H. Rept. 111–399, shall be considered as adopted. **Page H290**

H. Res. 1017, the rule providing for consideration of the bills (H.R. 3254, H.R. 3342, and H.R. 1065) was agreed to on Wednesday, January 20th.

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measures which were debated on Wednesday, January 20th:

**Expressing condolences to and solidarity with the people of Haiti:** H. Res. 1021, to express condolences to and solidarity with the people of Haiti in the aftermath of the devastating earthquake of January 12, 2010, by a  $\frac{2}{3}$  yea-and-nay vote of 411 yeas to 1 nay, Roll No. 15; **Pages H299–H300**

**Nuclear Forensics and Attribution Act:** Agreed to the Senate amendment to H.R. 730, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, by a  $\frac{2}{3}$  yea-and-nay vote of 397 yeas to 10 nays, Roll No. 16; **Pages H300–01**

**Private First Class Garfield M. Langborn Post Office Building Designation Act:** H.R. 3250, to designate the facility of the United States Postal Service located at 1210 West Main Street in

Riverhead, New York, as the “Private First Class Garfield M. Langhorn Post Office Building”; and

Page H301

*Expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer:* H. Con. Res. 158, amended, to express support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

Page H301

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, January 26th for morning-hour debate.

Page H306

**Senate Message:** Message received from the Senate today appears on page H269.

**Quorum Calls—Votes:** Five yea-and-nay votes developed during the proceedings of today and appear on pages H298, H298–99, H299, H300, H300–01. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 4:29 p.m.

## Committee Meetings

### AIR FORCE NUCLEAR SECURITY ROADMAP STATUS

*Committee on Armed Services:* Subcommittee on Strategic Forces held a hearing on the status of the Air Force nuclear security roadmap. Testimony was heard from the following officials of the U.S. Air Force, Department of Defense: LTG Frank G. Klotz, USAF, Commander, Air Force Global Strike Command; MG C. Donald Alston, USAF, Assistant Chief of Staff, Strategic Deterrent and Nuclear Integration, Headquarters, U.S. Air Force; and BG Everett H. Thomas, USAF, Commander, Air Force Nuclear Weapons Center.

### LONG-TERM DEFICITS PERSPECTIVES

*Committee on the Budget:* Held a hearing on Perspectives on Long-Term Deficits. Testimony was heard from public witnesses.

### RADIO SPECTRUM/SPECTRUM RELOCATION

*Committee on Energy and Commerce:* Subcommittee on Communications, Technology, and the Internet approved for full Committee action the following bills: H.R. 3125, as amended, Radio Spectrum Inventory Act; and H.R. 3019, Spectrum Relocation Improvement Act of 2009.

### CRIB SAFETY

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations held a hearing entitled “Crib Safety: Assessing the Need for Better Oversight.” Testimony was heard from Inez Moore Tenenbaum, Chairman, Consumer Product Safety Commission; and public witnesses.

### BANK FAILURE AND SEIZURES

*Committee on Financial Services:* Subcommittee on Financial Institutions and Consumer Credit held a hearing entitled “The Condition of Financial Institutions: Examining the Failure and Seizure of an American Bank.” Testimony was heard from the following officials of the Department of the Treasury: David Miller, Director, Investments; and Jennifer Kelly, Senior Deputy Comptroller, Midsize/Community Bank Supervision, Office of the Comptroller of the Currency; Mitchell Glassman, Director, Division of Resolutions and Receiverships, FDIC; and public witnesses.

### JUDGE PORTEOUS IMPEACHMENT

*Committee on the Judiciary:* Task Force on Impeachment voted to recommend articles of impeachment against U.S. District Judge G. Thomas Porteous to the full Committee.

### BILLY’S LAW

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on H.R. 3695, Billy’s Law. Testimony was heard from Representatives Murphy of Connecticut, and Poe of Texas; the following officials of the Department of Justice: Stephen L. Morris, Deputy Assistant Director, Criminal Justice Information Services Division, FBI; and Kristina Rose, Acting Director, National Institute of Justice, Office of Justice Programs; and a public witness.

### MISCELLANEOUS MEASURES

*Committee on Natural Resources:* Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 2788, Distinguished Flying Cross National Memorial Act; H.R. 2944, Southern Arizona Public Lands Protection Act of 2009; H.R. 3914, San Juan Mountains Wilderness Act of 2009; H.R. 4003, Hudson River Valley Special Resource Study Act; H.R. 4192, Stornetta Public Lands Outstanding Natural Area Act of 2009; and H.R. 4395, To revise the boundaries of the Gettysburg National Military Park to include the Gettysburg Train Station, and for other purposes. Testimony was heard from Representatives Calvert, Thompson of California, Platts and Salazar;

Marcilynn Burke, Deputy Director, BLM, Department of the Interior; Jay Jensen, Deputy Under Secretary, Natural Resources and the Environment, USDA; and public witnesses.

#### **SMALL/MEDIUM-SIZED MANUFACTURERS SUPPORT PROGRAMS**

*Committee on Science and Technology:* Subcommittee on Technology and Innovation held a hearing on Commerce Department Programs to Support Job Creation and Innovation at Small-and Medium-Sized Manufacturers. Testimony was heard from Dennis F. Hightower, Deputy Secretary, Department of Commerce; and public witnesses.

#### **LONG-TERM SOLUTION FOR POST-9/11 G.I. BILL**

*Committee on Veterans Affairs:* Subcommittee on Economic Opportunity held a hearing on Long-Term Solution for Post-9/11 G.I. Bill. Testimony was heard from the following officials of the Department of Veterans Affairs: CPT Mark Krause, USN (ret.), Program Manager, Space and Naval Warfare Systems Center Atlantic; and Roger W. Baker, Assistant Secretary, Information and Technology.

#### **TRANSITIONING VETERANS**

*Committee on Veterans Affairs:* Subcommittee on Oversight and Investigations held a hearing on Transitioning Heroes: New Era Same Problems? Testimony was heard from Noel Koch, Deputy Under Secretary, Office of Wounded Warrior Care and Transition Policy, Department of Defense;

Madhulika Agarwal, M.D., Chief Officer, Office of Patient Care Services, Veterans Health Administration, Department of Veterans Affairs; representatives of veterans organizations; and a public witness..

#### **BRIEFING—CYBERSECURITY**

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Cybersecurity Threats. The Committee was briefed by departmental witnesses.

### *Joint Meetings*

#### **MOLDOVA**

*Commission on Security and Cooperation in Europe:* Commission concluded a hearing to examine democratic change and challenges in Moldova, after receiving testimony from Vlad Filat, Prime Minister of the Republic of Moldova.

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#### **COMMITTEE MEETINGS FOR FRIDAY, JANUARY 22, 2010**

*(Committee meetings are open unless otherwise indicated)*

##### **Senate**

No meetings/hearings scheduled.

##### **House**

*Committee on Financial Services,* hearing entitled “Compensation in the Financial Industry,” 10 a.m., 2128 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, January 22

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, January 22

Senate Chamber

**Program for Friday:** Senate will continue consideration of H.J. Res. 45, increasing the statutory limit on the public debt.

House Chamber

**Program for Friday:** The House will meet in pro forma session at 10 a.m.

Extensions of Remarks, as inserted in this issue

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# Congressional Record

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