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No. 150

## House of Representatives

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

### DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
November 17, 2010.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.  
NANCY PELOSI,  
Speaker of the House of Representatives.

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord of heaven and Earth, by Your gracious will, You have awakened us to a new day. As we look upon the responsibilities that lay before us, grant us wisdom to make good decisions, the strength to do what is right, compassion for people we meet along the way, and the satisfaction that we may please You by what we do and say, and give You glory, both now and forever.  
Amen.

### THE JOURNAL

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

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

### PLEDGE OF ALLEGIANCE

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

Mr. QUIGLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

### LASTING PEACE IN ISRAEL

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

Mr. QUIGLEY. Mr. Speaker, I rise today because the Israeli Security Cabinet is preparing to take a critical vote on a proposal to temporarily halt construction in the West Bank.

Our Israeli friends have offered, once again, to stop construction on the West Bank in order to open the door to a peace deal. However, a peace agreement has no chance of coming to fruition if the Palestinian Authority and President Abbas refuse to come to the negotiating table. Only face-to-face negotiations between the two sides can lead to a peace deal.

Unilateral action by the U.N. will not contribute to peace, and the administration must be strong in signaling that any move by the U.N. toward independent action will be vetoed.

We are at a vital crossroads. We can choose the path of peace, but only if parties do their part and play their role. President Abbas must come to the table and justify the good-faith efforts by the people of Israel to achieve a lasting peace.

### NATIONAL GUARD TROOPS SHOULD BE SENT TO THE BORDER

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

Mr. POE of Texas. Mr. Speaker, over 2,200 people have been killed just this year in drug-related border violence in Mexico, and some have been Americans. The violence is flooding into American communities. Bullets are literally flying across the Rio Grande River into El Paso, Texas. The drug cartels shoot their way across the border into America, and people are scared.

The Federal Government has a two-part border security plan: one, put up warning signs not to travel parts of America because of the violent drug cartels; and, two, sue States that try to protect their people from illegal entry. That is no competent security plan.

One real answer is to pass legislation to put 10,000 National Guard troops on the border, to be paid for by the Federal Government and supervised by the State Governors.

How much more violence must occur on the border before the Feds actually do the job the Constitution requires? Protect the Nation.

And that's just the way it is.

### LET'S HANG ON TO OUR FREEDOMS

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

Mr. KAGEN. Mr. Speaker, I received a message from one of my constituents, one of my bosses, Mr. and Mrs. Elmo Roach, from northeast Wisconsin, which reads, in part: "Do not waver on beginning to bring our troops out of Afghanistan, saving more of wasteful spending. Redirect all accrued military savings to veterans, to paying our troops and supporting their families.

"Sorry to say, but we may be ready to retreat to the comfort of our well-earned retirement if the President blinks or compromises.

"He promised, we delivered, now we expect him to act like Truman or Roosevelt."

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

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



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H7501

You see, in northeast Wisconsin we still believe that people are more important than corporate profits. We still believe that one single family on Main Street is more valuable than all of the corporations on Wall Street. We also believe that our freedoms will be ours for only as long as we can hang on to them.

#### END THE DUAL MANDATE AT THE FED

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

Mr. PENCE. Mr. Speaker, jobs should be job one in this Congress and the next. Full employment must be the objective of policymakers in Washington, D.C.

But after years of runaway spending, borrowing and stimulus, it's clear—and the American people know it—we can't borrow and spend and bail our way back to a growing economy.

Unfortunately, judging from the latest round of quantitative easing, known as QE2, the Federal Reserve hasn't gotten the message. Printing money is no substitute for sound fiscal policy.

This week I introduced legislation to end the dual mandate of the Fed. It is time, once again, to demand that the Federal Reserve focus exclusively on price stability and protecting the dollar; and it's also time to demand that policymakers here in Washington, D.C. embrace the kind of reforms that will promote real growth, tax reform, tax relief, fiscal discipline, regulatory reform and trade. We can't print money as a pathway to prosperity.

I urge my colleagues to join me in ending the dual mandate of the Fed, and let's get back to growing this economy on principles and policies that work.

#### DEVELOPING CLEAN ENERGY TECHNOLOGY IN THE UNITED STATES

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

Ms. HIRONO. Mr. Speaker, one way we can create jobs, the number one concern for many of my constituents, is by developing clean-energy technologies and products made in America.

Hawaii, the most oil-dependent State in the country for our energy needs, is a prime locale for energy initiatives. Thanks to our \$117 million loan guarantee from the Department of Energy, a Hawaii company called First Wind is constructing a wind energy facility in Kahuku on Oahu's north shore. This will be the largest wind power facility on the island of Oahu.

The clean energy generated by this 30-megawatt facility will help Hawaii become more energy independent by powering up to 7,700 homes each year.

In addition to creating about 200 construction jobs, the project also relies on American innovation and know-how by using wind turbines and batteries made by American manufacturers in Iowa and Texas.

I urge my colleagues to support legislation that will help innovative, home-grown companies develop clean, renewable energy technology and strengthen our competitiveness in domestic and overseas markets.

□ 1010

#### ARMY SPECIALIST BLAKE D. WHIPPLE

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

Mr. LEE of New York. I rise today to honor a great man, Army Specialist Blake D. Whipple of Williamsville, New York. Just 21 years old, Blake's life was taken by a roadside bomb in Afghanistan on November 5. It was his job to clear the roads of these devices, and he did so proudly.

Blake was a 2007 graduate of Williamsville East High School, and signed up to serve his country in 2009.

Blake's parents, Dave and Kim, expressed concern about him joining the Army, as any parent would, but Blake's parents sensed his passion and drive for wanting to be a part of something bigger. Blake was eager to serve his country and was proud of the work he was doing, and I know his family was extremely proud of him.

Blake was fortunate to be home in western New York for 2 weeks this past September. He was able to see his family and friends one last time before his life was cut so drastically short.

Blake proudly served our Nation with courage and bravery, and his life was taken far too soon. He will be missed.

#### JOBS

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

Mr. BACA. When President Obama took office, he inherited a \$1.2 trillion deficit, two wars, the recession, and mounting job losses that pushed our economy to the brink.

Since then, we have made steady progress by preventing economic catastrophe and laying the groundwork to create new jobs. The Democratic "Make It in America" agenda has closed tax loopholes that allow for outsourcing of jobs overseas. And the recently passed Small Business Jobs Act provides \$12 billion in tax cuts and \$30 billion in new lending for American small businesses. But with the unemployment at 9.6 percent across the Nation, and over 14 percent in California's Inland Empire, we must do more.

I urge my Republican colleagues to come to the table and work with Democrats and the administration. The time for simply saying "no" is over. We

must pass new tax cuts for the American middle class families without the deficit-busting break for the wealthy.

#### NATIONWIDE REVOLT OVER BODY SCANNERS

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

Mr. DUNCAN. Mr. Speaker, a nationwide revolt is developing over the body scanners at the airports, and it should. Hundreds of thousands of frequent fliers who fly each week are upset about getting these frequent doses of radiation. Parents are upset about being forced to have their children radiated or being touched inappropriately by an unrelated adult.

There is already plenty of security at the airport, but now we are going to spend up to \$300 million to install 1,000 scanners. This is much more about money than it is about security.

The former Secretary of Homeland Security, Michael Chertoff, represents Rapiscan, the company which is selling these scanners to his former Department. Far too many Federal contracts are sweetheart, insider deals. Companies hire former high-ranking Federal officials, and then, magically, those companies get hugely profitable Federal contracts.

The American people should not have to choose between having full-body radiation or a very embarrassing, intrusive pat-down every time they fly as if they were criminals. We need a little more balance and common sense on this.

#### BUSH TAX CUTS

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

Mr. YARMUTH. Mr. Speaker, soon we are going to have to decide how to treat the Bush tax cuts. We are going to have to decide whether or not to indebt the American people another \$700 billion to extend benefits, tax benefits, for the richest 1 percent of the country.

Before we go too far in feeling sorry for that 1 percent, consider this:

From 2001 to 2006, 53 percent of all gains, total gains, in income in this country went to that 1 percent. That is right, one out of every two dollars went to the richest 1 percent. That is where the economy has gone.

The growth in this country has benefited primarily the richest people in the country, and we now have the greatest disparity in wealth that we have seen in this country in almost 100 years.

Heed the words of the Roman priest Plutarch, who once wrote: An imbalance between rich and poor is the oldest and most fatal ailment of all republics.

Let's keep that in mind when we consider what to do with those tax cuts for the richest 1 percent of Americans.

## CHARTING A NEW COURSE

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

Mr. WITTMAN. Mr. Speaker, the great patriots living in the original 13 colonies in the early years of this Nation relied on hard work, enduring spirit, and innovative thinking to create America.

We are in the final weeks of the 111th Congress, and during this session, much of the legislation passed challenged the fundamental characteristics of what makes our Nation great: self-reliance, responsibility, taking risks, and making tough decisions.

Instead, we have seen more mandates, burdensome regulations, and overbearing debt and deficits—hardly what those founding patriots intended.

After a few months back in America's First District, the message from Virginians is simple: Stop the spending. Keep freedom intact.

Congress has two choices: Continue on the same path or chart a new, responsible path.

Mr. Speaker, Congress has the responsibility to work together to chart a new course and allow this Nation to prosper for years to come.

## MAKE IT IN AMERICA

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

Mr. WALZ. Mr. Speaker, the same challenges that faced this Nation on November 1 still faced us when we woke up on November 3. We still have too many Americans without jobs, and we still have work to do to grow our economy and put our country back on a path of prosperity.

We need initiatives that make America more competitive. We need to tap into the can-do spirit that made this country so great. Folks in my district in southern Minnesota know that a new clean energy economy means jobs and securities right here at home.

I hope my friends across the aisle now understand that Americans expect them to actually do something. They expect them to grow our economy, create jobs here at home and not ship them overseas, and hold Wall Street accountable.

Catchy campaign slogans might be great to win elections, but they won't fix a single problem. They won't create more jobs. They won't put America back to work. Now the hard work really begins, and we must be up to the task.

Winston Churchill once said: Democracy is the worst form of government, except for every other one that has been tried.

Democracy is hard work. It needs to start right here, and we need to put America back on a path to prosperity.

## COACH CHARLENE MORETT

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today I rise to give credit to a coach who has just reached the milestone of a 400th career win.

It was almost 2 months ago when the Penn State field hockey team shut out Temple University 4-0. They were coached by Charlene Morett, the longest tenured coach in the Big Ten and the seventh-longest tenured coach at a single school in Division I field hockey. She is in her 24th season as head coach of the Penn State field hockey program. This makes her only the fourth Division I field hockey coach in NCAA history to hit the 400-victory plateau.

In 2008, Morett led her team to the Big Ten regular season title and was named Big Ten Coach of the Year for the fourth time. Five of her players have been named Big Ten Athlete of the Year.

Morett is a graduate of Penn State and an outstanding field hockey player in her own right. She is a two-time Olympian, winning a bronze medal in the 1984 Los Angeles Olympic Games, and she was also an All-American lacrosse player.

I congratulate Morett and her team for their accomplishments.

## ALLOW BUSH TAX CUTS TO EXPIRE

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

Mr. MORAN of Virginia. Mr. Speaker, I would like to take a minute to put the Republican Party's current platform into some historical perspective.

It was 30 years ago that Ronald Reagan was elected on the same platform that the government really can't be the solution to any of our problems, that it is the problem. He also suggested that any President who submitted a budget that was not balanced should be impeached. Well, for 8 years he never submitted a balanced budget and tripled our deficit.

George H. W. Bush tried to correct the situation so the Gingrich Republicans contributed to his defeat.

Bill Clinton came in, balanced the budget, allowed tax rates to go up to the level they are set to return to finally in January, saw 23 million new jobs created, while he invested in our fiscal and human infrastructure. He had three successive budget surpluses and left with a \$5.6 trillion projected surplus.

George Bush comes in running against the government, enacts two deep tax cuts, starts two wars, puts in a \$900 billion Medicare part D prescription drug program, and leaves us with the worst fiscal crisis that this country has faced since the Great Depression.

So there is the historical perspective. The fact is those two tax cuts never should have been enacted in 2001 and 2003. They should be allowed to expire, and we ought to reinvest in the human and the fiscal infrastructure of this country if we want to create more and better jobs in this country.

□ 1020

## NATIONAL ADOPTION MONTH AND NATIONAL ADOPTION DAY

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

Mr. GARRETT of New Jersey. Mr. Speaker, every year an average of 115,000 American children live in foster care just waiting to be adopted. So, today, I am pleased to honor November as National Adoption Month and November 20th as National Adoption Day.

In particular, I would like to recognize Voices for Adoption for its efforts to support adoption. Since 1996, this organization has not only helped recruit adoptive families, but also supported programs that assist families who have already adopted.

For example, Voices for Adoption sponsors a program called Adoptive Family Portrait Project. Through this project, Members of Congress celebrate a family from their district that exemplifies the values of adoption.

This year, I am pleased to recognize the Campbell family from Waldwick, New Jersey. Shea and George have welcomed over 121 children into their home over the last 30 years. In addition, they have adopted several children. Shea also works for Children's Aid and Family Services as a specialist in helping special needs children who have been exposed to drugs. In the past, she has served on the Child Placement Review Board.

The Campbells remain in contact with many of the children who have come into their home as foster children. They also mentor new foster parents and advise those who are considering becoming foster parents for the first time.

During this month, I am proud to highlight the numerous ways the Campbells have contributed to promoting adoption in northern New Jersey. Adoption changes far more than one life; it changes a community.

## ACHIEVING THE AMERICAN DREAM

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

Ms. CHU. Our country is one of opportunity, where everyone can follow their dreams, but we need to ensure that America's young people get the training they need to succeed. But we have fallen behind.

Today, only 15 percent of American students learn a second language, and it hinders us in today's global economy. That is why I have introduced the

Global Language Early Education Act. My bill funds early education dual language programs across the country, and it provides the skills demanded in board rooms throughout the world.

We know that dual language learners better manage complex situations and problems. That is why the bill also grooms our next generation of executives for success.

Let's be competitive in this world. Let's encourage a second language. Let's promote our workforce and make sure that everybody can achieve the American Dream.

#### JIM WINNER

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

Mrs. DAHLKEMPER. Mr. Speaker, I rise today with a heavy heart to honor the life of an entrepreneur, generous philanthropist, and loving husband, father, and grandfather from Sharon, Pennsylvania.

Jim Winner, the developer of The Club anti-theft device, was lost in an accident in September. He was a patriot, serving his country in Korea. He was an inventor who grew his ideas into successful businesses that created good jobs for his neighbors in the Shenango Valley. He was a philanthropist who gave much of his wealth back to his community. And he raised a beautiful family who share his values of hard work, patriotism, commitment to community, and compassion for those less fortunate.

Jim was a Renaissance man, and his dedication to charity reached so many in the Mercer community region.

Jim will be missed by all, and my heart goes out to Donna, his wife; to his family, his friends, and the community that continues to mourn his loss.

#### SUPPORTING LEBANON AS A FORCE FOR PEACE

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

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to direct the attention of my colleagues to the fragile but critical status of the country of Lebanon.

Mr. Speaker, we are perhaps days away from an international tribunal's verdict on who killed former prime minister of Lebanon Rafik Hariri. That verdict, many say, could plunge Lebanon into another round of violence and retribution.

Thankfully, this body, through the leadership of people like HOWARD BERMAN and NITA LOWEY, has removed its reservations on U.S. military aid to the Lebanese army. This is a crucial step in terms of securing the Lebanese border with Israel, and it could be a crucial step should the tribunal's decision on who killed Prime Minister Hariri lead to greater instability in that country.

Mr. Speaker, we must support Lebanon as a force for peace and prosperity in this critical region. We need Lebanon as an ally to America and to all the countries in that region who are pushing for peace.

I have thousands of Lebanese American constituents in Connecticut. They constantly remind me of the importance of these points, and I believe they are right.

#### CALLING ATTENTION TO DIRTY POLITICAL MONEY

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

Mr. ELLISON. Mr. Speaker, today I rise to call attention to the corrosive, pernicious, and corrupting effect of dirty money. What is dirty money? That is money that comes into American politics in the millions, multiples of millions; money that comes in offering to fund campaigns that smear, distort, and deliver untruths to voters; and money that was made much easier to come into our political environment through the Supreme Court case known as Citizens United v. FEC.

We need to take action to make sure that Americans know who is funding these messages that are coming across their airwaves and that the identity of these sponsors is disclosed so that people can make a good choice. Never let the day come that any public servant has to face a torrent of nasty, nasty commercials over the airwaves without the voters even knowing who paid for them, who sponsored them, and who wants them to believe the untruths put in many of these ads.

#### RELATING TO CONSIDERATION OF VETO MESSAGE ON H.R. 3808

Mr. ELLISON. Mr. Speaker, I ask unanimous consent that debate on passing H.R. 3808, the objections of the President to the contrary notwithstanding, be limited to 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

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

There was no objection.

#### APPOINTING DAY FOR THE CONVENING OF THE FIRST SESSION OF THE 112TH CONGRESS

Mr. ELLISON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (S.J. Res. 40) appointing the day for the convening of the first session of the One Hundred Twelfth Congress, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

There was no objection.

The text of the joint resolution is as follows:

S.J. RES. 40

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the first regular session of the One Hundred Twelfth Congress shall begin at noon on Wednesday, January 5, 2011.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PROVIDING FOR THE PRINTING OF A REVISED EDITION OF THE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES FOR THE 112TH CONGRESS

Mr. ELLISON. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The text of the resolution is as follows:

H. RES. 1720

*Resolved,* That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Twelfth Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred sixty copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### RECESS

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

Accordingly (at 10 o'clock and 28 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1631

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 4 o'clock and 31 minutes p.m.

#### VETO MESSAGE ON H.R. 3808, INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2010

The SPEAKER pro tempore. Pursuant to the order of the House of November 15, 2010, the unfinished business is the further consideration of the veto message of the President on the bill (H.R. 3808) to require any Federal or State court to recognize any notarization made by a notary public licensed

by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of November 15, 2010, at page H7402.)

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

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

Mr. Speaker and my colleagues, I will urge the House to vote "no" so as to sustain the President's veto, and I would like to explain why it is important that we are taking this vote.

This bill has passed the House under suspension in each of the last three Congresses. It has been brought forward by our colleague from Alabama (Mr. ADERHOLT) each time. It requires courts to recognize duly performed out-of-State notarizations. As it was passing the Senate, reports began to surface regarding improper and possibly fraudulent documentation in foreclosure actions across the country.

Improperly performed notarizations were reportedly a major factor in circumventing the legal protections afforded to citizens in foreclosure—notarizations in the absence of the person signing the document or without that person's signature or sometimes even forged notary signatures.

So we are taking a fresh look at the notarization bill. There were concerns that it could have the unintended effect of facilitating improprieties in mortgage foreclosures and in other financial transactions as well in that a State could remove important protections from its notarization rules, and then the bill would effectively force other States to go along.

The President took the responsible course in refusing to sign this bill into law so that we could give it a careful and fresh examination in light of these concerns.

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

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

Mr. Speaker, criticism of H.R. 3808 focuses on its potential application to the ongoing crisis in the foreclosure markets. News accounts have detailed stories of fraudulent activity involving affidavits used to rid banks of bad mortgage inventories. I support any effort to combat that activity, but this situation does not involve H.R. 3808.

The bill applies only to "any lawful notarization made by a licensed notary public." There is nothing in its lan-

guage that pertains to fraudulent acts of notarization. The bill advances the legitimate purposes of the Interstate Commerce Clause by ensuring that a lawfully notarized document from one State will be acknowledged by another State in an interstate legal proceeding.

The Courts Subcommittee conducted a hearing on this issue 4 years ago, and it learned of instances in which States rejected otherwise lawfully notarized documents, for petty reasons, from other States. For example, State A requires a notarized document to bear an ink stamp while State B requires a raised, embossed seal. They should be mutually recognized.

The legislative history of the bill and the text, itself, has nothing to do with fraudulent notarizations. We should override the veto and support the legitimate purpose of H.R. 3808.

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

Mr. CONYERS. Mr. Speaker, I would like to just respond to my dear friend, the ranking member of the Judiciary Committee, by saying that what we are trying to do here is to prevent the possibility of sloppy, inaccurate, or fraudulent notarizations from creeping into the foreclosure process.

As we all know, many of the foreclosures have now been found to be legally defective because of many things, including, possibly, improper notarizations. With millions of people losing their homes, it really would be almost negligent for us to assume that notarizations coming from another State, which might be electronic, would not be fraudulent. I think caution is the better choice for the matter that is under discussion.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama (Mr. ADERHOLT), who is the sponsor of this legislation.

Mr. ADERHOLT. I want to thank the gentleman for the opportunity to address the House on this important matter.

Mr. Speaker, today and over the last several weeks, I think there has been a broad misunderstanding of the Interstate Recognition of Notarizations Act, which led to the President's unfortunate veto of this legislation a few weeks ago. There is absolutely no connection whatsoever between the Interstate Recognition of Notarizations Act of 2010 and the recent foreclosure documentation problems.

I first introduced this legislation back in April of 2005, and obviously there was no concern about weakening the foreclosure documentation process at that time. This is a bill that would help people, and I am disappointed that the legislation has been vetoed. This legislation that I introduced would improve interstate commerce by requiring that documents be recognized in any State or Federal court. It would help court reporters; it would help attorneys, businessowners, and consumers in general.

I have heard from many individuals who have been affected by this particular issue. For example, a construction company located in one State submits a contract for a job in another State and is turned down because the second State refuses to recognize the notarized contract.

□ 1640

This is not an isolated problem. This is interfering with interstate commerce, and it should be addressed.

H.R. 3808, this legislation, expressly requires lawful notarizations be recognized in other States and in no way validates improper notarizations. Let me stress that again. It in no way validates improper notarizations. Fraudulent notarizations are illegal. Enforcement of notarizations is a State responsibility, and I fully support each State Attorney General to vigorously prosecute all fraudulent notarizations.

Currently, each State is responsible for regulating its notaries. Typically, someone who wishes to become a notary pays a fee. They will submit an application. They will take an oath of office. Some States require applicants to enroll in an educational course, pass an exam, or obtain a notary bond. This legislation does not change how an individual State regulates notaries in any form or fashion.

This bill had strong bipartisan support in the House of Representatives each of the three times it passed the House of Representatives, and most recently, with unanimous support, as recently as April of this year. I hope the White House will work with the Congress so this legislation can eventually become law.

Mr. CONYERS. Mr. Speaker, I would like to close by expressing my surprise at the author of this bill, who apparently hasn't heard about the fraud and misrepresentations, the swindling of people whose mortgages have led to foreclosure, and then we find out that the instruments that were brought into court didn't even know who the owner was, much less know who notarized it. So I would caution my colleague to let's be a little bit more careful here. A million people are losing their homes, and you're telling me that we're going to accept a notarization from anywhere, coming from any State, because you've introduced this before this problem began?

I say, "no." We can't even find out who the owners were after these instruments get chopped up and resold and moved in the financial scheme of things. We don't want anybody running the risk of accepting an out-of-State notarization because you've introduced the bill before this problem began. And now that it has begun, let's be careful. Let's be certain that we're protecting everybody that's being foreclosed on, and that's my major concern.

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

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

In accord with the Constitution, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings will be postponed.

### PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. CONYERS. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 332

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, November 18, 2010, or Friday, November 19, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, November 29, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, November 18, 2010, through Sunday, November 21, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, November 29, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Concurrent Resolution 332 will be followed by 5-minute votes on passing H.R. 3808, the objections of the President to the contrary notwithstanding, and motions to suspend the rules with regard to H.R. 5758 and House Resolution 1715.

The vote was taken by electronic device, and there were—yeas 234, nays 184, not voting 15, as follows:

[Roll No. 572]

YEAS—234

Ackerman	Berry	Capuano
Andrews	Bishop (GA)	Cardoza
Arcuri	Blumenauer	Carnahan
Baca	Boccheri	Carney
Baird	Boswell	Carson (IN)
Baldwin	Boucher	Castor (FL)
Barrow	Boyd	Chandler
Bean	Brady (PA)	Chu
Becerra	Brown, Corrine	Clarke
Berkley	Butterfield	Clay
Berman	Capps	Cleaver

Clyburn	Jackson (IL)	Perlmutter	Johnson (IL)	Michaud	Ryan (WI)
Cohen	Jackson Lee	Perriello	Johnson, Sam	Miller (FL)	Scalise
Conyers	(TX)	Peterson	Jordan (OH)	Miller (MI)	Schmidt
Cooper	Johnson (GA)	Polis (CO)	King (IA)	Miller, Gary	Schock
Costa	Johnson, E. B.	Pomeroy	King (NY)	Moran (KS)	Sensenbrenner
Costello	Jones	Price (NC)	Kingston	Murphy (NY)	Sessions
Courtney	Kagen	Quigley	Kline (MN)	Murphy, Tim	Sestak
Critz	Kanjorski	Rahall	Kosmas	Myrick	Shadegg
Crowley	Kaptur	Rangel	Kratovil	Neugebauer	Shimkus
Cuellar	Kennedy	Richardson	Lamborn	Nunes	Shuster
Cummings	Kildee	Rodriguez	Lance	Nye	Simpson
Dahlkemper	Kilpatrick (MI)	Rothman (NJ)	Latham	Owens	Smith (NE)
Davis (AL)	Kilroy	Roybal-Allard	LaTourette	Paulsen	Smith (NJ)
Davis (CA)	Kind	Ruppersberger	Latta	Pence	Smith (TX)
Davis (IL)	Kirkpatrick (AZ)	Rush	Lee (NY)	Peters	Stearns
Davis (TN)	Kissell	Ryan (OH)	Lewis (CA)	Petri	Stutzman
DeFazio	Kucinich	Salazar	Linder	Pitts	Sullivan
DeGette	Langevin	Sánchez, Linda	LoBiondo	Platts	Taylor
DeLahunt	Larsen (WA)	T.	Lucas	Poe (TX)	Thompson (PA)
DeLauro	Lee (CA)	Sanchez, Loretta	Luetkemeyer	Posey	Thornberry
Deutch	Levin	Sarbanes	Lummis	Price (GA)	Tiahrt
Dicks	Lewis (GA)	Schakowsky	Lungren, Daniel	Putnam	Tiberi
Dingell	Lipinski	Schauer	E.	Rehberg	Turner
Djou	Loeb	Schiff	Mack	Reichert	Upton
Doggett	Lofgren, Zoe	Schrader	Matheson	Roe (TN)	Walden
Doyle	Lowe	Schwartz	McCarthy (CA)	Rogers (AL)	Wamp
Driehaus	Lujan	Scott (GA)	McCaul	Rogers (KY)	Westmoreland
Edwards (MD)	Lynch	Scott (VA)	McClintock	Rogers (MI)	Whitfield
Edwards (TX)	Maffei	Serrano	McCotter	Rohrabacher	Wilson (SC)
Ehlers	Maloney	Shea-Porter	McHenry	Rooney	Wittman
Ellison	Manullo	Sherman	McKeon	Ros-Lehtinen	Wolf
Engel	Marchant	Shuler	McMorris	Roskam	Young (FL)
Eshoo	Markey (CO)	Sires	Rodgers	Ross	
Etheridge	Markey (MA)	Skelton	Mica	Royce	
Farr	Marshall	Slaughter			
Fattah	Matsui	Smith (WA)			
Filner	McCarthy (NY)	Snyder	Boozman	Halvorson	Pingree (ME)
Foster	McCollum	Space	Braley (IA)	Kirk	Radanovich
Frank (MA)	McDermott	Speier	Fallin	Klein (FL)	Reyes
Fudge	McGovern	Spratt	Gallagher	Larson (CT)	Tanner
Garamendi	McIntyre	Stark	Gordon (TN)	Meek (FL)	Waxman
Gohmert	McMahon	Stupak			
Gonzalez	McNerney	Sutton			
Goodlatte	Meeks (NY)	Teague			
Grayson	Melancon	Terry			
Green, Al	Miller (NC)	Thompson (CA)			
Green, Gene	Miller, George	Thompson (MS)			
Grijalva	Minnick	Tierney			
Gutierrez	Mitchell	Titus			
Hall (NY)	Mollohan	Tonko			
Hare	Moore (KS)	Towns			
Harman	Moore (WI)	Tsongas			
Hastings (FL)	Moran (VA)	Van Hollen			
Heinrich	Murphy (CT)	Velázquez			
Herseth Sandlin	Murphy, Patrick	Visclosky			
Higgins	Nadler (NY)	Walz			
Hill	Napolitano	Wasserman			
Himes	Neal (MA)	Schultz			
Hinchee	Oberstar	Waters			
Hinojosa	Obey	Watson			
Hirono	Olson	Watt			
Hodes	Oliver	Weiner			
Holden	Ortiz	Welch			
Holt	Pallone	Wilson (OH)			
Honda	Pascrell	Woolsey			
Hoyer	Pastor (AZ)	Wu			
Inslie	Paul	Yarmuth			
Israel	Payne	Young (AK)			

NAYS—184

Aderholt	Buchanan	Ellsworth
Adler (NJ)	Burgess	Emerson
Akin	Burton (IN)	Flake
Alexander	Buyer	Fleming
Altmire	Calvert	Forbes
Austria	Camp	Fortenberry
Bachmann	Campbell	Fox
Bachus	Cantor	Franks (AZ)
Barrett (SC)	Cao	Frelinghuysen
Bartlett	Capito	Garrett (NJ)
Barton (TX)	Carter	Gerlach
Biggart	Cassidy	Giffords
Bilbray	Castle	Gingrey (GA)
Bilirakis	Chaffetz	Granger
Bishop (NY)	Childers	Graves (GA)
Bishop (UT)	Coble	Graves (MO)
Blackburn	Coffman (CO)	Griffith
Blunt	Cole	Guthrie
Boehner	Conaway	Hall (TX)
Bonner	Connolly (VA)	Harper
Bono Mack	Crenshaw	Hastings (WA)
Boren	Culberson	Heller
Boustany	Davis (KY)	Hensarling
Brady (TX)	Dent	Hergert
Bright	Diaz-Balart, L.	Hoekstra
Broun (GA)	Diaz-Balart, M.	Hunter
Brown (SC)	Donnelly (IN)	Inglis
Brown-Waite,	Dreier	Issa
Ginny	Duncan	Jenkins

Johnson (IL)	Miller (FL)	Ryan (WI)
Johnson, Sam	Miller (MI)	Scalise
Jordan (OH)	Miller, Gary	Schmidt
King (IA)	Moran (KS)	Schock
King (NY)	Murphy (NY)	Sensenbrenner
Kingston	Murphy, Tim	Sessions
Kline (MN)	Myrick	Sestak
Kosmas	Neugebauer	Shadegg
Kratovil	Nunes	Shimkus
Lamborn	Nye	Shuster
Lance	Owens	Simpson
Latham	Paulsen	Smith (NE)
LaTourette	Pence	Smith (NJ)
Latta	Peters	Smith (TX)
Lee (NY)	Petri	Stearns
Lewis (CA)	Pitts	Stutzman
Linder	Platts	Sullivan
LoBiondo	Poe (TX)	Taylor
Lucas	Posey	Thompson (PA)
Luetkemeyer	Price (GA)	Thornberry
Lummis	Putnam	Tiahrt
Lungren, Daniel	Rehberg	Tiberi
E.	Reichert	Turner
Mack	Roe (TN)	Upton
Matheson	Rogers (AL)	Walden
McCarthy (CA)	Rogers (KY)	Wamp
McCaul	Rogers (MI)	Westmoreland
McClintock	Rohrabacher	Whitfield
McCotter	Rooney	Wilson (SC)
McHenry	Ros-Lehtinen	Wittman
McKeon	Roskam	Wolf
McMorris	Ross	Young (FL)
Rodgers	Royce	
Mica		

NOT VOTING—15

Boozman	Halvorson	Pingree (ME)
Braley (IA)	Kirk	Radanovich
Fallin	Klein (FL)	Reyes
Gallagher	Larson (CT)	Tanner
Gordon (TN)	Meek (FL)	Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1715

Messrs. GERLACH, BURTON of Indiana, ALTMIRE, Ms. GIFFORDS, and Mr. BISHOP of New York changed their vote from “yea” to “nay.”

Messrs. HASTINGS of Florida, INSLEE, and Ms. KILPATRICK of Michigan changed their vote from “nay” to “yea.”

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### VETO MESSAGE ON H.R. 3808, INTERSTATE RECOGNITION OF NOTARIZATIONS ACT OF 2010

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question whether the House, on reconsideration, will pass H.R. 3808, the objections of the President to the contrary notwithstanding.

In accord with the Constitution, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 185, nays 235, not voting 13, as follows:

[Roll No. 573]

YEAS—185

Aderholt	Bachus	Biggart
Akin	Barrett (SC)	Bilbray
Alexander	Bartlett	Bilirakis
Austria	Barton (TX)	Bishop (UT)
Bachmann	Bean	Blackburn

Blunt Graves (MO)  
Boehner Griffith  
Bonner Guthrie  
Bono Mack Hall (TX)  
Bono Harper  
Boustany Hastings (WA)  
Brady (TX) Hensarling  
Braley (IA) Herger  
Bright Hoekstra  
Broun (GA) Hunter  
Brown (SC) Inglis  
Brown-Waite, Issa  
Ginny Jenkins  
Buchanan Johnson (IL)  
Burgess Johnson, Sam  
Burton (IN) Jordan (OH)  
Buyer King (IA)  
Calvert King (NY)  
Camp Kingston  
Campbell Kline (MN)  
Cantor Lamborn  
Cao Lance  
Capito Latham  
Carnahan LaTourette  
Carter Latta  
Cassidy Lee (NY)  
Castle Lewis (CA)  
Chaffetz Linder  
Coble LoBiondo  
Coffman (CO) Lucas  
Cole Luetkemeyer  
Conaway Lummis  
Crenshaw Lungren, Daniel  
Culberson E.  
Davis (KY) Mack  
Dent Manullo  
Diaz-Balart, L. Marchant  
Diaz-Balart, M. McCarthy (CA)  
Donnelly (IN) McCaul  
Dreier McClintock  
Duncan McCotter  
Ehlers McHenry  
Ellison McKeon  
Emerson McMahan  
Flake McMorris  
Fleming Rodgers  
Forbes Mica  
Fortenberry Miller (FL)  
Foxy Miller (MI)  
Franks (AZ) Miller, Gary  
Frelinghuysen Minnick  
Garrett (NJ) Moran (KS)  
Gerlach Murphy (NY)  
Gingrey (GA) Murphy, Tim  
Gohmert Myrick  
Goodlatte Neugebauer  
Granger Nunes  
Graves (GA) Olson

NAYS—235

Ackerman Cooper  
Adler (NJ) Costa  
Altmire Costello  
Andrews Courtney  
Arcuri Critz  
Baca Crowley  
Baird Cuellar  
Baldwin Cummings  
Barrow Dahlkemper  
Becerra Davis (AL)  
Berkley Davis (CA)  
Berman Davis (IL)  
Berry Davis (TN)  
Bishop (GA) DeFazio  
Bishop (NY) DeGette  
Blumenauer Delahunt  
Bocchieri DeLauro  
Boswell Deutch  
Boucher Dicks  
Boyd Dingell  
Brady (PA) Djou  
Brown, Corrine Doggett  
Butterfield Doyle  
Capps Driehaus  
Capuano Edwards (MD)  
Cardoza Edwards (TX)  
Carney Ellsworth  
Carson (IN) Engel  
Castor (FL) Eshoo  
Chandler Etheridge  
Childers Farr  
Chu Fattah  
Clarke Filner  
Clay Foster  
Cleaver Frank (MA)  
Clyburn Fudge  
Cohen Garamendi  
Connolly (VA) Giffords  
Conyers Gonzalez

Kirkpatrick (AZ) Nadler (NY)  
Kissell Napolitano  
Kosmas Neal (MA)  
Kratovil Nye  
Kucinich Oberstar  
Langevin Obey  
Larsen (WA) Olver  
Larson (CT) Ortiz  
Lee (CA) Pallone  
Levin Pascrell  
Lewis (GA) Pastor (AZ)  
Lipinski Paul  
Loeb sack Payne  
Lofgren, Zoe Perlmutter  
Lowey Perriello  
Lujan Peters  
Lynch (CO) Polis (CO)  
Maffei Pomeroy  
Maloney Price (NC)  
Markey (CO) Quigley  
Roskam Markey (MA)  
Royce Matheson  
Ryan (WI) Matsui  
Scalise McCarthy (NY)  
Schmidt McCollum  
Schock McDermott  
Sensenbrenner McGovern  
Sessions McIntyre  
Shadegg McNeerney  
Shimkus Meeks (NY)  
Shuler Melancon  
Shuster Michaud  
Simpson Miller (NC)  
Smith (NE) Miller, George  
Smith (NJ) Mitchell  
Smith (TX) Mollohan  
Space Moore (KS)  
Stearns Moore (WI)  
Stutzman Moran (VA)  
Sullivan Murphy (CT)  
Taylor Murphy, Patrick  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Wu  
Young (AK)  
Young (FL)

NOT VOTING—13

Boozman Kirk  
Fallin Klein (FL)  
Gallegly Marshall  
Gordon (TN) Meek (FL)  
Halvorson Pingree (ME)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1724

Messrs. LARSON of Connecticut, PASTOR, WELCH, AL GREEN of Texas, SCHRADER, Ms. JACKSON LEE of Texas and Ms. MARKEY of Colorado changed their vote from “yea” to “nay.”

Messrs. DONNELLY of Indiana and HOEKSTRA changed their vote from “nay” to “yea.”

So (two-thirds not being in the affirmative) the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The veto message and the bill are referred to the Committee on the Judiciary.

The Clerk will notify the Senate of the action of the House.

MOMENT OF SILENCE IN MEMORY OF FORMER MEMBER OWEN PICKETT

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

Mr. NYE. Mr. Speaker, I rise to honor a former colleague today, the late Congressman Owen Pickett, who passed away on October 27 of this year. Congressman Pickett dedicated his life to service to our military, to our veterans, and to his constituents.

Mr. Speaker, Congressman Pickett served in Congress representing the Second District of Virginia for 14 years, from 1987 to 2001, prior to that serving in the Virginia House of Delegates. He passed away on October 27 of this year at the age of 80.

Owen Pickett will be remembered as a man of resolve who understood that the best way to get things done was to work with people from both sides of the aisle. Congressman Pickett always put his constituents first. He stayed out of the partisan bickering that so many politicians fall prey to and instead focused his energy on how best to serve the people he represented.

A member of the Armed Services Committee during his entire tenure, he distinguished himself as an outspoken advocate for a strong, advanced, and superior military, an improved quality of life for our military personnel and their families, and enduring support of military facilities for the Greater Hampton Roads region.

Congressman Pickett was a friend of mine, a mentor, and a champion for our warfighters, and there are some here today who had the honor of serving in this body with him.

At this time I would like to yield to my colleague from Virginia.

Mr. WOLF. I thank the gentleman for yielding.

Mr. Speaker, we are saddened about the passing of our former colleague, Representative Owen Pickett, who served the Second Congressional District of Virginia from 1987 to 2001.

Owen was a respected and principled leader. Sometimes we really never get to know each other in this institution, and sometimes it is at the latest, sometimes almost never.

Owen was a good man, a decent man, very honest, very ethical, and very, very committed to the military. He was a tireless representative of the best interests of the Norfolk and Virginia Beach areas.

We extend our deepest sympathies to his wife, Sybil, his three daughters, and his family. I just want to say “Well done, thou good and faithful servant.”

[From the Virginian-Pilot, Oct. 29, 2010]

OWEN PICKETT: A PRACTICAL MAN

Tributes to Owen Pickett poured forth from members of both political parties after his death Wednesday at the age of 80.

That was testament to the respect that Pickett commanded from Republicans and Democrats across Hampton Roads and Virginia. For decades, he persuaded people of all persuasions to set aside their differences and accomplish important tasks with courage and good humor.

His ecumenical politics and practical bent attracted fans of every stripe and generation. No name comes up as consistently in Editorial Board interviews when candidates are asked which local leader they admire.

“I am deeply saddened to learn of the passing of my good friend Owen Pickett,” said Gov. Bob McDonnell. “Owen dedicated his life to public service. He was a patriot. He served the commonwealth in the House of Delegates and our nation in the House of Representatives. That was his passion: service.”

A centrist Democrat and fiscal conservative, Pickett spent 14 years representing Virginia Beach in the House of Delegates. In 1986, he won election to Congress as the representative for Virginia's 2nd District, succeeding the similarly moderate G. William Whitehurst, a Republican.

In Washington, as in Richmond, Pickett burnished a reputation for being steady and unassuming, courtly and nonpartisan. Colleagues described him as an effective legislator who toiled behind the scenes as an advocate not just for military service members but for all of Hampton Roads.

Proof isn't limited to the 2nd District. The U.S. Customhouse in downtown Norfolk, for example, wasn't even part of Pickett's territory, but that didn't stop him from securing the federal funds needed to renovate it. Today, the building bears his name.

After leaving Congress in 2001, Pickett devoted himself to the community, spreading around some \$200,000 in leftover campaign funds to local charities and causes.

In Virginia Beach, where he made his home for more than half his life, Pickett helped found the Meals on Wheels program, the Virginia Beach Hospice and the Oceana Lions Club. He was president of the Princess Anne Rotary and Ruritan clubs and in 2003 was honored with the Virginia Beach Jaycees' First Citizen award.

But even outside elected office, Pickett retained influence. He spent his final years offering advice to any who sought it, whether they were Democrats, such as U.S. Sen. Jim Webb and Rep. Glenn Nye, or Republicans, including McDonnell and state Sen. Jeff McWaters.

"When I was trying to decide whether to run for state Senate, I called Congressman Pickett and he encouraged me to do so," McWaters said. "Though we sit on different sides of the political aisle, this never seemed to matter as much to him as getting the job done."

For a practical man like Pickett, there may be no higher praise.

[From the Virginian-Pilot Oct. 29, 2010]

FORMER 2ND DISTRICT CONGRESSMAN OWEN  
PICKETT DIES

(By Julian Walker)

The three offices that former U.S. Rep. Owen B. Pickett maintained during his 14 years in Congress—in Norfolk, Virginia Beach and Washington—shared this feature: a sign that read, "This office belongs to the people of the 2nd congressional district of Virginia."

That simple motto, said those who knew him, exemplified Pickett's modest approach to elected office as a full-time post in which addressing constituent concerns was a priority and principle took precedence over partisanship.

"He took his job very seriously," said Jeanne Evans-Cox, who worked for Pickett throughout his congressional career. "I used to call him the 'quiet warrior' because he didn't say an awful lot, but he took everything in. He was a great listener. He would size up the issue, figure out his strategy, give me directions, and we'd move forward."

Pickett, 80, died Wednesday due to complications from congestive heart failure.

The Democrat leaves behind scores of admirers on both sides of the aisle after a lengthy career as a lawyer, an esteemed state and federal legislator, and finally an adviser who provided counsel to plenty of political hopefuls.

A native of rural Hanover County in suburban Richmond, Pickett was raised in humble conditions. His father died when he was a young child, leaving his mother and an older brother to help support the family, according to friends.

It was evident early on that Pickett had a keen intellect, but he never used it to avoid hard work, recalled his lifelong friend George Campbell.

The pair attended Virginia Tech together, beginning in the late 1940s. Their paths separated when Pickett headed to law school at the University of Richmond, but the friendship endured. Campbell, who still lives in Hanover, routinely checked on a tract of land Pickett owned in central Virginia.

Campbell said that when they last spoke by phone about a week ago, Pickett realized the end was near and was at peace with it.

"We maintained a very close relationship, and I'd say he's the best friend I ever really had," Campbell said.

Many who knew Pickett had a similarly strong affection for him.

Ken Geroe, a Virginia Beach lawyer and longtime Pickett ally, called the late congressman a "dear friend and a mentor," adding "there's a hole in my life that won't be filled."

Geroe said he came to Pickett's attention through his work on Gerald Baliles' successful gubernatorial campaign in 1985, a contest in which the former congressman had a leadership role.

"He probably started talking to me because I was the only person at his desk at 6:30 in the morning he could talk to," said Geroe, a former Democratic chairman of the 2nd Congressional District.

Pickett failed in a 1967 run for Beach commonwealth's attorney, but election success didn't elude him for long. He won a House of Delegates race in 1971 and served 15 years in the state legislature before his election to Congress in 1986.

A Blue Dog Democrat with a sharp focus on military issues because of the nature of his district, Pickett often partnered with other House members regardless of party to protect local interests, said Evans-Cox.

Added former Pickett intern Walter Valencia: "He didn't mind crossing party lines if it benefited the district and the state. . . . He just took care of his people."

Pickett retired in 2001, in part because he'd become disenchanted with the growing rancor on Capitol Hill, Evans-Cox said, noting that Pickett mused about a Congress that had evolved from a place where "people did things the right way" to one where officials worked "against each other for partisan purposes, not a common goal."

Pickett was more pithy when he announced in 1999 that he would not seek reelection.

"When Washington, D.C., begins to look better in your rear view mirror than it does in your windshield, you know it is time to consider making a change," he said, according to an account in *The Virginian-Pilot*.

Stepping away from Washington didn't entirely keep Pickett out of politics.

He mentored candidates who sought his guidance, including former state Finance Secretary Jody Wagner, who unsuccessfully sought to succeed him, and more recently, 2009 Democratic gubernatorial candidate Terry McAuliffe.

Another post-retirement pastime was a weekly Saturday lunch with friends at Black Angus Restaurant in the Beach that featured lively discussions about everything except politics, said eatery co-owner Michael Savvides.

When the group met a few weeks ago, Savvides said, Pickett confided that "he had a wonderful life and he didn't mind if he died, believe it or not. It's ironic, but he did say that. . . . I guess he was ready. I guess he had enough."

Mr. NYE. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, the citizens of Hampton Roads and the Commonwealth of Virginia lost a dedicated public servant. I had the honor and privilege of serving with Owen both in the Virginia House of Delegates as well as Congress, and I join my colleague Mr. MORAN, in stating that Owen Pickett was a true statesman and effective legislator who enjoyed great respect on both sides of the aisle.

As has already been pointed out, although he retired almost a decade ago, he remained an important, active voice on issues affecting Hampton Roads and the Commonwealth of Virginia. I thank my colleague from Virginia and all of my colleagues from Virginia for the great respect and admiration that they have shown to Owen Pickett.

Mr. NYE. I yield to our distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

I want to join particularly with my friend FRANK WOLF, who is my good friend. We work very closely together.

Owen Pickett was the kind of Member that brought real respect to this institution. He worked on both sides of the aisle. He worked very strongly on behalf of our national security. He was a Member who was popular on both sides of the aisle. Owen Pickett and Norm Sisisky served together on this side of the aisle with Frank and me for many years.

Owen Pickett was someone who this institution could have justifiable pride in. We could look to him and say that is the kind of Member, frankly, that we all ought to be, showing respect for one another, working with one another on behalf of the American people and their security.

I rise to extend great sympathy to his family, but much more importantly than that, to give thanks on behalf of this institution and on behalf of our country for his extraordinary service.

Mr. NYE. Mr. Speaker, I would ask that the House now observe a moment of silence to remember Congressman Owen Pickett, a former Member who will be dearly missed in southeast Virginia.

The SPEAKER pro tempore. Will all Members please rise.

SERGEANT ROBERT BARRETT  
POST OFFICE BUILDING

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5758) to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building," 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 the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 16, as follows:

[Roll No. 574]  
YEAS—417

Ackerman	Conyers	Herseth Sandlin
Aderholt	Cooper	Higgins
Adler (NJ)	Costa	Hill
Akin	Costello	Himes
Alexander	Courtney	Hinchey
Altmire	Crenshaw	Hinojosa
Andrews	Critz	Hirono
Arcuri	Crowley	Hodes
Austria	Cuellar	Hoekstra
Baca	Culberson	Holden
Bachmann	Cummings	Holt
Bachus	Dahlkemper	Honda
Baird	Davis (CA)	Hoyer
Baldwin	Davis (IL)	Hunter
Barrett (SC)	Davis (KY)	Inglis
Barrow	Davis (TN)	Inslee
Bartlett	DeFazio	Israel
Barton (TX)	DeGette	Issa
Bean	DeLauro	Jackson (IL)
Becerra	Dent	Jackson Lee
Berkley	Deutch	Jenkins
Berman	Diaz-Balart, L.	Johnson (GA)
Berry	Diaz-Balart, M.	Johnson (IL)
Biggert	Dicks	Johnson, E. B.
Billray	Dingell	Johnson, Sam
Bilirakis	Djou	Jones
Bishop (GA)	Doggett	Jordan (OH)
Bishop (NY)	Donnelly (IN)	Kagen
Bishop (UT)	Doyle	Kanjorski
Blackburn	Dreier	Kaptur
Blumenauer	Driehtaus	Kildee
Bocieri	Duncan	Kilpatrick (MI)
Boehner	Edwards (MD)	Kilroy
Bonner	Edwards (TX)	Kind
Bono Mack	Ehlers	King (IA)
Boren	Ellison	King (NY)
Boswell	Ellsworth	Kingston
Boucher	Emerson	Kirkpatrick (AZ)
Boustany	Engel	Kissell
Boyd	Eshoo	Kline (MN)
Brady (PA)	Etheridge	Kosmas
Brady (TX)	Farr	Kratovil
Braley (IA)	Fattah	Kucinich
Bright	Filner	Lamborn
Broun (GA)	Flake	Lance
Brown (SC)	Fleming	Langevin
Brown, Corrine	Forbes	Larsen (WA)
Brown-Waite,	Ginny	Larsen (CT)
Ginny	Fortenberry	Latham
Buchanan	Foster	LaTourrette
Burgess	Fox	Latta
Burton (IN)	Frank (MA)	Lee (CA)
Butterfield	Frank (AZ)	Lee (NY)
Buyer	Frelinghuysen	Levin
Calvert	Fudge	Lewis (CA)
Camp	Garamendi	Lewis (GA)
Campbell	Garrett (NJ)	Linder
Cantor	Gerlach	Lipinski
Cao	Giffords	LoBiondo
Capito	Gingrey (GA)	Loehsack
Capps	Gohmert	Lofgren, Zoe
Capuano	Gonzalez	Lowe
Cardoza	Goodlatte	Lucas
Carnahan	Granger	Luetkemeyer
Carney	Graves (GA)	Lujan
Carson (IN)	Graves (MO)	Lummis
Carter	Grayson	Lungren, Daniel
Cassidy	Green, Al	E.
Castle	Green, Gene	E.
Castor (FL)	Griffith	Lynch
Chaffetz	Grijalva	Mack
Chandler	Guthrie	Maffei
Childers	Gutierrez	Maloney
Chu	Hall (NY)	Manzullo
Clarke	Hall (TX)	Marchant
Clay	Hare	Markey (CO)
Cleaver	Harman	Markey (MA)
Clyburn	Harper	Marshall
Coble	Hastings (FL)	Matheson
Coffman (CO)	Hastings (WA)	Matsui
Cohen	Heinrich	McCarthy (CA)
Cole	Heller	McCarthy (NY)
Conaway	Hensarling	McCaul
Connolly (VA)	Herger	McClintock

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 3, not voting 13, as follows:

[Roll No. 575]  
YEAS—417

Ackerman	Cooper	Hill
Aderholt	Costa	Himes
Adler (NJ)	Costello	Hinchey
Akin	Courtney	Hinojosa
Alexander	Crenshaw	Hirono
Altmire	Critz	Hodes
Andrews	Crowley	Hoekstra
Arcuri	Cuellar	Holden
Austria	Culberson	Holt
Baca	Cummings	Honda
Bachmann	Dahlkemper	Hoyer
Bachus	Davis (CA)	Hunter
Baird	Davis (IL)	Inglis
Baldwin	Davis (KY)	Inslee
Barrett (SC)	Davis (TN)	Israel
Barrow	DeGette	Issa
Bartlett	DeLauro	Jackson (IL)
Barton (TX)	Dent	Jackson Lee
Bean	Deutch	(TX)
Becerra	Diaz-Balart, L.	Jenkins
Berkley	Diaz-Balart, M.	Johnson (GA)
Berman	Dicks	Johnson (IL)
Berry	Dingell	Johnson, E. B.
Biggert	Djou	Johnson, Sam
Billray	Doggett	Jones
Bilirakis	Donnelly (IN)	Jordan (OH)
Bishop (GA)	Doyle	Kagen
Bishop (NY)	Dreier	Kanjorski
Bishop (UT)	Driehtaus	Kaptur
Blackburn	Duncan	Kildee
Blumenauer	Edwards (MD)	Kilpatrick (MI)
Bocieri	Edwards (TX)	Kilroy
Boehner	Ehlers	Kind
Bonner	Ellison	King (IA)
Bono Mack	Ellsworth	King (NY)
Boren	Emerson	Kingston
Boswell	Engel	Kirkpatrick (AZ)
Boucher	Eshoo	Kissell
Boustany	Etheridge	Kline (MN)
Boyd	Farr	Kosmas
Brady (PA)	Fattah	Kratovil
Brady (TX)	Filner	Kucinich
Braley (IA)	Flake	Lamborn
Bright	Fleming	Lance
Broun (GA)	Forbes	Langevin
Brown (SC)	Fortenberry	Larsen (WA)
Brown, Corrine	Foster	Larsen (CT)
Brown-Waite,	Fox	Latham
Ginny	Frank (MA)	LaTourrette
Buchanan	Frank (AZ)	Latta
Burgess	Frelinghuysen	Lee (CA)
Burton (IN)	Fudge	Lee (NY)
Butterfield	Garamendi	Levin
Buyer	Garrett (NJ)	Lewis (CA)
Calvert	Gerlach	Lewis (GA)
Camp	Giffords	Linder
Campbell	Gingrey (GA)	Lipinski
Cantor	Gohmert	LoBiondo
Cao	Gonzalez	Loehsack
Capito	Goodlatte	Lofgren, Zoe
Capps	Granger	Lowe
Capuano	Graves (GA)	Lucas
Cardoza	Graves (MO)	Luetkemeyer
Carnahan	Grayson	Lujan
Carney	Green, Al	Lummis
Carson (IN)	Green, Gene	Lungren, Daniel
Carter	Griffith	E.
Cassidy	Grijalva	E.
Castle	Guthrie	Lynch
Castor (FL)	Gutierrez	Mack
Chandler	Hall (NY)	Maffei
Childers	Hall (TX)	Maloney
Chu	Hare	Manzullo
Clarke	Harman	Marchant
Clay	Harper	Markey (CO)
Cleaver	Hastings (FL)	Markey (MA)
Clyburn	Hastings (WA)	Marshall
Coble	Heinrich	Matheson
Coffman (CO)	Heller	Matsui
Cohen	Hensarling	McCarthy (CA)
Cole	Herger	McCarthy (NY)
Conaway	Herseth Sandlin	McCaul
Connolly (VA)	Higgins	McClintock
Conyers		McCotter

NOT VOTING—16

Blunt	Halvorson	Radanovich
Boozman	Kennedy	Simpson
Davis (AL)	Kirk	Tanner
Fallin	Klein (FL)	Velázquez
Galleghy	Minnick	
Gordon (TN)	Pingree (ME)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1738

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING COACH JOE PATERNO

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 1715) congratulating Joe Paterno on his 400th win as Penn State Nittany Lions football head coach, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

McDermott	Poe (TX)	Sires
McGovern	Polis (CO)	Skelton
McHenry	Pomeroy	Smith (NE)
McIntyre	Posey	Smith (NJ)
McKeon	Price (GA)	Smith (TX)
McMahon	Price (NC)	Smith (WA)
McMorris	Putnam	Snyder
Rodgers	Quigley	Space
McNerney	Rahall	Speier
Meek (FL)	Rangel	Spratt
Meeks (NY)	Rehberg	Stark
Melancon	Reichert	Stearns
Mica	Reyes	Stupak
Michaud	Richardson	Stutzman
Miller (FL)	Rodriguez	Sullivan
Miller (MI)	Roe (TN)	Sutton
Miller (NC)	Rogers (AL)	Taylor
Miller, Gary	Rogers (KY)	Teague
Miller, George	Rogers (MI)	Terry
Minnick	Rohrabacher	Thompson (CA)
Mitchell	Rooney	Thompson (MS)
Mollohan	Ros-Lehtinen	Thompson (PA)
Moore (KS)	Roskam	Thornberry
Moore (WI)	Ross	Tiahrt
Moran (KS)	Rothman (NJ)	Tiberi
Moran (VA)	Roybal-Allard	Tierney
Murphy (CT)	Royce	Titus
Murphy (NY)	Ruppersberger	Tonko
Murphy, Patrick	Rush	Towns
Murphy, Tim	Ryan (OH)	Tsongas
Myrick	Ryan (WI)	Turner
Nadler (NY)	Salazar	Upton
Napolitano	Sánchez, Linda	Van Hollen
Neal (MA)	T.	Velázquez
Neugebauer	Sanchez, Loretta	Visclosky
Nunes	Sarbanes	Walden
Nye	Scalise	Walz
Oberstar	Schakowsky	Wamp
Obey	Schauer	Wasserman
Olson	Schiff	Schultz
Olver	Schmidt	Waters
Ortiz	Schock	Watson
Owens	Schrader	Watt
Pallone	Schwartz	Waxman
Pascrell	Scott (GA)	Weiner
Pastor (AZ)	Scott (VA)	Welch
Paul	Sensenbrenner	Westmoreland
Paulsen	Serrano	Whitfield
Payne	Sessions	Wilson (OH)
Pence	Sestak	Wilson (SC)
Perlmutter	Shadegg	Wittman
Perriello	Shea-Porter	Wolf
Peters	Sherman	Woolsey
Peterson	Shimkus	Wu
Petri	Shuler	Yarmuth
Pitts	Shuster	Young (AK)
Platts	Simpson	Young (FL)

## NAYS—3

Chaffetz	DeFazio	Slaughter
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## NOT VOTING—13

Blunt	Gordon (TN)	Pingree (ME)
Boozman	Halvorson	Radanovich
Davis (AL)	Kennedy	Tanner
Fallin	Kirk	
Gallely	Klein (FL)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

1745

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.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

## CONDEMNING BURMESE REGIME'S UNDEMOCRATIC ELECTIONS

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1677) condemning the Burmese regime's undemocratic upcoming elections on November 7, 2010, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 1677

Whereas the current military regime, officially known as the State Peace and Development Council (SPDC), known previously as the State Law and Order Restoration Council (SLORC), held multi-party elections in 1990;

Whereas despite the threat and pressure by the military regime to vote for the candidates of the military-backed National Unity Party (NUP), the people of Burma voted 82 percent of parliament seats for the candidates of the National League for Democracy (NLD) party, led by formerly detained leader Daw Aung San Suu Kyi and allied ethnic political parties;

Whereas the military regime refused to honor the election results and arrested and imprisoned both democracy activists and elected members of parliament;

Whereas the SPDC over a period of 14 years held a National Convention to draft a new constitution in which the process was tightly controlled, repressive, and undemocratic;

Whereas the NLD walked out of the convention in 1995 because participants were not allowed to table alternative proposals or voice disagreement with the military regime;

Whereas the people of Burma, led by democracy activists and Buddhist monks in August and September 2007, took to the streets for national reconciliation and the transition to democracy;

Whereas the military regime brutally crushed the peaceful protests, killing at least 31 people, leaving nearly 100 missing, and arresting 700 additional political prisoners bringing the number of Burma's political prisoners to approximately 2,100;

Whereas the SPDC has ignored the repeated requests of the United Nations and the international community to release all political prisoners and end attacks against civilians;

Whereas at the same time, the SPDC assigned a commission to draft a constitution on October 18, 2007, with 54 handpicked participants, in an attempt to ignore past election results, to lock in a process that excludes representatives of ethnic nationalities and the NLD from political participation, and to legitimize continued military rule;

Whereas the latest version of the draft constitution seeks to codify military rule by reserving 25 percent of parliamentary seats for military appointees, permits the head of the military to intervene in national politics, and ensures that key government ministries are held by military officers;

Whereas amidst the crisis in parts of the country caused by Cyclone Nargis, the country's military junta staged a referendum to force through a new constitution, drafted without input from the opposition;

Whereas the vote for the referendum did not follow a free and fair democratic process;

Whereas conditions prior to the referendum consisted of repression, a lack of a

free media, and a lack of an independent referendum commission and courts to supervise the vote;

Whereas the amnesty provision of the constitution removes any rights for civil redress for victims of crimes committed by the military and leaders of the democratic opposition have refused to accept this constitution;

Whereas the amnesty provision is a blatant attempt to legitimize the systematic violence in the country for all junta inflicted crimes;

Whereas the ruling military junta in Burma has one of the worst human rights records in the world and routinely violates the rights of Burmese citizens, including the systematic use of rape as a weapon of war, extrajudicial killings, arbitrary arrests and detention, torture, as well as slave and child labor, including child soldiers;

Whereas the previous detention of Aung San Suu Kyi by the Burmese military regime contravenes Article 9 of the Universal Declaration of Human Rights and has drawn widespread condemnation from around the world;

Whereas in March 2010, the military regime announced laws governing the elections, including the Union Election Commission Law, giving their handpicked members complete authority to convene the election, along with final decisionmaking power, regarding election postponement, rejection, monitoring, forming sub-commissions, formation of constituencies, compiling list of eligible voters, and forming of tribunals to judge election dispute;

Whereas articles 4 and 10 of the Political Parties Registration Law bans all monks, nuns, and leaders of other religions, government staff, political prisoners and prisoners, foreigners, and members of and those related to unlawful associations and insurgent groups from forming and participating in a political party, further stating that failure to expel such individuals from your political party will result in abolishment of the political party;

Whereas article 6 of the Political Parties Registration Law states that all political parties must pledge to abide and protect the military regime's undemocratic and fraudulent 2008 constitution;

Whereas the NLD refused to re-register under such unjust election laws that would have forced them to expel their leader Aung San Suu Kyi and pledge support for the regime's undemocratic constitution;

Whereas the military regime's election commission released severely restrictive political party campaign rules banning all marches, chanting, and flags and also prohibits any speeches or publications that criticize the military regime;

Whereas the election commission can de-register any political party at their discretion;

Whereas it is impossible under the regime's 2008 constitution and 2010 election laws for the election to be free, fair, inclusive, or democratic; and

Whereas the November 7 election was marked by widespread fraud, voter intimidation, cheating, and irregularities reported throughout the country: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) denounces the one-sided, undemocratic, and illegitimate actions of the State Peace and Development Council (SPDC) that seek to legitimize military rule through a flawed election process;

(2) denounces the military regime's dissolution of the National League for Democracy and insists that no government in Burma can be considered democratic or legitimate without the participation of Aung

San Suu Kyi, the National League for Democracy, and ethnic nationalities and the full restoration of democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens;

(3) insists that Burma's military regime begin an immediate transition toward national reconciliation, and the full restoration of democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens;

(4) demands the immediate and unconditional release of detained Buddhist monks and all other political prisoners and prisoners of conscience;

(5) calls on the Administration to not support or recognize the military regime's elections as legitimate;

(6) calls on the Burmese junta to change the current flawed constitution by permitting members of the democratic opposition and ethnic minorities to participate in government;

(7) calls for full accountability of those responsible for human rights violations;

(8) urges support for a credible and robust international inquiry to investigate the Burmese regime's war crimes, crimes against humanity, and system of impunity; and

(9) calls for the Administration to fully implement the Tom Lantos Block Burmese JADE Act of 2008 by nominating the Special Representative and Policy Coordinator on Burma and imposing appropriate financial sanctions to facilitate the priorities expressed in paragraphs (1) through (8).

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

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

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

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

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

On November 7, 2010, Burma held its first election in 20 years. This should have been an important milestone for the 55 million people of that impoverished nation, but instead, it was more of the same. The ruling junta fixed the process to ensure its continuing domination, and the vote was marred by widespread fraud and intimidation.

This important resolution condemns the military regime's blatantly undemocratic effort to legitimize its rule through a sham election process.

In 1990, Aung San Suu Kyi's National League for Democracy, referred to as the "NLD party," handily won free and fair elections, but the junta refused to honor the results and, instead, arrested and imprisoned democratically elected members of parliament and democracy activists.

□ 1750

More recently, in 2007, thousands of ordinary Burmese citizens and Buddhist monks led a series of peaceful demonstrations calling for more openness and respect for human rights, only to be brutally crushed by the regime. Today, there are more than 2,200 political prisoners and prisoners of conscience languishing in Burmese prisons in the worst possible conditions.

The junta claims that the Burmese constitution of 2008 is part of a "roadmap to democracy," but in reality, that bogus document maintains power in the hands of military appointees, permits the head of the military to intervene in national policy, and ensures that key government ministries are held by junta officials. Under this framework, true democracy is impossible.

The regime's recent decision to release Aung San Suu Kyi, the iconic leader of Burma's democracy movement, is a transparent attempt to divert attention from its fraudulent election.

The international community must speak with one voice to condemn the results of the November 7 election; press the Burmese junta to respect basic human rights and allow freedom of expression and freedom of association; call for the release of political prisoners; and support national reconciliation between the junta, Aung San Suu Kyi, and ethnic leaders.

We must also continue to press for a robust international inquiry into the regime's crimes against humanity and war crimes, and do everything we can to end the systemic use of rape as a weapon of war, extrajudicial killings, torture, and child labor.

Mr. Speaker, I urge all my colleagues to support this bipartisan resolution.

I reserve the balance of my time.

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

Today, I rise in strong opposition to the recent sham election that took place in Burma on November 7. As the sponsor of this important resolution, I want to lend a public voice for many people yearning to see democracy take real root in Burma.

The purpose of the election is crystal clear: to entrench the military junta's rule under a cloak of democracy. Notwithstanding the release of Aung San Suu Kyi, the junta's actions cannot be an excuse to draw the curtain closed on so many people in Burma who yearn for the fresh breath of freedom.

While claiming the pro-junta party won 80 percent of the vote in the sham election, the Burmese regime clearly demonstrated its adherence to Chairman Mao's famous dictum that "political power comes from the barrel of a gun."

To make matters worse, just as rigged election results were being reported, junta troops engaged in shoot-outs with ethnic minority forces in border areas, sending tens of thousands of refugees fleeing into Thailand. Artillery fire even flew over the border, injuring refugees, Thai civilians, and Thai soldiers on the Thai side. Shelling your peaceful neighbor is no way for any government to conduct an election.

And while we all laud the release of the acclaimed Nobel Peace Prize Laureate Aung San Suu Kyi, no one should be fooled into thinking that the Burmese junta leopard has changed its spots. The junta has treated Aung San Suu Kyi like its political yo-yo, letting her out and then pulling her back in whenever it has served the regime's political whims. Having gotten her out of the way during the critical runup to the bogus elections, the regime has now decided it is time to place her again in the world spotlight.

But we cannot for one moment forget that there are an estimated 2,500 other political prisoners, including brave monks and ordinary citizens from the Saffron Revolution 3 years ago, who still languish in the Burmese gulag. Until these others are free, Aung San Suu Kyi and Burma are indeed truly not free.

In 2008, I led the effort, along with my friend from New York, Representative JOE CROWLEY, to award the Congressional Gold Medal to Aung San Suu Kyi. We must never forget the strength and hope that she represents. We must never be fooled into believing that this time there really will be change in Burma.

A flawed election process cannot hide the fact that until a sincere, transparent dialogue of political transformation is begun with the opposition, there can be no true democracy and rule of law in Burma. One need only recall that Hitler and Stalin had elections also, and they were just as meaningless.

This raises the whole question of the value of engagement with a regime which hunts down refugees and shells its neighbor in the aftermath of bogus elections. The administration clings to the desperate hope that talking to dictatorial thugs with no preconditions will lead to a world of peace and harmony. The Burmese junta and their bogus elections demonstrate the naive assumption behind this approach to foreign policy.

The release of Nobel Peace Prize Laureate Aung San Suu Kyi from house arrest, however, still leaves one Peace Prize laureate behind bars. That is the recent Prize recipient, Chinese dissident Liu Xiaobo. It seems high time for the rulers in Beijing to follow the example of their Burmese buddies and immediately release Mr. Liu. Governments which fear lone voices of conscience like Aung San Suu Kyi and Mr. Liu can never be truly secure, no matter how much voter fraud they conduct to prop up their regimes.

I strongly and enthusiastically urge my colleagues to stand up for democracy and freedom in the proud ancient land of Burma and to wholeheartedly support this resolution.

I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey, RUSH D. HOLT.

Mr. HOLT. Mr. Speaker, I thank the gentlelady from California.

I rise to express strong support for House Resolution 1677, offered by Mr. MANZULLO, and I rise to denounce the flawed, undemocratic election that took place in Burma earlier this month. For nearly half a century now, the liberties of the Burmese people have been held hostage by successive military rulers. The regime refused to honor the results of open elections held in recent decades and then forced the acceptance of a new, illegitimate constitution in a sham referendum. Last week, the junta once again chose to disregard the will of the Burmese people by staging a fraudulent election.

When I first visited Burma decades ago, I learned what a difference a misguided regime could make. Burma had been a vibrant country known as the "rice bowl of Asia." Burma had had a rich history, fertile land, abundant resources, and a productive population. In the years following the coup in the early 1960s, the authoritarian regime impoverished a nation and brutalized a people. The generals have rejected the choices of the Burmese citizens, imprisoned or killed political dissidents, and failed to address humanitarian suffering caused by their own mismanagement and by tragic natural disasters. The United States has a duty to stand firmly against the military's human rights abuses and to work for justice, reconciliation, and the rule of law in Burma.

I join with those around the world celebrating the recent release from house arrest of Nobel Peace Prize Laureate Aung San Suu Kyi, who has led the nonviolent struggle for democratic reforms in Burma, at great personal sacrifice, for over three decades. The outpouring of support and affection for her is a clear signal that the spirit of liberty endures among the Burmese people. Yet we must be mindful of history's lessons. The military junta will not tolerate actions that threaten its iron grip on power. That is why the United States must continue to pressure the regime to end its repressive practices and to accept an immediate transition toward a more democratic government that respects human rights and respects the aspirations of the Burmese people.

I urge my colleagues to support this resolution.

□ 1800

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

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

The SPEAKER pro tempore (Mr. HEINRICH). The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1677, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

#### COMMEMORATING THE PERSIAN GULF WAR

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1672) commemorating the Persian Gulf War and reaffirming the commitment of the United States towards Persian Gulf War veterans, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

#### H. RES. 1672

Whereas, on August 2, 1990, Iraq invaded the State of Kuwait, thereby initiating the Persian Gulf War;

Whereas in the months following Iraq's invasion and occupation of Kuwait, the United Nations Security Council adopted 11 resolutions that, inter alia, demanded that Iraq unconditionally withdraw from Kuwait and imposed economic sanctions and other pressure against Saddam Hussein's dictatorship in Iraq;

Whereas on November 29, 1990, the United Nations Security Council adopted Resolution 678, which authorized United Nations Member States to use all necessary means to uphold Resolution 660 (1990), which demanded that Iraq unconditionally withdraw from Kuwait;

Whereas on January 12, 1991, the United States Congress authorized the United States Armed Forces to help the State of Kuwait defend itself against the Iraqi invasion;

Whereas the Armed Forces of the United States, joined by coalition partners, overwhelmed the enemy in a short, decisive military campaign of less than 30 days;

Whereas the hostilities ended in a ceasefire declared by President George H.W. Bush on February 28, 1991, one hundred hours after the ground campaign began;

Whereas during the Persian Gulf War, approximately 694,550 members of the United States Armed Forces served in-theater along with the forces of over 30 other members of the United Nations;

Whereas casualties of the United States during the Persian Gulf War included 383 dead (of whom 148 were battle deaths), and more than 467 wounded;

Whereas approximately 2,225,000 American men and women served worldwide in the Armed Forces during the entire Gulf War era;

Whereas approximately 174,000 veterans suffer from illnesses related to service during the Persian Gulf War, including Gulf War Veterans' Illnesses;

Whereas Congress notes the Institute of Medicine's report, "Gulf War and Health", released on April 9, 2010; encourages the Department of Veterans Affairs task force to identify recommendations from this report to better treat illnesses related to service during the Persian Gulf War, including Gulf War Veterans' Illnesses; and reaffirms the commitment of the United States towards Persian Gulf War veterans;

Whereas since the end of the Persian Gulf War era, an average of more than 2,000 members of the United States Armed Forces have served annually in Kuwait to defend the State of Kuwait against external aggression, and to promote regional peace;

Whereas in addition to their participation in the Gulf War to liberate Kuwait, United States service members have maintained a significant military presence in the Gulf for decades and played a key role in defending United States interests and allies in the Gulf region; and

Whereas beginning in August 2010, various ceremonies are being planned in the United States to commemorate the 20th anniversary of the Persian Gulf War and to honor all Persian Gulf War veterans: Now, therefore, be it Resolved, That the House of Representatives—

(1) recognizes the historical importance of the 20th anniversary of the Persian Gulf War, which began on August 2, 1990;

(2) honors the noble service and sacrifice of the United States Armed Forces and the armed forces of allied countries that served in the Persian Gulf since 1990 to the present;

(3) encourages all Americans to participate in commemorative activities to pay solemn tribute to, and to never forget, the veterans of the Persian Gulf War;

(4) calls upon the President to issue a proclamation recognizing the 20th anniversary of the Persian Gulf War; and

(5) reaffirms the commitment of the United States to peace and prosperity in the Persian Gulf region.

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

The Chair recognizes the gentlewoman from California.

#### GENERAL LEAVE

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

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

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of H. Res. 1672, which commemorates the Persian Gulf War of 1991 and reaffirms the commitment of the United States to the well-being of Persian Gulf War veterans.

More than 20 years ago, on August 2, 1990, Saddam Hussein ordered his army into Kuwait, starting a crisis that would lead to war. Although some predicted that Iraq's incursion would be limited, within hours Iraqi forces had seized downtown Kuwait City and were headed south toward the Saudi Arabian border, occupying all of Kuwait along the way. What followed was the largest build-up of American forces since the Vietnam War. Within a short period, members of the 82nd Airborne Division, as well as 300 combat aircraft, were headed for Saudi Arabia. By the end of September 1990, there were nearly 200,000 American personnel in Saudi Arabia ready to repel an Iraqi attack.

Realizing the magnitude of Iraq's invasion, the President ordered additional soldiers to the Persian Gulf. During that period, an international coalition was formed, with more than 30 nations joining the effort to repel Iraqi aggression. On November 29, the U.N. Security Council passed a resolution authorizing the use of force if Iraq did not withdraw from Kuwait by January 15; and on the morning of January 16, 1991, allied forces began the first phase of Operation Desert Storm. After a 38-day air campaign, Operation Desert Sabre, a massive ground attack, was launched by American and coalition forces into both Iraq and Kuwait. One hundred hours after the ground campaign began, the President declared a cease-fire.

Mr. Speaker, our men and women in uniform did win that war. Their bravery in battle liberated a country and defended our friends from Saddam Hussein's aggression. We recall with special appreciation the 383 men and women who gave the ultimate sacrifice and the 467 who were wounded, as well as the thousands of veterans who, to this day, suffer from illnesses related to their Gulf War service.

Mr. Speaker, the resolution before us recognizes the historical importance of the 20th anniversary of the Persian Gulf War. It honors the noble service and sacrifice of the United States Armed Forces that have served in the Persian Gulf during that war and since, and it encourages all Americans to participate in commemorative activities to pay tribute to the veterans of the Persian Gulf War. It also calls upon the President to issue a proclamation recognizing the war's 20th anniversary and reaffirms the commitment of the United States to peace and prosperity in the Persian Gulf region. I strongly support this resolution, and I encourage all of my colleagues to do as well.

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

Mr. MANZULLO. I rise in support of the resolution and yield myself such time as I may consume.

Mr. Speaker, 20 years ago, on August 2, 1990, Saddam Hussein's Iraqi regime invaded and occupied nearby Kuwait. In response, the United States stood firmly against this act of aggression and led a strong coalition of responsible nations in making clear that Saddam's actions would not be tolerated. As a result of U.S. leadership, the U.N. Security Council adopted almost a dozen separate resolutions that, among other things, demanded that Iraq unconditionally withdraw from Kuwait and increased economic sanctions and other pressure against Saddam's dictatorship.

On November 29, 1990, the U.N. Security Council authorized the use of all necessary means to compel Iraq's withdrawal from Kuwait. Congress voted on January 12, 1991, to authorize America's Armed Forces to enforce the U.N. Security Council's resolutions with respect to Iraq.

Mr. Speaker, when called to action, our men and women in uniform, almost 700,000 of whom served in the theater, fulfilled their mission in an exemplary manner with valor and honor. Joined by our coalition partners, the U.S. military overwhelmed Saddam's forces and drove them out of Kuwait in a decisive campaign that lasted fewer than 30 days. Sadly, during the Gulf War, 383 Americans made the ultimate sacrifice, giving their lives in service to our Nation, and more than 460 others were wounded.

Among those who died was a young flight surgeon from Rochelle, Illinois, by the name of Dr. Koritz, when his jet aircraft was shot down. Further, over 170,000 returning veterans of the Gulf War have suffered from serious health problems.

In 2001, I authored the Persian Gulf War Illness Compensation Act to make sure that our veterans receive compensation from illnesses as a result of Gulf War syndrome. This legislation garnered the support of more than half the House of Representatives, and it was later signed into law by the President of the United States. It was thanks to the loving dedication of Donna Steele, the widow of Gulf War veteran Dan Steele from Freeport, Illinois, that helped me understand the devastating nature of Gulf War syndrome.

Mr. Speaker, as we commemorate the 20th anniversary of the Gulf War, we must honor the service and sacrifice made by servicemembers and veterans. Further, we must reaffirm our determination to ensure peace and stability in the gulf region which is a key U.S. interest. Accordingly, I am proud to support House Resolution 1672 and thank my friend from Maine (Mr. MICHAUD) for introducing this measure.

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

Ms. WATSON. Mr. Speaker, I yield 3 minutes to the gentleman from Maine, MICHAEL MICHAUD.

Mr. MICHAUD. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of House Resolution 1672, a measure I have introduced to commemorate the Persian Gulf War and reaffirm our Nation's commitment to the veterans who served in it. A cease-fire was declared by President George Bush on February 28, 1991, 100 hours after the ground campaign began.

□ 1810

Yet, this war is far from over for the veterans who served so courageously in the gulf. In fact, an estimated 174,000 still suffer from Gulf War illness, including Gulf War syndrome. These veterans and their families must now wage a campaign of a different sort within the VA system.

This includes my constituent, Michelle Comeau, of Dixfield, Maine, who was exposed to toxic sarin gas as a member of the Army National Guard. This led to unbearable migraines that

have since rendered her 100 percent disabled. In addition, her two daughters were subsequently born with rare birth defects, and have since developed symptoms similar to their mother.

Sadly, Michelle and many other veterans and their families across the country continue to suffer. Not enough is known about these illnesses, including whether or not it can be passed from one generation to the next. Because of this, it is critical that VA continues its research efforts on illnesses of Gulf War veterans.

This resolution we consider today commemorates the Gulf War and honors the noble service and sacrifice of veterans who served there. So it is also fitting that Veterans' Affairs Committee Ranking Member STEVE BUYER is here today to speak on behalf of this resolution.

In addition to being a Persian Gulf veteran himself, Congressman BUYER began his career as a Member of Congress by leading efforts to create a national Persian Gulf War veterans registry. This important program was set up to provide a comprehensive physical exam and to track the special health concerns of veterans who served in the gulf.

I want to thank Congressman BUYER for his service to this great Nation of ours, but also thank him for his service, his time here in Congress, which I enjoyed working with him on the Veterans' Affairs Committee.

I urge all of my colleagues to join me today in supporting House Resolution 1672, to encourage all Americans to remember and pay tribute to those veterans, and to let them know that their struggles and sacrifices will never be forgotten.

Mr. MANZULLO. Mr. Speaker, it is a real honor and privilege to yield such time as he may consume to the gentleman from Indiana (Mr. BUYER). He is the ranking member of the Committee on Veterans Affairs. He and I are classmates. We trained in school together to run as Members of Congress. He is a dear, dear friend. Our offices are on the same hall. Unfortunately, he is going to be leaving Congress this year.

Mr. BUYER. I thank the gentleman from Illinois, and I also thank you for your friendship and your personal counsel over the years. Likewise, I am so pleased that your wife continues to do well.

And to my friend, MIKE MICHAUD, MIKE—if I may have the latitude to address him by his first name, Mr. Speaker.

I don't mean to be nostalgic here for the moment, but I think when Members look back, they really don't remember all the difficult and challenging moments, they remember the things that really bring joy to their life. And one of the joys that I have in life is getting the opportunity to meet some real genuine people. And that's what MIKE MICHAUD of Maine is.

You are a genuine human being and it is your nature, it is your character,

it is your moral compass, the reason I use the word "genuine." You are truly one of the individuals that I will miss when I look back at Congress. I really will, MIKE.

I only wish your conference had made you chairman of the Veterans' Affairs Committee, I really do, because you and I could have done a lot of great things together.

In reality, the unwritten history will be the success of the committee occurred not by your current chairman, but because of the work-around solutions that we were able to do, by you and I working together, with STEPHANIE HERSETH and the Sergeant Major and VIC SNYDER. So history may not credit you, Mr. MICHAUD, for all the things you've done, but I'm going to stand on the floor and let everybody know all the great things that you have done for veterans in this country, and I am very proud of you. So as I stand here and I think of not only myself, but I think about my colleagues, I want to make sure that you deserve the full measure.

When I think about over 20 years ago, frankly, Saddam Hussein was pretty stupid. He decided to take seven of his Iraqi divisions and he invaded Kuwait. He committed incredible atrocities upon the people of Kuwait, and raped and pillaged the city of Kuwait City.

And when the President then immediately sent the 101st and the 82nd Airborne divisions as a blocking force to then protect Saudi Arabia, they had to build up the logistics of Saudi Arabia itself and activate reservists. Not since World War II had there been such a deployment, not only of the air, but of the sea and the activation of the Guard and reserve and bringing Seventh Corps out of Europe.

You see, Saddam Hussein decided to pick a fight, and he also then took on the United States at a time when the United States was its strongest. We had completed the Reagan build-up. Reagan built up our forces. A lot of good judgments were made back in the latter part of the 1970s and 1980s. Les Aspin, then the chairman of the committee, even though he made some policy changes with regard to how soldiers were going to be paid, and those pay issues got resolved later, in the latter part of the 1990s, Les Aspin, and then the Democrat control of the Armed Services Committee, though, worked then with Ronald Reagan and built up our force. And that was about standing down the Soviet Union. So as we then stood down the Soviet Union, we had a military that was extraordinarily powerful. And Saddam Hussein took on America at a time when we were the most powerful.

Now, with regard to our combat experience, the combat experience for the Gulf War was truly also of value, in that our senior level leadership, the senior NCOs, the First Sergeants, the Sergeants Major, the Colonels, the General Officer Corps, the Admirals, they were Vietnam veterans. So as we

went into Operations Desert Shield/Desert Storm, the leadership in that war, they said, well, we know what happened during Vietnam, and they always prided themselves that if they ever got themselves in another fight they were going to do things differently. So there was going to be no such thing as rotation. That's what happened in Vietnam.

So when we arrived in theater in the first Gulf War, duration was the theme, not rotation, meaning we will be here so long as it's necessary to throw Saddam Hussein out of Kuwait. As it turns out it was 100 days. That was a 100-day ground war. What isn't counted, though, is everything that it took to pull off a 100-day ground war.

Bringing out so many of the guardsmen and reservists was extraordinary. What was amazing about all this is that that type of a call-up of all the guardsmen and reservists to then support the active elements actually was bringing America to the war. When you pull out a teacher, you pull out someone who leads the church choir, you pull out someone who is the butcher and the baker and you then send them to war, you're bringing America to war. And America really at the time was a little shocked.

I mean, some of us, for myself the call-up was in 3 days. I got a notice and I was gone in 3 days. And it was a pretty extraordinary moment, not only in my life but in a lot of people's lives.

When I think back at all of this, I really compliment the extraordinary leadership, not only of then Dick Cheney, but also of Colin Powell and Norman Schwarzkopf. But I also look back with great pride of the men and women in theater. I believe that the active duty, of whom had always sort of looked down and chastised the reserve components, had new respect for the reserve components. And I look back at the Persian Gulf War, it was a defining moment, I think, at the time for our country.

□ 1820

With regard to the veterans, Mr. MICHAUD, you are absolutely correct. With a number in excess of 170,000, when you think of the number of those of us that actually went—I don't know the exact number, probably around 700,000 of us that went—that is a very large percentage that have some form of an illness.

I was pretty startled by all this. I do recall what it took to sort of expose that some bad things had happened; the fact that we had blown up one of the Army depots that contained some mustard and sarin gas, and that plume was so large that it went over tens of thousands of not only our own troops, including myself, but also about 10,000 of the U.K. And to think that the DOD was not forthcoming with that information to our veterans for a long time is very disturbing.

I do recall, when I got home I did not have the physical strength to even run

down to the end of the lane. That is only about 1,000 feet. And here I am, 30 years old, physically fit, come back from war and I don't have the physical capacity. Something had happened to me, and I didn't know what it was. I do recall that my wife wanted me to go down to the VA or to go to the doctor, and I refused to do it. I refused to do it because, I said, Joni, if I go, they're just going to say it's in my head. I made it up. It's not real. Yet something had happened to my body.

When I then came to Congress, I can assure you when I look back at it, and all of us know when you run for Congress it takes about a year and it takes a lot out of you physically, and I was very sick during that 1 year when I first ran for Congress. When I got here, I decided that I had to accept and get out of the denial mode and step forward and provide voice to a lot of my comrades, and that is what I chose to do.

It is very difficult, especially all of us as public figures, to be willing to step forward and put a face, especially your own, on something like that. But I chose to do that. I remember working not only with the gentleman from Illinois but also Joe Kennedy at the time. That is one of the first things I learned about politics, too. When you take someone like Joe Kennedy and you marry him up with STEVE BUYER, when we brought something to the floor, nobody voted against it.

So the things we were able to do by opening the VA to make sure that these veterans got their access to health care, then creating the compensation for undiagnosed illnesses, that was pretty radical. But we knew that something wrong had happened, and we wanted to make sure that our compassion was real, so let's make sure we take care of the families. And that is exactly what we sought to do.

I want to congratulate the gentleman for bringing this resolution. We have moved on to the second Gulf War, and now we are beginning to complete Iraq and we are still in Afghanistan. It is almost as though we have forgotten what happened to the veterans in the first Gulf War, and so many of them continue to suffer from these physical ailments. So when you take a moment like this, you are really saying unto the American people, "Hey, we've still got some concerns. We still have some very real challenges out there." And as I leave, I know that my comrades are in good hands.

So I want to thank all of you for supporting the VA and for supporting my comrades. They were there for us and you remember, and for that I am forever grateful. Thank you and Godspeed.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H. Res. 1672, a resolution recognizing the 20th anniversary of the outbreak of the Persian Gulf War and reaffirming the commitment of the United States towards Gulf War veterans.

This resolution rightly recognizes the suffering and the needs of Persian Gulf War veterans who continue to suffer from Gulf War Veterans' Illness, GWI, without an adequate treatment or a cure. One in four of those who served in the first Gulf War experience multiple concurrent symptoms including memory and concentration problems, chronic headaches, widespread pain and gastrointestinal problems as a result of neurotoxic exposures during their Gulf War deployment. Research also shows that Gulf War veterans suffer from Lou Gehrig's disease at double the rate of their non-deployed peers. There is still no effective treatment for these veterans.

A groundbreaking report issued by the Congressionally commissioned VA Research Advisory Committee on Gulf War Veterans' Illnesses entitled, "Gulf War Illness and the Health of Gulf War Veterans" identified two definite causes of the disease and a handful of other likely causes: exposure to pesticides and a drug given to troops to protect them from nerve gas.

The National Academy of Sciences' Institute of Medicine, IOM, released a groundbreaking report on Gulf War health in April, acknowledging that over 250,000 Gulf War veterans suffer from a chronic multisymptom illness that it is not due to psychiatric causes. Perhaps most importantly, the report recognizes the need for national research program that is likely to succeed in identifying treatments for GWI that will also benefit other U.S. military forces.

For the past several years, I have led a bipartisan effort to support the Gulf War Veterans' Illness Research Program within the Department of Defense's Congressionally Directed Medical Research Program. The program was awarded \$8 million in fiscal year, FY, 2010 and is critical following the Veteran's Administrations' decision this year to revisit rejected claims for Gulf War Veterans who have attempted to access treatment for the illness linked to their service. The research coming out of this program is among the most promising in the world for these veterans. We can and must do better than to forget the permanent sacrifices they have made. We must not rest until we identify treatments for them and ensure the exposures that caused the illnesses are not duplicated.

I urge my colleagues to continue this bipartisan effort as the FY 2011 Defense Appropriations bill and support funding for the Gulf War Veterans' Illness Research Program. We owe it to Gulf War veterans and all members of our Armed Forces to find a treatment.

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

Ms. WATSON. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1672, as amended.

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

A motion to reconsider was laid on the table.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1722, TELEWORK ENHANCEMENT ACT OF 2010

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 111-657) on the resolution (H. Res. 1721) providing for consideration of the Senate amendment to the bill (H.R. 1722) to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### RECOGNIZING 500TH ANNIVERSARY OF THE BIRTH OF ANDREA PALLADIO

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 259) recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

##### H. CON. RES. 259

Whereas 2008 was the 500th anniversary of the birth year of the Italian architect Andrea Palladio;

Whereas Andrea Palladio was born Andrea di Pietro in Padua on November 30, 1508;

Whereas Palladio, born of humble origins, apprenticed as a stonemason in his early life;

Whereas under the patronage of Count Giangiorgio Trissino (1478-1550), Palladio studied architecture, engineering, topography, and military science in his mid-twenties;

Whereas in 1540, Count Trissino renamed him "Palladio", a reference to the wisdom of Pallas Athena, as well as the Italian form of the name of the Roman writer of the fourth century, Rutilius Taurus Aemilianus Palladius;

Whereas Palladio's designs for public works, churches, mansions, and villas rank among the most outstanding architectural achievements of the Italian Renaissance;

Whereas Palladio's surviving buildings are collectively included in the UNESCO World Heritage List;

Whereas Palladio's treatise, "The Four Books of Architecture", ranks as the most influential publication on architecture ever produced and has shaped much of the architectural image of Western civilization;

Whereas "The Four Books of Architecture" has served as a primary source for classical design for many architects and builders in the United States from colonial times to the present;

Whereas Thomas Jefferson called Palladio's "The Four Books of Architecture" the "Bible" for architectural practice, and employed Palladio's principles in establishing lasting standards for public architecture in the United States and in constructing his own masterpiece, Monticello;

Whereas our Nation's most iconic buildings, including the United States Capitol Building and the White House, reflect the influence of Palladio's architecture through the Anglo-Palladian movement, which flourished in the 18th century;

Whereas Palladio's pioneering reconstruction and restoration drawings of ancient

Roman temples in "The Four Books of Architecture" provided inspiration for many of the great American classical edifices of the 19th and 20th centuries, in the period known as the American Renaissance;

Whereas the American Renaissance marked the high point of the classical tradition and enriched the United States from coast to coast with countless architectural works of timeless dignity and beauty, including the John A. Wilson Building, the seat of government of the District of Columbia;

Whereas the American architectural monuments inspired both directly and indirectly by the writings, illustrations, and designs of Palladio form a proud and priceless part of our Nation's cultural heritage; and

Whereas organizations, educational institutions, governmental agencies, and many other entities have been celebrating this special 500-year anniversary, including the Italian National Committee for Andrea Palladio 500, the Centro Internazionale di Studi di Architettura Andrea Palladio, the Palladium Musicum, Inc., the Istituto Italiano di Cultura, and the Institute of Classical Architecture and Classical America, as well as other Italian and Italian American cultural organizations, such as the Italian Heritage and Culture Committee of New York, Inc., and the Italian Cultural Society of Washington, DC, Inc., with a wide variety of public programs, publications, symposia, proclamation ceremonies, and salutes to the genius and legacy of Palladio: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) recognizes the 500th anniversary of Andrea Palladio's birth year;

(2) recognizes his tremendous influence on architecture in the United States; and

(3) expresses its gratitude for the enhancement his life and career has bestowed upon the Nation's built environment.

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

The Chair recognizes the gentlewoman from California.

##### GENERAL LEAVE

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

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

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this legislation, and I yield myself such time as I may consume.

This resolution marks the 500th anniversary of the birth of noted Italian architect Andrea Palladio.

Born Andrea di Pietro in Padua on November 30, 1508, Palladio was widely acclaimed as the leading architect of the Italian Renaissance.

Best known for his villas, churches, and public buildings, Palladio incorporated many traditional architectural elements of ancient Rome in his work to become the favorite architect of Venetian high society.

Palladio's treatise, "The Four Books of the Architecture," canonized what was to become known as the Palladian

architectural style, which continues to influence Western architecture to this day.

Some of Palladio's surviving villas have been included on the UNESCO World Heritage list.

Not only do his works remain an important part of Italy's rich cultural legacy, but his influence on architecture is evident throughout much of Europe and America as well.

Thomas Jefferson made great use of the Palladian style in constructing his own masterpiece, Monticello, and establishing lasting standards for public architecture in the United States. In fact, one has to look no farther than the building we are presently standing in to see firsthand Palladio's influence on architectural design.

I urge my colleagues to support this important resolution and to express our gratitude for the impact that Andrea Palladio's life and career has had on architecture in our country.

I reserve the balance of my time.

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

I stand in strong support of this resolution, which recognizes the architectural genius of a man who was born over 500 years ago and continues to inspire the work of architects today.

Andrea Palladio was born into a family of modest means and rose through society as a result of his hard work, commitment to learning, and dedication to his trade.

Palladio is best known for his work, "The Four Books of Architecture," and by 1554 he was named the chief architect of the Republic of Venice.

Palladio's work defined the renaissance style of architecture. Thomas Jefferson utilized his principles in designing his home at Monticello, as well as when he designed the plans for the University of Virginia.

The Palladian style served as inspiration to many architects during the 18th century when they designed the United States Capitol, where we meet today, as well as other government buildings and monuments in and around Washington, D.C.

Indeed, Palladio's influence goes beyond architecture to touch the lives of countless Italian immigrants in this country. Americans of Italian heritage carry on the Palladio work ethic and commitment to excellence.

In this resolution today, we recall the life of Andrea Palladio and recognize the significant contributions he made to Western architecture and to the cultural heritage of the United States.

□ 1830

I urge my colleagues to join in supporting the adoption of this resolution.

I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H. Con. Res. 259, honoring the life and work of Andrea Palladio.

As cochair of the Italian American Caucus, I have had the privilege of honoring the contributions of explorers like Christopher Columbus, scientists like Galileo, and artists like Constantino Brumidi. Constantino did most of the fresco work in this Capitol. He came to the United States with nothing in his pocket to become an American citizen. He became an American citizen in a very short period of time, and then he set out to perform his great works here, not only in the Capitol, but in many places in New York City.

Or how about veterans, like Sergeant John Basilone, who in the Second World War was the highest decorated member of the Armed Forces. He was wounded at Guadalcanal. He came back to the States and sold war bonds. That wasn't his kick. He asked to go back into the Pacific Theater. He got to Iwo Jima. The third day he was back, he was killed. In 2005, we had a stamp for Sergeant Basilone. Just this year we named a building after him in New Jersey. We named a bridge after him, the highest-decorated person in the history of the Armed Forces of the United States of America.

I bring his name up also because there is a legacy here that is shared with American history, and it changes somewhat the stereotyping of Italian Americans. I hope it does. I am proud to be an Italian American, and I know Mr. MANZULLO is, and we know what that stereotyping is. Stereotyping was not invented in the 20th century. So this is one of the reasons why we have presented this.

It is only right that today we honor this influential architect, Andrea Palladio. He was born Andrea di Pietro in Padua, Italy, on November 30, 1508. He spent his life studying architecture, engineering, topography and military service.

As was mentioned, his very famous masterpiece is "The Four Books of Architecture." Jefferson called these four books the "Bible" for architectural practice, the protocol, and he employed Palladio's principles in establishing the lasting standards up to this date in America and in the constructing of his own masterpiece, Monticello. Our Nation's most iconic buildings and the White House itself reflect the influence of his great architecture.

There is no better way to honor the close ties between Italy and the United States than to look to our shared cultural history, and much of it is shared.

I would like to thank my Italian American Caucus cochair, PAT TIBERI, and Ambassador Giulio Terzi, for all of their work bringing this resolution to the floor. I urge my colleagues to join me in supporting such an important figure in the history of both our Nation and Italy.

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

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 259.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### SUPPORTING EFFORTS TO BRING WORLD CUP TO THE UNITED STATES

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 327) to recognize and support the efforts of the USA Bid Committee to bring the 2018 or 2022 Federation Internationale de Football Association (FIFA) World Cup competition to the United States.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

#### H. CON. RES. 327

Whereas soccer is one of the most popular sports in the world and the FIFA World Cup competition is the single most important event in that sport;

Whereas the United States successfully hosted in 9 cities throughout the Nation the 1994 FIFA World Cup competition, which was broadcast to billions of fans around the world and set an attendance record of nearly 3,600,000, which remains unbroken today;

Whereas the 1994 FIFA World Cup competition served as a catalyst for the increased popularity and development of the game throughout the United States, as well as the introduction of Major League Soccer, the United States national first division professional soccer league;

Whereas the United States Soccer Federation has established the USA Bid Committee to prepare and submit a bid to host the 2022 FIFA World Cup competition in the United States;

Whereas 18 American cities have been named by the USA Bid Committee as candidates to serve as hosts to FIFA World Cup matches in 2022, with each of these cities embodying the diversity and enthusiasm shared by the entire Nation and guaranteeing each participating team and its followers a "home team" atmosphere;

Whereas the United States offers FIFA a valuable and receptive market within which to further develop the sport of soccer, which in turn will have significant impact on and off the field in both the United States and throughout the world;

Whereas the United States possesses all necessary state-of-the-art infrastructure in its stadia and potential host cities to ensure that the competition sets a new standard of quality, comfort, security and safety for players, officials, spectators, media, and sponsors alike;

Whereas hosting the FIFA World Cup in the United States promises record-setting attendance and financial performance, allowing revenues generated by the competition to be used for the further development of soccer and FIFA's objectives of positive social and environmental change;

Whereas hosting the 2022 FIFA World Cup competition in the United States would serve as a tremendous impetus to national and international goodwill, as the competition would bring people from many nations,



along with a diverse American public, together under one banner of peace, friendship, and spirited but fair competition; and

Whereas pursuant to FIFA bidding procedures, the President of the United States and certain Federal agencies have issued guarantees that upon authorization or appropriation, would establish the conditions required to help make the 2022 FIFA World Cup competition the most successful in history: Now, therefore be it

*Resolved by the House of Representatives (the Senate concurring), That the Congress—*

(1) recognizes and supports the efforts of the USA Bid Committee to bring the 2022 FIFA World Cup competition to the United States;

(2) encourages the President of the United States and appropriate Federal agencies to support the USA Bid Committee in its efforts to meet all requirements for the United States to host the 2022 FIFA World Cup competition; and

(3) stands prepared to give full consideration to a request by the President to provide support related to the 2022 FIFA World Cup competition, if the United States is selected to host this event.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Every 4 years during the FIFA World Cup, the world is captivated and obsessed with soccer. We watch young men take to the field representing their respective nations, and we proudly fly our national flags and sing our national anthems. But the World Cup is not just a soccer tournament. As a truly global event, it is a vehicle for bringing the world closer together.

In 1994, the United States hosted what has been hailed as the most successful World Cup in history. Spread across the country in nine host cities, we accommodated more fans than any previous World Cup, reached a record television audience around the world, and in the process fueled the development of the beautiful game in America.

Hosting the World Cup again would be a great honor for our Nation, and I wholeheartedly support H. Con. Res. 327, which supports the USA Bid Committee's efforts to bring the 2022 FIFA World Cup back to the United States.

In May of this year, the USA Bid Committee presented our bid to FIFA, which, in addition to information on logistics, includes a 10-year plan to use soccer as a tool to promote education, health, development, and peace.

In addition to bringing the world's attention to the United States for one month in 2022, hosting the tournament would also generate a tremendous amount of revenue. The USA Bid Committee estimates that ticket sales alone will generate over \$1 billion and visitors are expected to spend an additional \$5 billion on accommodations, transportation, and communications. The licensing and sponsorship of the tournament will likewise bring revenue into the country, and the spotlight on the United States will encourage investment in our economy.

I commend the gentleman from Maryland (Mr. VAN HOLLEN) for authoring this important resolution, and I urge all of my colleagues to join me in expressing strong support for the 2022 World Cup bid.

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

Mr. MANZULLO. Mr. Speaker, I yield myself such time as I may consume and rise in support of H. Con. Res. 327, a bipartisan measure recognizing the efforts of the USA Bid Committee to bring the World Cup to the United States.

On December 2, the Executive Committee of the International Federation of Football Associations, or FIFA, will be voting and announcing the host countries for the 2018 and 2022 FIFA World Cup competitions.

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A month ago, the United States decided to focus solely on its bid for 2022. My colleagues will recall that the U.S. hosted a highly successful World Cup 16 years ago, in 1994.

In addition to holding opening ceremonies and the first match in my home State of Illinois, that tournament set World Cup attendance records, drawing nearly 3.6 million live spectators at matches that were broadcast to billions of viewers around the world. It was a great success for the World Cup and a huge boost for the game in the United States. Since that time, soccer has grown significantly in this country, both as a participant and a spectator sport.

I can think of no better venue for the 2022 FIFA World Cup than the United States of America. We boast the second largest number of players in the world, with over 24 million Americans playing. With nearly 4 million young people playing in more than 6,000 clubs and leagues, the United States leads the world in youth players—those who are most committed and important to the future of the game. With our state-of-the-art stadiums and broadcast facilities, we also have the best possible infrastructure to make the 2022 World Cup accessible to the people of the world.

For these and many other reasons, holding the 2022 FIFA World Cup in the United States would be good for FIFA and good for the economy of the United States. Thus, it is fitting that today we join together across party lines to com-

mend and support the efforts of the USA Bid Committee to bring the World Cup competition to the United States in 2022.

Mr. VAN HOLLEN. Mr. Speaker, with the excitement of this year's FIFA World Cup competition in South Africa and the achievements of the U.S. Men's National Team still fresh in our minds, I rise to support efforts to bring the world's most popular sporting event—the FIFA World Cup competition—back to our country.

In 1994, our nation hosted the FIFA World Cup tournament. That tournament still holds the record for the highest attendance in history, with an overall attendance of 3.6 million. It also spurred the development and popularity of soccer in this country, leading to the creation of Major League Soccer, the United States' national first division professional soccer league.

Building upon this country's enormous success in hosting the FIFA World Cup in 1994, the US Soccer Federation—through the USA Bid Committee—has submitted a very strong bid to host the 2022 competition.

Bringing the FIFA World Cup tournament back to the United States will both contribute to the further growth of soccer in America and stimulate the economies of dozens of cities and states that hope to serve as hosts to national teams and spectators from around the world. Eighteen communities across the country, including Washington, DC, and Baltimore, MD, are working with the USA Bid Committee to serve as potential hosts for the games during the month-long competition.

I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN as well as my fellow co-chairs of the Congressional Soccer Caucus—GEORGE MILLER, DAVE REICHERT, and MARY BONO MACK—for their support of this important resolution.

Mr. Speaker, the United States faces formidable competition in hosting the 2022 FIFA World Cup tournament from several countries in Asia and Australia, but with Congressional encouragement and support for USA Bid Committee's effort in advance of FIFA's decision on December 2nd, it would send an important message to FIFA at this critical time.

I urge my colleagues to support this timely resolution.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 327, 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.

The title was amended so as to read: "Concurrent resolution recognizing and supporting the efforts of the USA Bid Committee to bring the 2022 Federation Internationale de Football Association (FIFA) World Cup competition to the United States."

A motion to reconsider was laid on the table.

## SUPPORTING NATIONAL ADOPTION DAY AND MONTH

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1648) supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

## H. RES. 1648

Whereas there are over 423,000 children in the foster care system in the United States, and more than 114,000 of whom are waiting for families to adopt them;

Whereas 56 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas for many foster children, the wait for a permanent, adoptive, “forever” family in which they are loved, nurtured, comforted, and protected seems endless;

Whereas the number of youth who “age out” of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 55 percent since 1999, as more than 29,000 foster youth “aged out” of foster care during 2009;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas while 3 in 10 people in the United States have considered adoption, a majority of them have misconceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of people in the United States believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children in the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of people in the United States believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care, and financial support in the form of an adoption assistance subsidy is available to adoptive families of eligible children adopted from foster care and continues after the adoption is finalized until the child is 18, so that income will not be a barrier to becoming a parent to a foster child who needs to belong to a family;

Whereas significant tax credits are available to families who adopt children with special needs;

Whereas the Department of Health and Human Services, Administration for Children and Families, in a partnership with the Ad Council, supports a national recruitment campaign for adoptive parents;

Whereas the Collaboration to AdoptUsKids features a photolisting Web site for waiting foster children and prospective adoptive families at [www.adoptuskids.org](http://www.adoptuskids.org), and in Spanish at [www.adoptel.org](http://www.adoptel.org);

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, over 30,000 children have joined forever families during National Adoption Day;

Whereas in 2009, adoptions were finalized for nearly 5,000 children through more than 325 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Adoption Month celebrates the gift of adoption, recognizing the adoptive and foster families who share their hearts and homes with children in need, and raises awareness of the need for families for the many waiting children, particularly older children and teens, children of color, members of sibling groups, and children with physical and emotional challenges; and

Whereas November 2010 is National Adoption Month, and November 20, 2010, is National Adoption Day, and activities and information about both are available at [www.childwelfare.gov/adoption/nam/activities.cfm](http://www.childwelfare.gov/adoption/nam/activities.cfm): Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child in foster care deserves a permanent and loving family;

(3) recognizes the significant commitment of taxpayers to support adoption, including the \$1,900,000,000 provided to support adoption through the Title IV–E Adoption Assistance program, as well as the assistance provided through the Title IV–E Foster Care program to 114,000 children waiting for adoptive families, among other important programs; and

(4) encourages the citizens of the United States to consider adoption of children in foster care who are waiting for a permanent, loving family.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

## GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 1648.

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

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I rise in strong support of H. Res. 1648, which supports the goals and the ideals of National Adoption Day and National Adoption Month. Children deserve nothing less than to grow up in a safe, stable, and loving home. While the vast majority of children are raised in such settings, there are a number of vulnerable children who are victims of child maltreatment or may have lost their parents in a tragedy and are now in search of a new home to call their own.

Today, there are more than 423,000 children in the foster care system in this country. Many of these children

will be reunited with their biological parents when it is safe for them to do so, while others will find a permanent home with a grandparent or other relative. Meanwhile, more than 114,000 children will be unable to safely return to their biological parents and need to find a new home.

Over the last several years, Congress has worked in a bipartisan manner to provide services that promote foster care outcomes for children in foster care that are positive and to facilitate the timely placement of a child into an adoptive home. In 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act, which provided an array of new services to strengthen the foster care system. The legislation expanded the number of permanency options made available to children who are in search of new homes by allowing States to use Federal assistance to relatives to agree to become the legal guardians of foster children. The bill also extended and improved the Adoption Incentives Program and required States to inform prospective adoptive parents of their potential eligibility for the Federal Adoption Tax Credit.

So far, we have seen positive results in the area of adoption. Last year, 57,000 children were adopted out of foster care. That's a 3.5 percent increase over the previous year. The increase in the number of children adopted out of care reflects a trend that occurred over the last several years. Since 2006, the number of children adopted out of foster care has increased by 10.5 percent. Remarkably, this increase has occurred as the number of children who are served by the foster care system has steadily declined by 14 percent over the same period.

Earlier this year, as part of the landmark legislation that provided for health care coverage to all Americans, additional incentives and initiatives were taken to promote adoption. The Affordable Care Act included legislation that repealed the sunset date on the adoption tax credit for 1 year—from 2010 to 2011—and increased the maximum amount under the credit. The legislation also made the Adoption Tax Credit refundable for tax years 2010 and 2011.

While Congress has had great success in promoting the adoption of children out of foster care, there are still far too many children in foster care who are waiting far too long to find a permanent home. We need to continue to work together to ensure that States have the resources they need to swiftly move children into adoptive homes when it is appropriate to do so.

I look forward to continuing to work with all my colleagues to achieve that goal. I urge my colleagues to join me in supporting H. Res. 1648.

I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of House Resolution 1648, which recognizes the goals and ideals of National Adoption Day and Month. As

you know, November 20 will mark this year's annual National Adoption Day celebration. All across our great country, communities will gather together to celebrate the adoptions that have been finalized this year and those that we hope will be finalized next year. In this spirit of community and family, this is what makes the National Adoption Day so very effective and also so very important in the lives of the Nation's more than 423,000 foster children—more than half of whom are under the age of 10.

The issue truly is an urgent one, Mr. Speaker. Each year as children grow older, it becomes harder and harder to place them with "forever" families. In fact, sadly, last year, 29,000 children "aged out" of the foster care system and are now on their own. As someone who adopted an older child, I know what this means to so many families and so many children—in particular, to older children. I call adopting an older child the toughest job I've ever had but also the one that was the most rewarding.

In so many cases, adoption is the key to breaking the cycle of abuse for children who otherwise would languish in dangerous homes. Perhaps it goes without saying how important it is for children to grow up in loving and supporting families. Yet with thousands upon thousands of children still being denied this most fundamental opportunity, Congress must continue to do what it can to support their efforts to find a home.

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As such, the Federal Government has rightly stepped in to relieve the financial burden on adoptive families, and in doing so has made adoption more affordable to people of all income levels, but much still remains to be done. The resolution that we are considering today is an important reaffirmation of our commitment to improving the lives of foster children everywhere, and I thank my colleagues on both sides of the aisle for their support and attention to this matter.

While we are on the subject of adoption, Mr. Speaker, I want to mention one more thing. It has been brought to my attention that the Democratic leadership has pulled another very important adoption bill from the schedule this week. Actually, I understand that they hope to use it as a vehicle to pass an unrelated measure called the DREAM Act. The adoption bill in question is called the Help HAITI Act. It was introduced by Congressman FORTENBERRY in response to the tragic earthquake in Haiti some months ago. His legislation has passed the House and the Senate, and it was designated to assist children orphaned by one of the greatest natural disasters in recent memory.

A family in my district has adopted one of those children. He is a 3-year-old boy named Samuel. After being abandoned, with no record of who his par-

ents were, Samuel got a second chance at having a family. Sadly, his adoption is stuck in limbo now because of this action. Congressman FORTENBERRY's bill would change that. It has passed the House, and it has passed the Senate. All little Samuel needs is one clean vote and a stroke of the President's pen.

To hold these children hostage in an effort to disguise a vote on a controversial piece of legislation that has no hope of becoming law is completely unacceptable. Frankly, Mr. Speaker, this is exactly the kind of skullduggery that the American people have grown so sick of. If the DREAM Act or any other piece of legislation cannot stand on its own merits, then the sponsors of the bill need to go back to the drawing board and find something that can stand on its own merits.

The Help HAITI Act is one vote away from being sent to the President's desk. I strongly urge the Senate Democrat leaders to allow the House to vote to pass the Haiti adoption bill. If they choose not to, I hope that the current Speaker will at least have the decency to look Samuel and his parents in the eyes and explain the nefarious decision to them.

I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman of the Ways and Means Committee, and I thank the Ways and Means Committee for the very fine leadership that it has exhibited, particularly tonight, by bringing to the floor legislation sponsored by a very good friend, Mr. OBERSTAR.

Mr. Speaker, I chair the Congressional Children's Caucus, and I really wanted to rise and speak from the heart, for Mr. MCDERMOTT shared with us, as the minority manager as well, some of the pain that goes with children who need to be adopted.

Some years ago, I chaired the Foster Parent Task Force for Harris County, and I had the privilege of chairing it with one of our former colleagues, Congressman Mike Andrews. We chaired that task force to recruit, to restore, to rejuvenate foster parents, and to encourage them in their parenting and in their loving of foster children. In the course of that task, I learned of aging out—children who were in the foster care system and not adopted. Therefore, at the end of the foster care timeframe, they were aged out without any parental jurisdiction, love, affection, or nurturing. I met many of those children on the streets of Houston. I imagine, if I were to travel from the east coast to the west coast, I would meet children like that, children of America who deserve better lives.

So I rise to support this legislation. I applaud Mr. OBERSTAR, the Ways and Means Committee, Mr. MCDERMOTT, and of course the staff who saw fit to acknowledge that this is National

Adoption Day and National Adoption Month, because, if there is anything precious in our sights—and for those whose faiths point them to a higher authority—it is that about children. Adoption is an honorable and welcomed next step for a child in foster care, a child who is abused and possibly, if you will, unloved.

I ask my colleagues to support this enthusiastically because we need to end the pain in the eyes of the children and in their hearts by allowing them and hoping for them to be adopted.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank the gentlelady from Florida for the time and also for her good words earlier.

Mr. Speaker, the selfless love inherent in adoption shows the remarkable capacity of the human heart to strengthen a fractured world one child in need at a time, and I am very glad that Congress today is taking the time to honor adoption.

I must add, however, that I am very disheartened that a bill to help Haitian orphans, which has passed this House, as the gentlelady from Florida has said, and which has passed the Senate with amendments, has now been abandoned in secret meetings by this body's leadership.

The Help HAITI Act helps 1,200 Haitian orphans who were in the process of being adopted before the tragic earthquake hit that country. We could have passed this on Monday, and it could be law by now. Yet now, I understand, this bipartisan Help HAITI Act may be used as a vehicle for a controversial immigration measure for which there is no consensus in this body or across America.

While the legal status of these vulnerable Haitian orphans remains in limbo, they have fewer legal protections. They may not be eligible for critical resources, and they may be at risk of being returned to Haiti. Now, surely, we can act to solve this problem free of partisan provocation.

So, Mr. Speaker, I say this: These poor children and their heroic American families deserve better than what we are giving them today.

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentlelady for yielding.

Mr. Speaker, adoption was very near and dear to the heart of a friend of mine who passed away a few years ago. His name was Dave Thomas. Many of you have heard of him because he started a chain of restaurants called Wendy's, which is now known worldwide.

Dave was a child who was adopted. His adoptive mother died, and his father, because he couldn't take care of

him, left him in Fort Wayne, Indiana, at a YMCA when he was about 14 years old, and he was left pretty much to fend for himself. Because of that experience that Dave wrestled with as a boy, he ended up becoming one of the strongest advocates for adoption that I have ever known.

He worked very hard to get a postage stamp adopted—it was adopted—which spelled out the need to adopt children who didn't have homes. On every one of his restaurant maps, he had the ways to adopt a child, and he had pictures of children who should have been adopted. So, from a person who had that personal experience, who was Dave Thomas, I learned that adoption was extremely important for the security and the future of these children.

Now there are these children we are talking about from Haiti. Obviously, the problems there are herculean. Right now, there is a cholera epidemic down in Haiti, and it's probably going to get worse. They're talking about maybe thousands of people becoming infected with this deadly disease. Can you imagine if any of these children had to be sent back there under Haiti's current conditions? Even if they didn't have that kind of an epidemic, you wouldn't want to send them back there.

So I think the legislation this young lady is talking about is extremely important. It sends a message that we really care about those who don't have homes and who need to be adopted.

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I sincerely hope that my colleagues on both sides of the aisle will do everything they can to make sure this gets passed and to the President as quickly as possible.

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have no more Members who wish to speak on this, but I'd just like to close by saying I think that this House Resolution 1648 is a very good one. I urge my colleagues to support it but also to keep up the pressure on the current Speaker to release the Haiti adoption bill.

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

Mr. McDERMOTT. Mr. Speaker, I think in closing it's important to point out that children are children, and while we may talk about some Haitian children who want to be adopted in the United States, we have an immigration policy in this country that is sending children back from my district to their country because we have got an immigration system that does not work. I actually think we ought to think a little bit more about people in this country and how we get the immigration policy rather than trying to say, well, we've got to worry about these people somewhere else. Part of this election was fought over the issue of immigration policy, and this country needs a fair way for people to proceed toward an ability to become a citizen.

Now, you want these Haitian kids to come in here. What about their citizenship? I mean, they just get here; they're going to sit here forever and never get citizenship? I have a boy in my district who was 6 years old when he came here, and no one told him he had to go down and fill out some papers when he got to be 18 and choose his citizenship. So now we're trying to send him back to a country that he never lived in since he was 6 when he came, and so there are real problems with children in this country, and I think we can deal with this one and we'll deal with the other one.

The other body has kept their foot on these issues over and over and over again, and I think we ought to deal with this issue and then we'll deal with the other issue. We'll see whether they're really serious about all children.

I urge my friends and the Members of the Congress to vote for this resolution.

Mr. CAMP. Mr. Speaker, I am pleased to rise today in support of H. Res. 1648, a resolution that recognizes the importance of federal efforts to encourage adoption, and honors National Adoption Day and Month.

As an avid adoption supporter, I believe that Congress must continue to promote the adoption of children into safe and loving homes. Through our work in 1997 as part of the Adoption and Safe Families Act, and more recently through the Fostering Connections to Success and Increasing Adoptions Act of 2008, Congress made significant advances in providing more options for children in need.

Yet, far too many children, about 114,000, are waiting in foster care programs throughout our country for families to adopt them. These children should be given every opportunity to lead successful lives, and one way to make that happen is to increase the adoption of these children into safe, permanent, loving homes.

That is why National Adoption Day and Month are so important. This year, National Adoption Day will take place on November 20, 2010, and is designed for communities around the country to highlight adoptions. Over the last decade, these events have grown more and more successful. Last year there were events in all 50 states during which the adoptions of 4,800 children were finalized. Since its inception, more than 30,000 adoptions have been finalized on National Adoption Day.

I have been honored to participate in National Adoption Day over the past several years. To be part of such a special occasion reinforces the need for further efforts to move kids into adoptive homes.

I would also like to highlight the efforts of the Congressional Coalition on Adoption Institute (CCAI) to promote adoption through its annual Angels in Adoption Awards Ceremony, held in October. This event also highlights those that have opened their hearts and their homes.

These initiatives are critically important to not only recognizing those who have promoted adoption, but also to highlight the need for greater action on this important topic.

Before I close, I would like to recognize the efforts of Representative JIM OBERSTAR, the sponsor of this resolution, for his work on be-

half of adoption and children in foster care. JIM and I worked closely together on these important issues as co-chairs of Congressional Coalition on Adoption Institute. As an adoptive parent himself, he knows firsthand how life-changing adoption is, and with his experiences he has been an effective and tireless leader for children who need loving homes. His expertise will be missed, but his contributions in support of adoption will be lasting.

I would also like to congratulate and publicly thank Representative GINNY BROWN-WAITE for her role in promoting adoption and the wellbeing of all children. As a Member of the Ways and Means Committee, she has been an active supporter of efforts to promote adoption and child wellbeing, continuing her prior work as a member of the Congressional Coalition on Adoption Institute. GINNY is retiring at the end of this Congress, and her deep compassion for and active efforts on behalf of children who have been or are awaiting adoption will continue to inspire those of us she leaves behind. I wish both JIM and GINNY all the best in the years ahead and thank both of them for their distinguished service to our families and country.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of H. Res. 1648, which recognizes the goals and ideals of National Adoption Day and National Adoption Month. I would also like to thank Chairman OBERSTAR for introducing this resolution and for his recognition of this important issue.

As a practicing OB/GYN physician for nearly 30 years before being elected to Congress, I have seen first hand the life-changing role of adoption services for families and children all across the Nation. Adoption and foster care are extraordinary means for child survivability. In fact, 45 percent of Americans believe that children are placed in foster care due to some form of juvenile delinquency, but the unfortunate reality is that these children are primarily victims of abuse or neglect. For so many of these youth, the care they receive in foster homes and adoption agencies provides them the only home they ever know. Sadly, year after year, we see thousands of children "age out" of foster care and enter adulthood.

Mr. Speaker, every child in this Nation and around the world deserves a loving family that will take care of them and provide for their basic needs. I applaud the many organizations across the United States that tirelessly strive to provide a home for foster care children and offer them a temporary place to live until they are placed in a permanent home. With local adoption agencies and foster homes doing their part, we must also do ours. I am proud that this body has voted to provide significant tax credits to families adopting children with special needs.

Today there are over 423,000 children in the United States foster care system, and 114,000 of these young individuals are waiting for a loving family to adopt them. The vast majority of these youth are victims of abandonment, abuse, or neglect, and they are in dire need of a family that will provide a home so that they can grow into successful adults.

Mr. Speaker, families that adopt should also be recognized for their commitment to improving the lives of children through the expansion and strengthening of their own families. These families come from all walks of life, but what ties them together is an abounding love for the neglected and the happiness that their new

families enjoy after adoption. Their noble actions in caring for our youth are a public service—but more importantly—an act of service and humility in love for humanity.

Mr. Speaker, this resolution recognizes and honors the foster care and adoption agencies around the Nation that provide our youth with a sense of hope and a future. I support and congratulate all of these agencies and families in their honorable endeavors, and charge them to continue their efforts into the future.

I urge all of my colleagues to support this resolution.

Mr. OBERSTAR. Mr. Speaker, I rise today in support of H. Res. 1648, the annual National Adoption Day and National Adoption month resolution. I would like to thank my colleagues on the House Ways and Means Committee for their work to bring this resolution to the Floor, and I want to commend in particular, my friend JIM McDERMOTT, the Chairman of the Income Security and Family Support Subcommittee, for his leadership on adoption, foster care and child welfare issues.

Adoption has been an essential part of my life and legislative service since 1968, when my late wife, Jo, unsuccessful in our hope for biological children, turned enthusiastically to adoption.

Like all prospective adoptive parents, we completed the paperwork and the home study process—which every adoptive parent can remember. We were overjoyed to welcome home our adorable 3-week old son Ted in 1968. Jo and I had no doubt that since we made the decision to accept as our own, one of God's children, that He blessed us with Noelle, Annie and Monica.

For these past 36 years, I have reveled in wearing my legislative hat, as a Member of Congress, as an advocate for effective public policy to eliminate the barriers to adoption and the need to work on behalf of children and families to promote this life-affirming experience.

Adoption has made enormous strides in these 36 years. In the late 1970s, I had the opportunity to bend the ear of President Carter with my radical proposal for an adoption deduction that would be equivalent to the cost of childbirth. In the 1980s, I joined with my former colleague, Tom Bliley, to create the Congressional Coalition on Adoption. In the 1990s, we enacted the \$5,000 tax credit for adoption and in 2001, we were successful in doubling the adoption tax credit to \$10,000. That same year, we created CCAI, the Congressional Coalition on Adoption Institute, to enhance our adoption advocacy.

As part of that advocacy, CCAI is one of the sponsoring organizations for National Adoption Day that celebrates the adoption finalization for thousands of families. National Adoption Day also raises awareness for the 114,000 children in foster care who are available for adoption and are seeking their “forever family.” I also want to commend the following sponsors for their leadership in promoting National Adoption Day: The Alliance for Children's Rights, Casey Family services, Children's Action Network, the Dave Thomas Foundation for Adoption, and the Freddie Mac Foundation. I also want to express my appreciation for the work of my Legislative Director, Chip Gardiner, who has been a great advocate for the cause of adoption for the past 25 years.

It is fitting and proper for the House of Representatives to approve this resolution in No-

vember which is National Adoption Month and National Adoption Day which will take place this year on Saturday, November 20. As families prepare to celebrate Thanksgiving next week, National Adoption Day is held the Saturday before Thanksgiving as we celebrate this very special day when the dream of family has been realized for so many Americans. This year, more than 350 events will take place across all 50 states and Washington, D.C. to finalize over 4,500 adoptions from foster care.

When I have the opportunity to share my personal experience of adoption, I am reminded of the words of the Nobel Prize-winning Chilean poet, Gabriela Mistral. “We are guilty of many errors and faults, but our worst crime is abandoning children, neglecting the fountain of life. Many things we need can wait; the child cannot. To the child, we cannot answer: ‘Tomorrow’ The child's name is ‘Today!’”

Today, let us reaffirm our support to assist the thousands of children in America in foster care who seek the love, support and stability of a family.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and agree to the resolution, H. Res. 1648.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### SOCIAL SERVICES BLOCK GRANT

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3774) to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3774

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

#### SECTION 1. EXTENSION OF EXPENDITURE DEADLINE OF SOCIAL SERVICES BLOCK GRANT DISASTER FUNDING.

Notwithstanding any other provision of law, amounts made available to the Department of Health and Human Services, Administration for Children and Families, under the heading “Social Services Block Grant” under chapter 7 of division B of Public Law 110-329, shall remain available for expenditure through September 30, 2011.

#### SEC. 2. BUDGETARY PROVISIONS.

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

(b) EMERGENCY DESIGNATIONS.—This Act—

(1) is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g));

(2) in the House of Representatives, is designated as an emergency for purposes of pay-as-you-go principles; and

(3) in the Senate, is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3774.

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

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I rise in strong support of S. 3774, which extends the deadline for the use of supplemental social service block grant funds, also known as SSBG, that were made available following the disasters that occurred in 2008.

This extension would provide a 1-year extension for the use of supplemental SSBG grant funds that were appropriated in the Disaster Assistance and Continuing Appropriation Act of 2009 in response to the natural disasters that occurred in 2008. The legislation provided \$600 million for disaster recovery for States affected by hurricane, floods, and other natural disasters that occurred in the year 2008.

Over 60 percent of the money that was appropriated has been spent, leaving a great deal of funding available to address the ongoing needs in States that have been adversely affected by natural disasters. While a number of States have been successful in quickly drawing down the funds that were available to support disaster cleanup, many others need additional time to utilize the resources effectively.

The legislation follows a precedent that was established by the Congress in recent years when we acted to extend the availability of supplemental SSBG funds that were appropriated for the recovery efforts following Hurricanes Katrina and Rita. These funds were extended for a 2-year period to allow additional time for affected States to make use of these resources.

Additionally, the legislation is PAYGO compliant and will not add one dime to the Federal deficit. The funding has already been allocated. The bill simply makes the appropriation available for an additional year.

The legislation, which passed the Senate in late September by unanimous consent, is very similar to a bill

that was introduced in the House by Representative PETE OLSON that has bipartisan support. I urge my colleagues to join me in supporting S. 3774.

I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the gentleman on the other side very aptly summarized what this bill does so I will not repeat that.

In my home State of Florida, according to State officials, more time for this appropriation is absolutely vital but we're not alone. The latest HHS data suggests another 15 States had unexpended funds. Just like in Florida, residents of those States affected by the 2008 natural disasters stand to benefit from the additional flexibility resulting from this legislation.

Significantly, the Congressional Budget Office says that the bill will not add to the deficit. It would simply change the timing for the spending already approved of these funds. It is also important to note that this same sort of flexibility had previously been granted for recovery funds in the wake of Hurricanes Katrina and Rita. So it makes sense to provide similar treatment for funds provided in the wake of the 2008 natural disasters, and I'm very pleased to support this legislation that will accomplish that.

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

Mr. McDERMOTT. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman, and particularly, I thank the Ways and Means Committee, both the managers on the floor today, Mr. McDERMOTT and Ms. BROWN-WAITE, for their leadership, and I thank the entire Texas delegation and as well my good friend Mr. OLSON, who I know will be appearing on the floor, for his leadership, along with Mr. CORNYN.

We worked together. This is a bipartisan effort and I am glad to be on the floor because we tried to do this on September 29, and I don't think we made our story clear. This is not a Texas issue. In fact, this issue impacts all of the disasters that occurred in 2008, and I would like to, Mr. Speaker, simply call some of the names: The State of Colorado, the State of Florida, Georgia, Illinois, the State of Iowa, the State of Mississippi, the State of Missouri, the States of Nevada, Oklahoma, Texas, and West Virginia, among the many that did not get a chance to help the desperate.

And so I'd like to particularly thank today, in addition to the members of the Texas delegation, Majority Leader HOYER, who continued to work with us and to ensure that we can move this as quickly as possible; and his staff, Terry Lierman and Austin Burnes, who also worked closely with my staff, Yohannes Tsehai and Shashrina Thomas, to bring this to the floor along with my colleagues.

□ 1910

Thousands of families who were victims of Hurricane Ike stopped receiving SSBG funds September 30, 2010, because the legislatively mandated deadline for these funds expired. We made and I made concerted efforts with the Department of Health and Human Services, and I would like to introduce into the RECORD a letter written by my office on September 21, 2010, as well as a letter written back from the Secretary of Health and Human Services, October 1, 2010, from which I read this sentence: "As soon as Congress restores the availability of Hurricane Ike SSBG funding, we will work expeditiously to implement the legislation and make the funds available to those doing the important work of assisting victims rebuild their lives."

There lies the story, Mr. Speaker. Rebuilding lives. For those of us who walked the streets after Hurricane Ike and for the many Members of Congress who walked the streets of their respective disasters, we know what disasters are all about. Not bricks and mortar. Disasters are about the human devastation that faces individuals, lost and lonely, not knowing where to go.

Hurricane Ike was the third-costliest hurricane ever to make landfall in the United States. Ike made its final landfall near Galveston, Texas, a strong Category 2 hurricane with a Category 5 equivalent storm surge. It devastated the island, but it also impacted Houston and my congressional district. It was a huge hurricane, some 500 miles across, making it nearly as big as Texas itself, and its hurricane-force winds extended 120 miles from the center. It was blamed for at least 195 deaths overall, with substantial death and injury in Texas.

The hurricane also resulted in the largest evacuation of Texas in the State's history. An estimated 100,000 homes were flooded in Texas, numerous boats washed away, smashing and flooding homes, knocking out windows, cutting electricity to an estimated 2.8 million to 4.5 million. Most of the people were devastated because the electricity went out for almost 8 weeks. And they were individuals without the ability to go to work and their jobs were cut off. So these dollars will not be misused.

The important point of this legislation is, there is a PAYGO provision in it. It will not spend more money. It will only have the opportunity to use the dollars that are already there. For those of us who have faced disaster, whether it is Hurricane Katrina, Hurricane Rita, the floods in the Midwest, or the various tornadoes that occur throughout our area, or the hurricanes that seem to come every year to the gulf region, I can assure you that these dollars are coming none too soon.

I want to thank the administration's Secretary Sebelius who has indicated that they will move quickly. As this bill passes, we hope that this will move quickly to the President's desk, the

bill is signed, and these moneys will come forward.

Let me acknowledge the groups that we have worked with: Angela Blanchard of the Neighborhood Centers; Harold Fattig of Catholic Charities; Mr. Raimer of the University of Texas Medical Branch; Mark Minick of Lutheran Social Services; Kristi Allen, Bay Area Council; Stephanie Carmona, Sunshine Center; United Way, Anna Babin; Kenna Bush, United Way of Galveston; Carolyn Rose of the Gulf Coast Center; Joe Compian, Gulf Coast Interfaith; Galveston County Food Bank, Mark Davis; Cindy Schulz; and a very strong worker in Ruama Camp, who worked throughout the area with people who could find no way themselves.

So this money will come and help those who are in need of these dollars posthaste. It extends the deadline until September 30, 2011. The bill does not appropriate new funds, as I indicated; and as you well know, they've extended this in years past with Katrina and Rita.

It's a terrible shame to say that people who need help are those who are costing us money. Today, Mr. Speaker, they're not costing us money. We're helping those who are hardworking Americans. I'm delighted to be able to support this legislation. I ask my colleagues to do it. Never forget, we have a role of being a good Samaritan. If you were in need, you would want help. I ask my colleagues to support this legislation.

HOUSE OF REPRESENTATIVES,  
Washington, DC, September 21, 2010.

Hon. KATHLEEN SEBELIUS,  
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS: In early 2009, in the aftermath of Hurricane Ike, the State of Texas received \$219 million in recovery funds under the Social Services Block Grant (SSBG) program from the Department of Health and Human Services (HHS). As you know under federal law, if these grant funds are not spent by September 30, 2010, these funds will be permanently returned to the federal treasury.

Hurricane Ike has wreaked havoc on Texas, particularly in Galveston and Houston. As we move forward with recovery efforts, it is clear that the impact of this storm has been widespread and many people are still in need of assistance. Unfortunately, Texans are still in need of help, especially the neglected residents of North Galveston. More than 60 Americans and over 26 Texans have died as a result of Hurricane Ike. In addition, the hurricane has caused millions of dollars in damage throughout Houston and Galveston. The local agencies processing the people impacted by Hurricane Ike for which these funds were utilized, received these funds from the state and federal agencies six months late, and therefore have not been able to complete the process of serving the families impacted by Hurricane Ike. Losing these funds on September 30, 2010 will result in the terrible tragedy for the many people that are still suffering from the effect of one of the most costliest hurricanes in our region. Therefore, I am requesting an extension of an additional six months from September 30, 2010, for social services agencies throughout the State of Texas to utilize these grant funds.

Once again, I ask that you strongly consider extending the deadline for the \$219 million in recovery funds under SSBG for an additional six months from September 30, 2010. I have the support of my Congressional colleagues from Texas in my efforts to ensure that Houston and Texas receive the funds we so desperately need on the road to recovery. Thank you for your consideration to this urgent matter.

Very truly yours,

SHEILA JACKSON LEE,  
Member of Congress.

THE SECRETARY OF HEALTH  
AND HUMAN SERVICES,  
Washington, DC, October 1, 2010.

Hon. SHEILA JACKSON LEE,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: I write in response to your letter of September 21, 2010, concerning the expiration of Social Services Block Grant (SSBG) funds that Texas received to assist in the recovery from Hurricane Ike. I asked our General Counsel to review this issue further to see if there were any possible avenues to extend the availability of these funds. Unfortunately, the original statutory language providing the funds does not give me the authority to extend their availability.

Ike was one of the most devastating storms to ever hit the Gulf Coast. The work of recovery has been arduous, and I thank the individuals and organizations who have been helping those who have suffered because of the hurricane. Their efforts should be commended. We want to support them as much as we can.

I recognize that the Senate has passed legislation making these funds available for another fiscal year and that Majority Leader Hoyer has affirmed plans for the House of Representatives to consider the matter when Congress returns in November. As soon as Congress restores the availability of Hurricane Ike SSBG funding, we will work expeditiously to implement the legislation and make the funds available to those doing the important work of assisting victims rebuild their lives.

I thank you for your leadership in helping these families and organizations.

Sincerely,

KATHLEEN SEBELIUS.

I rise today in strong support of S. 3774, to extend the deadline for Social Services Block Grant (SSBG) expenditures of supplemental funds appropriated following the disasters that occurred in 2008, particularly Hurricane Ike. I would like to thank all the Members and their staffs who worked in a collaborative and bipartisan manner to bring this essential legislation to the House floor today. I would like to especially thank Majority Leader HOYER and Terry Lierman and Austin Burnes of his staff, who worked closely with Yohannes Tsehai and Shashrina Thomas of my staff, to bring this important legislation to the House floor today.

Thousands of families who were victims of Hurricane Ike stopped receiving SSBG funds on September 30, 2010, because the legislatively mandated deadline for these funds expired. I made concerted efforts with the Department of Health and Human Services (HHS) to extend this deadline administratively, but they determined that they needed legislative authority to extend these funds. I would like to thank Secretary Sebelius and the Department of Health and Human Services for responding favorably to my request to expeditiously implement this legislation as soon as it

passes and make the funds available to those organizations assisting victims on the road to recovery. I would also like to thank HHS Regional Director Marge Petty who accepted my invitation to come down to Houston and meet with the organizations in Houston and Galveston who are assisting thousands of families with home repairs and other unmet needs.

Some of the organizations who have been instrumental in these efforts include Neighborhood Centers Inc., Catholic Charities, the United Way, Gulf Coast Interfaith, and the University of Texas Medical Branch, to name a few. Moreover, I think it is crucial that we are providing this legislative authority today before the Thanksgiving holiday so that these families can continue on their road to recovery from the devastation of Hurricane Ike.

Hurricane Ike was the third costliest hurricane ever to make landfall in the United States, behind Hurricane Andrew of 1992 and Hurricane Katrina of 2005. Ike made its final landfall near Galveston, Texas as a strong Category 2 hurricane, with a Category 5 equivalent storm surge. Ike was a huge hurricane—some 500 miles across, making it nearly as big as Texas itself, and its hurricane-force winds extended 120 miles from the center.

Ike was blamed for at least 195 deaths overall, with substantial death and injury in Texas. The hurricane also resulted in the largest evacuation of Texans in this State's history; subsequently it became the largest search and rescue operation in U.S. history. The effects of Hurricane Ike in Texas have been crippling and long-lasting. An estimated 100,000 homes were flooded in Texas, and numerous boats washed ashore, smashing and flooding thousands of homes, knocking out windows in Houston's skyscrapers, uprooting trees, and cutting electricity to an estimated 2.8 million to 4.5 million customers for weeks and months. Galveston was declared uninhabitable, and Houston imposed a week-long nighttime curfew due to limited electric power.

When Hurricane Ike devastated Texas in September 2008, I immediately began to work with the Members of the Texas Congressional delegation to ensure Texas was appropriated recovery funds it so desperately needed. In early 2009, the State of Texas received part of these recovery funds, almost \$219 million under the Social Services Block Grant (SSBG) program from the Department of Health and Human Services (HHS). Although more than \$174 million of this have been drawn down, there remains over \$44 million to Texas that cannot be utilized without today's extension. Furthermore, of the total \$600 million in SSBG funding appropriated in 2009, there also remains more than \$152 million for 14 States that can be used with the passage of S. 3774.

What has now taken place until today's legislation passes is that SSBG funds which were not utilized by September 30, 2010, were made permanently unavailable for the thousands of Hurricane Ike victims who have been waiting for the completion of social services and their homes to be restored. It would be devastating to Hurricane Ike victims to lose these funds, especially when many of their homes are in the middle of repairs. Furthermore, the numerous local agencies assisting and processing the cases of families impacted by Hurricane Ike, received these funds from the state and federal agencies many months

late due to administrative delays. These delays have caused the agencies to not be able to complete the process of serving everyone impacted by Hurricane Ike since they did not get the benefit of the two years that Congress had intended.

The effects of Hurricane Ike on Texas were drastic and far reaching, affecting hundreds of thousands of people. According to FEMA, within the first week following the disaster, nearly 438,000 individuals or families had registered for individual assistance. By the end of the registration period in February 2009, a total of 734,000 Texans had registered with FEMA for individual assistance. Hurricane Ike destroyed 17,000 homes in Harris County alone.

Due to the lapse in the reimbursement of SSBG funds, many victims are unable to access services critical to their recovery such as unfinished home repairs, unmet needs, mental and physical healthcare, employment services, transportation and legal services. All of these issues are currently being aggravated until these funds to these victims' resumes. Once this extension is granted, not only will these families resume services, this extension will not require any additional funding. According to the Congressional Budget Office who have scored this legislation, this bill will not have a budget authority (BA) effect, but rather only an outlay effect on the timing of payments. Finally, there is also recent precedence for extending these types of disaster funds. Congress routinely extended the deadline for similar funds given to Hurricane Katrina and Rita victims.

Once this legislation passes, I will continue to work with the Department of Health and Human Services to ensure that funding for social services agencies throughout the State of Texas is provided as expeditiously as possible so that the victims of Hurricane Ike receive the assistance they so desperately need on their road to recovery.

I urge my colleagues to join me in support of this essential legislation.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. OLSON) who was forward-thinking enough to introduce this legislation to begin with.

Mr. OLSON. I thank my colleague from Florida.

Mr. Speaker, I rise today in support of Senate bill 3774. I introduced companion legislation, H.R. 5790, which would do the same thing as this good bill. Two years ago, Hurricane Ike tore through the Gulf of Mexico and made landfall in Galveston, Texas. It was the largest hurricane ever, ever to make landfall in the United States. Ike slammed into Galveston as a Category 2 hurricane but with a storm surge equivalent to that of a Category 4 storm, causing damages estimated at \$18 billion. Over 200 people lost their lives.

Two years later, what Ike destroyed in 12 hours continues to be rebuilt. In response to the storm, an emergency appropriations bill was passed for the purpose of assisting the victims of Ike. The funding came with a deadline that the State of Texas and the local communities now need extended. This is

not without precedent. A similar extension was granted for victims of Hurricane Katrina.

In the process of recovering from Ike, please consider that Catholic Charities reports that there are over 3,500 families in Galveston who are in the process of getting their homes repaired or replaced who still need rent assistance. The Gulf Coast Center in Galveston and Brazoria Counties is working with 19 agencies to provide mental health support and counseling to 3,000 clients each month who are still suffering from the impact of Hurricane Ike on their lives. The University of Texas Medical Branch reports that they are providing food assistance, medical care, and case management to 20,000 households each month. This will end without an extension.

In the words of one leader at the United Way, "We are not asking to access more funding, only to finish what we started." Do I wish this extension was not needed? Of course. We all do. But it is needed, and I ask that this Chamber join me in doing what is right and fair for a community that lost so much 2 years ago. I urge my colleagues to vote for Senate bill 3774, so the people of southeast Texas can finally put Hurricane Ike in their past.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of S. 3774, which would extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008.

The FY2009 Supplemental Appropriation included funding for disasters that occurred in 2008. This included \$600 million in Social Services Block Grant (SSBG) funding eligible to be used for a wide variety of social services to assist in disaster recovery.

In the wake of Hurricane Ike, a total of 734,000 Texans had registered with FEMA for individual assistance and 17,000 homes in Harris County were destroyed.

Due to the magnitude of Ike, the State of Texas received \$219 million in recovery funds under the Social Services Block Grant program from the Department of Health and Human Services.

Under federal law, these SSBG funds must be spent by September 30, 2010. Any money not spent by that time must be returned to the federal Treasury. Texas currently has \$44 million in funding that will revert back to the federal government.

Many entities and local governments in Texas have expressed difficulty in meeting the September 30, 2010 deadline and are requesting a one year extension to September 30, 2011.

Although there have been significant successes through the recovery process, significant needs remain. In the Greater Houston area, more than 2,500 families in case management still cite needs in the area of home repair and/or unmet needs.

It is important to note that Texas is not the only state that would lose access to these funds—16 other states have remaining funds and an extension would assist those states as well.

A similar extension was granted by Congress for Hurricane Katrina SSBG disaster re-

covery funds. It is also important to note that this bill involves no new spending. The SSBG grant funds were released and dispersed to the states over a year ago. This bill will only give those who need it, extra time to expend these needed funds as they continue to recover from Hurricane Ike.

Senator CORNYN's legislation, S. 3774, passed out of the Senate on a unanimous consent. It would extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008 for one year from September 30, 2010 to September 30, 2011.

Before the House recessed on September 29 we tried to bring up this legislation, but it came over from the Senate very late and we were unable to come to an agreement to bring up the legislation.

I urge my colleagues to support this legislation to allow the states impacted by disasters that occurred in 2008.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have no further requests for time. And with that, I would ask for support of this bill, and I yield back the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. MCDERMOTT) that the House suspend the rules and pass the bill, S. 3774.

The question was taken.

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

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

□ 1920

#### SPECIAL ORDERS

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

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

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

#### TAX CUTS

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

Mr. GRAYSON. Mr. Speaker, sometime between now and December 31 we will be discussing tax cuts—specifically, whether to extend the President Obama tax cuts for the middle class or

whether to extend the George W. Bush tax cuts for the rich—and I think it is important for people to understand exactly who this money will be received by.

In the case of the Obama tax cuts, like the child tax credit, it will be received by needy parents who need the money in order to pay the mortgage, pay the rent, pay their car payments, their credit card payments. And in the case of the Bush tax cuts for the rich, it will be received by the rich.

In fact, for the top 1 percent of income in this country, the high and mighty, the people who make an average of \$1.4 million every single year, according to these charts I am about to show, you will see the following:

Mr. Speaker, the Republican plan for tax cuts is to give each millionaire, each person who makes \$1.4 million a year on the average, the top 1 percent of income in this country, the high and mighty, \$83,347 a year in tax cuts. \$83,347 a year, according to econometric modeling by Citizens for Tax Justice.

Let's give some thought as to what the high and mighty might actually do with that money.

Well, here is one possibility. They can buy an \$83,000 Mercedes-Benz E-Class car not just once, but every single year for the next decade. And each year when they get tired of their brand-new Mercedes-Benz E-Class car, they can just give it to somebody because they can afford another one. They can give it to a spouse, a sister, a son, a daughter, anybody. Every single year for the next 10 years, the Republican tax plan is to give millionaires enough money for a Mercedes-Benz.

Here is something else they can do with it. They can buy this gorgeous Hermes bag, a Birkin, for \$64,800, not once, but every single year for the next 10 years, to which they will say to the Republican party, "Thank you very much."

Here is something else they can do with their money. They can buy this bottle of Chateau d'Yquem wine, bottled in 1787, for only \$56,588. That will leave loose change in their pocket of \$25,000. They can buy a bottle of wine from 1787 every year for the next decade. Thank you, Republican Party.

Here is something else they can do. They can buy 20,000 jars of their favorite mustard, Grey Poupon, 20,000 jars. That is certainly enough for them, their family, their friends, even a few poor people. Thank you, Republican party.

Here is something else they can do with the \$80,000 that the Republican Party wants to put in their pocket every year for the next 10 years. They can buy 800 cigars. Think about that. That is one for the morning and one for the evening, 800 luxury cigars. Then they can light each one of those cigars with a \$100 bill. Thank you, Republican Party. You are letting the rich in this country enjoy two cigars each day for the next 10 years and light each one with a \$100 bill.



Now, I have a different idea. I think it is a better idea. These tax cuts for the rich by the Republican Party are going to cost the U.S. taxpayers \$100 billion a year. Do the math. We have 14 million people in this country who are unemployed. We have 13 percent unemployment in my district.

Here is an idea. Let's take that \$100 billion and give 3 million Americans a job. Let's give 3 million Americans a working wage, an honest day's pay for an honest day's work, and that will revive our economy. It will immediately reduce unemployment by two points. And they will take that money and they will spend it on their rent. They will spend it on restaurants in their neighborhood. They will spend it on getting their hair cut. They will spend it on their credit card payments. They will spend it on the things they need to do to stay alive, instead of the alternative, the Republican favorite alternative, which is to have them lose their jobs, keep unemployed, and move into their cars. That is the better idea.

I favor jobs, not tax cuts for the rich.

#### OUR SOUTHERN BORDER

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. I thank the Speaker for yielding time to me.

About 3 weeks ago, I and four of my colleagues wrote a letter to the President of the United States. Mr. POE of Texas, my good friend, RALPH HALL of Texas, PETE OLSON, and ED ROYCE of California wrote a letter to the President talking to him about the horrible, deteriorating problem that is taking place on our southern border.

We have a border between the United States and Mexico that is 1,980 miles long, and the problems are getting worse every single day. There have been reports on numerous television channels over the past few weeks talking about how really bad it is getting down there, and there is absolutely nothing being done by the administration to really deal with it.

Now, in the letter that we wrote to the President, we said it was extremely important to get on with dealing with this problem very quickly, and we gave the President a few ideas on how this could be accomplished.

First, we said, it became apparent that the Mexican Government and law enforcement authorities in Mexico are either unwilling or unable to address this problem. Therefore, we believe it is imperative that our President meet very quickly and begin a serious dialogue with President Calderon of Mexico on building a comprehensive framework in the spirit of Plan Colombia that will better coordinate a more aggressive and proactive strategy to turn the tide. This needs to be done immediately.

Second, we must complete construction of the border fence. The money

has been appropriated for that and it has been stopped. We need to get that completed. Any responsibility we have to minimize the impact of the fence on the physical landscape or native species in the region pales in comparison when measured against the value of human lives that will be lost if we don't seal the border.

And, finally, we said to the President in this letter, we believe it is critical that we deploy additional National Guard troops to the border. Media reports indicate that 17,000 National Guard troops were deployed to the Gulf region during the recent oil spill, 17,000; yet the administration has pledged only 1,200 to the 1,980-mile border of Mexico. Twelve hundred National Guard troops to protect that border; that is nothing. It will not work.

When you talk to sheriffs and Border Patrol agents who are down on the border, they will tell you that it is a war zone and it is spilling over into the United States, and American citizens are being killed on the Mexican side of the border. But bullets are actually coming across the border and hitting things in the United States in Juarez and elsewhere.

It is extremely important that we address this problem before it gets completely out of control. And some people say we are already there.

We have signs in Arizona 80 miles into the United States, 80 miles into the United States, saying, "Don't go south of here toward Mexico because it is dangerous." Can you imagine?

We are sending troops halfway around the world to fight for people's freedom and to secure our country from terrorist attacks, and yet we have the prospect of terrorists and drug dealers and everybody coming across that border because we are not protecting it, and it is in our front yard, 1,980 miles, and it is unprotected. They are coming across at will.

□ 1930

The President needs to get on with doing what is necessary. I believe he needs to authorize at least 15,000 troops down there and work with the Mexican government to seal both sides of the border and get on with it as quickly as possible. If we don't, the problem is going to get worse and worse and worse.

If you don't believe what I am saying tonight, and if I were talking to the President, I would tell him directly this: "If you don't believe this, Mr. President," I know he watches television once in awhile, and if I were talking to the President I would say, "Watch what is going on and do your job, Mr. President, instead of fighting the Governor of Arizona and the people in Texas, the law enforcement agencies along the border who are staying up day and night trying to defend their constituents in the border area."

People are being threatened. Their houses are being threatened to be

burned to the ground if they even take pictures of the people coming across the border. This is a tragic situation, and if I were talking to the President tonight, I would say, "Mr. President, you are being derelict in your responsibility to the people of the southwest part of the United States by not addressing this problem in a very thorough and comprehensive way."

CONGRESS OF THE UNITED STATES,  
Washington, DC, October 26, 2010.

Hon. BARACK OBAMA,

*President of the United States of America, The White House, Washington, DC.*

DEAR MR. PRESIDENT: We are writing to you today to express our extreme concern regarding the deteriorating security situation along our Nation's southern border. It seems that every day brings a new report of some atrocity; the most recent being the apparent murder of a U.S. citizen at Falcon Lake, Texas; yet little if anything appears to be being done by our government or the Mexican government to stop the bloodshed and bring the perpetrators to justice.

Protecting our borders and our citizens is a paramount responsibility of the Federal government; enshrined in the preamble of the Constitution. It would be an unforgivable breach of our constitutional responsibilities if we do not take stronger measures not only to prevent the upward spiral of violence from further spilling over into the United States and threaten the safety of U.S. citizens on American soil but to reclaim those areas of our border already overrun by smugglers and criminals. We can no longer pretend that this is simply Mexico's problem. The time has come to recognize that the drug violence along the border is a direct threat to the United States and act accordingly.

First, it has become apparent that the Mexican government and law enforcement authorities are either unwilling or unable to address this problem unilaterally. Therefore, we believe it is imperative that you immediately begin serious dialogue with President Calderon on building a comprehensive framework, in the spirit of Plan Colombia, that will better coordinate a more aggressive and proactive strategy to turn the tide of this conflict.

Second, we must complete construction of the border fence. Any responsibility we have to minimize the impact of the fence on the physical landscape or native species in the region pales in comparison when measured against the value of human lives that will be lost if we do not seal the border.

Finally, we believe it is critical that we deploy additional National Guard troops to the border. Media reports indicate that 17,000 National Guard troops were deployed to the Gulf region to respond to the recent oil spill. Yet, you have only pledged 1,200 National Guard troops to protect the border—and according to media reports only a small fraction of those troops have arrived to date. It is unrealistic, if not pure insanity, to believe that a mere 1,200 National Guard troops, even with the support of the Border Patrol, can effectively cover the nearly 2,000 mile long Southwestern border of the United States. We must put additional bodies on the ground and we must give them the weapons and specify rules of engagement that give them the authority to do whatever is necessary to secure the border. A National Guard trooper armed with only a pistol and given no authority to engage the enemy is useless against a criminal armed with military grade weapons and ammunition.

Mr. President, we implore you to view this situation for what it is, a war and to act accordingly.

Sincerely,

DAN BURTON,

RALPH HALL,  
ED ROYCE,  
TED POE,  
PETE OLSON.

[From FoxNews.com]

AMERICA'S THIRD WAR: NATIONAL GUARD'S  
NEW MISSION

(By Casey Stegall)

There are many theories on how to effectively secure the nearly 2,000-mile-long border the United States shares with Mexico.

Some believe building a fence to separate us from our southern neighbor is the best route while others think adding additional surveillance equipment and Border Patrol checkpoints will help decrease the number of illegal immigrants and drugs entering America.

One thing virtually everyone close to the border security issue can agree on: America seems to be waging a third war with the Mexican cartels that will stop at nothing to smuggle humans and drugs into our homeland and the national security threat it poses.

One of the more popular ideas on how to secure the region is through the deployment of troops and creation of a strong military presence along the border. In May, President Obama gave the green light for up to 1,200 National Guard troops to be assigned to the four southwest border states. In late September, armed troops started trickling in and working alongside U.S. Border Patrol agents, but the ramp up period is a gradual process since it takes a great deal of time to train the soldiers for their new mission.

According to the National Guard Bureau, nearly 1,200 troops are at work on border issues as of Monday: 263 in California, 561 in Arizona, 80 in New Mexico, 284 in Texas and 10 others assigned to border issues at the National Guard Bureau in Virginia. The deployment is expected to last one year although no official end date has been made public.

Sheriff Paul Babeu, Pinal County Arizona: I'm telling you, as a sheriff, where we're the number one passer county here in Arizona, that it's not secure. That the violence and the concerns we have, are more than just a public safety matter. 520 soldiers are not going to stop it. We have said we need 3000 armed soldiers just here in Arizona.

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.)

HEROES AMONG US RETURN WITH  
HONOR

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, it was dusk when he left Thailand and entered Laotian airspace. Soon he was flying into North Vietnam as darkness came over the horizon. It was his 25th mission into North Vietnam flying an F-4 Phantom jet.

The date was April 16, 1966. The pilot was Sam Johnson, United States Air Force colonel, and he was doing his second tour of duty in Vietnam. He was flying with the fighter squadron called Satan's Angels. He was a career pilot

who had already flown 62 combat missions during the Korean War flying an F-86 Sabre jet. Colonel Johnson also flew with the famed Air Force Thunderbirds.

This is a photograph of Colonel Sam Johnson, United States Air Force.

But this day of April 16th, 1966, Colonel Johnson was shot down by ground fire from the North Vietnamese. He was captured, he was put in a prisoner of war camp, and, Mr. Speaker, he was in that POW camp for 7 years.

Because of the way that he would not give in to the torture and to the interrogation, they moved him to the famous "Hanoi Hilton" and a place called "Alcatraz." Alcatraz was where 11 POWs were put because they were the most obstinate POWs, leaders of the other POWs. They were hard-nosed and they had to be segregated, and they called themselves the "Alcatraz gang." They were defiant, and the North Vietnamese called this man right here "Die Hard." They tortured him, but they got no information from him.

During those 7 years he was beaten and tortured, but he never broke down. So then they put him in solitary confinement for 4 years in a cell 3-feet-wide by 9 feet, and he was there for 4 years. During that 4 years, all that was in that cell was a lightbulb that they kept on 24 hours a day. During the nighttime, they put him into leg irons, and during that 4 years, he never saw or talked to another American.

While in the POW camp, he and the other POWs communicated with each other with a code by tapping on the wall, and during that time he memorized the names of 374 other POWs. He kept that memory going so that when he got away or was released or escaped, he would be able to tell their loved ones who they were and where they were.

The torture continued every day. One example was this: One morning the North Vietnamese took him out of his cell and lined him up to shoot him. They told him they were going to kill him in a firing squad. They lined him up. Armed with AK-47s, they pulled the trigger, but there was no ammunition in those AK-47s. They laughed and made fun of Colonel Sam, and all he said was, "Is that the best you can do?"

For food he ate weeds, pig fat and rice. He went down from 200 pounds to 120 pounds. And after 7 years of confinement, he was finally released with other POWs. He suffered torture and broken bones during that time that he still suffers from today.

He continued to serve in the United States Air Force for 29 total years. While he was in that POW camp, his wife back home in Texas, Shirley, had known that he was shot down, but she didn't know for 2 years where Sam was, whether he was alive, dead, or missing in action. They have now been married for 60 years.

After he left the United States Air Force, he served in the statehouse in

Texas, had his own business, and then in 1991 he came and served with distinction here in the United States Congress.

Today, Colonel Sam celebrates his 80th birthday. Down the street, he and a lot of friends, Members of Congress from both sides of the aisle and family, are honoring him on his birthday.

You know, Sam returned home to the United States after his torture and confinement in the POW camps. You notice right here, this patch, Mr. Speaker? You see what this patch says, which is from the 31st Fighter Wing? It says "Return With Honor."

Sam Johnson returned to America with honor. He is a special breed. He is the American breed. Where does America find such men as Sam Johnson? He is one of those. And he is that special warrior during even the time he was a captive warrior that never forsook his duty and never forsook his honor.

So, Colonel Sam, we thank you for your service to the United States of America during war and during peacetime. Thank you for serving this great country. You are truly a hero among us.

Here are the commendations that Colonel Sam Johnson received while serving in the United States Air Force:

COMMENDATIONS

2 Silver Stars  
2 Legions of Merit  
Distinguished Flying Cross  
Bronze Star w/Combat "V" (Valor)  
2 Purple Hearts  
4 Air Medals  
POW Medal  
3 USAF Outstanding Unit Citations

And that's just the way it is.

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 New Jersey (Mr. GARRETT) is recognized for 5 minutes.

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

SAYING ENOUGH IS ENOUGH REGARDING  
TSA AIRPORT SCREENING

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

Mr. PAUL. Mr. Speaker, I rise this evening to announce that I introduced some legislation today dealing with the calamity that we have found at our airports with TSA. Something has to be done. Everybody is fed up. The people are fed up, the pilots are fed up, I am fed up.

I have come to this floor many times over the past many years and complained about the terrible foreign policy we have had, the terrible monetary policy we have had, the excessive spending and the debt, and also the tax policy. But what we are doing and what we are accepting and putting up with at the airports is so symbolic of us just not standing up and saying enough is enough.

I know the American people are starting to wake up, but our government, those in charge, Congress, as well as the executive branch, are doing nothing. Yes, they are talking about maybe backing off and allowing the pilots to go through. But can you think how silly the whole thing is? The pilot has a gun in the cockpit and he is managing this aircraft, which is a missile, and we make him go through this groping X-ray exercise, having people feeling their underwear. It is absurd, and it is time we wake up.

The bill I have introduced will take care of this. But we have to realize that the real problem is that the American people have been too submissive. We have been too submissive. It has been going on for a long time. This was to be expected even from the beginning of the TSA. And it is deeply flawed. Private property should be protected by private individuals, not bureaucrats.

But the bill that I have introduced will take care of it. It is very simple. It is one paragraph long. It removes the immunity from anybody in the Federal government that does anything that you or I can't do.

If you can't grope another person and if you can't X-ray people and endanger them with possible X-rays, you can't take nude photographs of individuals, why do we allow the government to do it? We would go to jail. He would be immediately arrested, if an individual citizen went up and did these things, and yet we just sit there and calmly say, oh, they are making us safe. And besides, the argument from the executive branch is that when you buy a ticket, you have sacrificed your rights and it is the duty of the government to make us safe.

That isn't the case. You never have to sacrifice your rights. The duty of the government is to protect our rights, not to use them and do what they have been doing to us.

□ 1940

The pilots, hopefully, will be exempted from this.

Another suggestion I have that might help us: let's make sure that every Member of Congress goes through this. Get the x-ray and make them look at the pictures and then go through one of those groping pat-downs, and then I think there would be a difference. Have everybody in the executive branch, anybody—a Cabinet member—make them go through it and look at it. Maybe they would pay more attention. But this doesn't work. This

is not what makes us safer. This is preposterous to think that the TSA has made us safer.

When you think about it, if you look at what's happened over the past 10 years, during this last decade, we lost 3,000 on a terrible, terrible day for America. But since that time in this last decade we have also lost 6,000 of our military personnel going over there and trying to rectify this problem. We have lost 400,000 people on our government-run highways. We have lost 150,000 individuals from homicides.

So I think there's reason to be concerned, reason to deal with this problem. We're not dealing with it the right way. We're doing the wrong thing. And groping people at the airport doesn't solve our problems. What has solved our problems, basically, has been that they put a good lock on the door, and they put a gun inside the cockpit. That's been the greatest boon to our safety.

Safety should be the responsibility of the individual and the private property owner. But right now we assume the government's always going to take care of us, and we are supposed to sacrifice our liberties. I say that is wrong. We are not safer. And we also know there are individuals who are making money off this. Michael Chertoff, here's a guy that was the head of the TSA, selling the equipment. And the equipment is questionable. We don't even know if it works, and it may well be dangerous to our health.

The way I see this, if this doesn't change, I see what has happened to the American people is we have accepted the notion that we should be treated like cattle. Make us safe, make us secure, put us in barbed wire, feed us, fatten us up, and then they'll eat us. And we're a bunch of cattle, and we have to wake up and say, We've had it.

I think this whole idea of an opt-out day is just great. We ought to opt out and make the point. Get somebody to watch. And take a camera. It's time for the American people to stand up and shrug off the shackles of our government at TSA at the airports.

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

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

#### IN MEMORY OF ROSS BEACH

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, I rise this evening in memory of my friend, Ross Beach. The House rules only allow me 5 minutes to speak, and it's difficult to summarize anyone's life in such a short time, but impossible to do justice to the life of Mr. Beach.

Ross passed away this weekend at his home at the age of 92. Ross was defined by family and friends, business success, and charity.

A lifelong Kansan, Ross received his education in my hometown of Hays. Following a childhood upbringing in the oil and gas fields of western Kansas, Ross enrolled at Kansas State University, where he met and later married the love of his life, Marianna Kistler. They were married in 1941. Ross's service as a naval aviator during World War II sparked an interest in flying that would continue throughout his life.

Ross was a pioneer in our State in banking, radio and television, and in oil and gas. His many professional endeavors created jobs and economic opportunity for many Kansans. He was the president of Kansas Natural Gas Company and chairman of the board of Douglas County Bank. His success in the business world was overshadowed only by his and his wife's generosity. Ross and Marianna are among our State's most prolific supporters of arts and education—the greatest supporters that perhaps we will ever see in our State. On the campus of Fort Hays State University, the Beach family helped fund the Beach-Schmidt Performing Arts Center, and Ross's generosity made possible the construction of the nationally renowned Sternberg Museum of National History.

The Marianna Kistler Beach Museum of Art on the campus of Kansas State University bears the name of Mrs. Beach, which was named for her in commemoration of their 50th wedding anniversary. My wife, Robba, and I have been honored to serve on the board of visitors at the art museum that bears the Beach name, and we're able to witness firsthand the passion and commitment Ross and Marianna had for culture and the arts in Kansas. On the campus of the University of Kansas, Ross assisted in the formation of the Beach Center on Disability, where Kansans with disabilities and their families are helped to lead healthier and more productive lives.

Kansans from all walks of life have benefited from Ross's compassion to others and his service to community. He was recognized on many, many occasions, including his designation as Kansan of the Year in 2002; the President's Award from Kansas State University in 1989; and, along with his wife, the Citations for Distinguished Service from both the University of Kansas and Fort Hays State University.

Despite his stature in our community and State, Mr. Beach always treated every person he encountered with respect and dignity. Anyone who met Ross easily became a lifelong friend. As a young newlywed couple starting out our new life in Hays, the first invitation Robba and I received was to come to Ross and Marianna's home for dinner. There was never a more gracious couple than the Beaches.

For a large portion of my life, I joined Ross and other businessmen and professionals for lunch at The Roundtable. While there was a lot of talk of sports and politics, I learned a lot more about life by listening to Mr. Beach. From our earliest meeting to just last month, he was my friend and adviser. I hate the thought that no longer do I have the ability to pick up the phone and see what Mr. Beach thought of one of my ideas or to discuss what was going on in our small-town neighborhood or what was happening on the world stage.

My friendship with Mr. Beach certainly opened doors in business and politics; but, more importantly, he gave me the confidence to realize that this small-town Kansas kid could one day be able to serve his State and the Congress of the United States of America.

While my family and I are saddened by the death of Ross Beach, we take comfort in knowing the legacy of Mr. Beach will endure far beyond our own generation. While Ross Beach may have donated his talents and treasure, it is his caring nature and generous soul that I and many others will miss most. To Marianna and daughters Mary McDowell and husband Gary; Terry Edwards and husband R.A.; and Jane Hipp and husband Steve, I offer my deepest sympathies. I ask my colleagues to join me in celebrating the life of a man dedicated to service and committed to making Kansas and America a better place to live and work.

We are told to whom much is given much is expected. Ross Beach more than fulfilled this expectation, and I'm honored this evening to pay tribute to an amazing, larger-than-life man that I had the fortune to know for nearly 35 years. The man who loved to fly soared throughout his life and landed safely on heaven's shore.

#### PRINCIPLES OF HEALTH CARE

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

Mr. THOMPSON of Pennsylvania. Next week will mark the 8-month anniversary of the new health care law. When we started this debate almost 2 years ago, I relied on my longtime experience in the medical field to come up with four principles that I strongly believe should be in any health care reform. The first was that health care reform should lower costs. That has yet to happen under this law. Instead, the Federal Centers for Medicare and Medicaid Services projected that overall national health spending would increase an average of 6.3 percent a year over the next decade under the new law. In addition, the law imposes more than half a trillion dollars in tax increases. It imposes more than \$210 billion in new payroll taxes that could hit small business owners.

The Medicare actuary has reported that health care costs would actually increase over the next decade by a total of \$310.8 billion. The Congressional Budget Office, or the CBO, wrote that most of the major saving proposals in the health care law are "widely expected" to be scaled back or would be difficult to sustain for a long period. That means higher deficits.

The second principal for health care reform is that it should increase access to care. That has yet to happen under the new law. Instead, major health insurance companies in California and other States simply have decided to stop selling policies for children rather than complying with the new Federal law that bars them from rejecting youngsters with preexisting conditions. While these insurance companies are not distinguishing themselves, the reality is that they will always look out for their bottom line.

The Medicare actuary found that provisions in the law will cause as many as 40 percent of Medicare providers to become unprofitable over time, thus "providers would have to withdraw from providing services to Medicare beneficiaries." This will mean problems with access to care. An example is, in Texas, over the last 2 years, more than 300 primary care physicians have stopped seeing seniors.

□ 1950

My third principle is that we should preserve the innovations and improvements that have allowed this country to pioneer new treatments, medications, and equipment. Yet, under this law, there will be \$107 billion in taxes on drug and device manufacturers and insurers. That is more money for taxes and less money for innovation.

The bill requires small businesses to file 1099 forms to any vendor with which they spend more than \$600 in a given year. That will affect 40 million businesses that will be involved in increased paperwork at a huge cost, detracting from their ability to invest in research and development.

Finally, I believe that any reform of our health care system should preserve the decisionmaking process between the patient and the patient's physician, not the government, not a bureaucrat, and certainly not anyone from a health insurance company, but the new health care law does just the opposite.

In one estimate, the law creates 159 various bureaucracies and commissions, Mr. Speaker. In fact, the Congressional Research Service essentially threw its hands up in the air and concluded "the precise number of entities that will be created is currently unknowable." The administration has released 4,103 pages of regulations and is still going strong. Soon the government will be in control of every aspect of health care, but I assume that was the ultimate goal.

This 2,700-page law is, as the CRS says, "currently unknowable." Our Speaker, NANCY PELOSI, had it right

when she said the House would "have to pass the bill so you can find out what is in it." Yet what we do know about it violates all four of the principles on which any health care reform should be based.

I supported the Republican alternative 6 months ago, H.R. 3400, the Empowering Patients First Act. It includes my principles and it deserves support.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

(Mr. LINCOLN DIAZ-BALART of Florida 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 New Jersey (Mr. SMITH) is recognized for 5 minutes.

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

#### MAKE IT IN AMERICA

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

Mr. GARAMENDI. Mr. Speaker, I thank you for this opportunity.

Coming off the elections, everyone wants to know what the voters had on their minds. I'll share with you a few things that I heard from my voters in my district and throughout California—perhaps experiences similar from around America.

They want jobs. They want to work.

I think all of us in one way or another understands and feels within us the need to work. It's part of our lives. There are a few, undoubtedly, around who don't ever want to work—and okay for them—but for most Americans, they want a job. They want the opportunity to bring home a paycheck, to support their families—to provide for their food, their shelter, their opportunities for education, and to go on a vacation every now and then. That basic instinct—that basic desire to care for your family, to help build a community—I think is part of America. Americans want jobs. If there were ever a message from this year's elections, it's that.

Now, this isn't new to those of us who are here in the Chamber. It's not

new to the Democrats, and I'm sure it's not new to my Republican colleagues also; but who actually over the last 2 years amongst all of us in this Chamber and in government have actually been working to create those jobs? I think it's the Democrats. We are going to make that point here today, not only about the past actions that have been taken over the last 2 years, but about what's coming in the future.

Early in 2010, many of us on the Democratic side began to formalize and to formulate a strategy, and we call that "Make It In America." If America is going to make it, then we must, once again, make it in America. We must rebuild our manufacturing industry, which is where we make things.

As a child, I remember looking at the pictures of America, of the great poetry of America's birth of industry, when the robust strength of this Nation was seen in the manufacturing sector. It was heavy industry at the time. It was the steel industry and the auto industry. That enormous strength of America carried us through World War II when we literally built the armaments to take on Nazi Germany and Japan. It was done here in the industries of America. The manufacturing base of this Nation needs to be rebuilt, and it is the Democratic Party and the programs that my colleagues and I will be talking about today which will cause that to happen. America will make it when we make it in America.

Joining me tonight are two of my fellow colleagues—PAUL TONKO, from the once and future great industrial part of New York, and Mr. ELLISON, from the great Midwest.

So I would like to turn to them for a few moments for introductory comments, and then we'll turn back, and we'll begin to hit not only what was done over the last 2 years but, also, where we are going in the future.

Mr. TONKO.

Mr. TONKO. Thank you, Representative GARAMENDI, and thank you for bringing us together on a very important topic. "Make it in America" manufacturing matters, absolutely. I think what has been promoted also as a subtheme here has been the investment in basic research, R&D, and in scientific research, making certain that we can move forward with cutting-edge, ahead-of-the-curve sort of technology that enables us to create jobs on the radar screen that simply are not there today, and it allows us to advance, I think, an energy agenda and an environmental agenda that allow for us to grow jobs.

Now, as you were making your introductory comments, I was thinking about America COMPETES, which is the legislation we did on this House floor several months ago. I think 98 percent of our Republican colleagues voted against the measure. We got just about no support. Yet it was supported by the United States Chamber of Commerce. They understood the wisdom of investing in R&D and basic research

and in providing for the modernization of our manufacturing sector.

I am convinced, like you, Representative ELLISON and others, that we can make it smarter in America, which will allow us to be very sharp, competitively speaking, on the global market scene. I think that we can do it in a way that allows us to advance jobs in this country simply by embracing the intellectual capacity of this great country.

In my home district of the 21st Congressional District in New York—the upstate region, the capital region—we are home to GE Corporate. I just witnessed their moving forward with plans to do advanced battery manufacturing, which will be the linchpin to all sorts of energy innovation. As we do that, we can grow jobs here in America by investing in R&D, by coming up with new product lines, and by making certain we're ahead of the curve on science and technology opportunities that are available to this Nation.

In the construct of the 21st Congressional District, I represent the old passageway—the Erie Canal, the route of freight-hauling—that really built America and inspired the westward movement. In so doing, in building that canal, we also gave birth to a necklace of communities called "mill towns," and they became the epicenter of invention and innovation. So it is within our DNA, that pioneer spirit, here in America to continue to do that, and I think we need those incentives that we talked about.

This leadership and this House during the 111th Congress gave birth to a number of ideas, including America COMPETES, closing tax loopholes for investments taking jobs offshore, taking them into other locations. We want to close those loopholes and absolutely promote the Small Business Jobs Act. Those were great cornerstones of development that will allow us to grow jobs, and as we know, we've had 10 consecutive months of private sector job growth.

□ 2000

We've now surpassed the million mark for private-sector jobs, and that's a great accomplishment in light of the 8.2 million that were lost during the Bush recession. And speaking of President Bush's track record, they were losing jobs. They were losing a net—we had a net zero gain of private-sector jobs during that administration. This 1 million is a great mark as we move forward in this calendar year to turn this country around, and we need to just continue along that road of progress.

So it's great that you have brought us together, and I'm happy to join you during this hour.

Mr. GARAMENDI. Thank you very much, Mr. TONKO, and I know that you are going to have to leave us in a few moments, but you just reminded me of one of those little charts that I often have here, and this one really does show what you just talked about. It

displays that the gold here are the Bush years. You can see the enormous number of losses of jobs, and right down here, right here at the bottom, that's the start of the Obama administration in January of 2009, and each month thereafter, each quarter, we saw an improvement. We didn't see the jobs really coming back in the private sector until the last several months, but clearly, in the last several months, those jobs are there. Interestingly, the unemployment rate has not dropped because it is the government jobs that are now being lost but, nonetheless, a net gain in the jobs in the private sector.

Mr. TONKO. That's absolutely the progress we wanted to witness, and was it fast enough? It's never fast enough for us after we've lost 8.2 million jobs, after the American households in the last 18 months of the Bush presidency lost \$18.5 trillion. That was pain that was very deep, deep and dark, and it's never fast enough, but it is certainly a rise in the right direction and a movement that needs to continue along that road of progress.

Mr. GARAMENDI. You also raised the very, very important part is that the industrial strength of America has almost always occurred as a result of the research and innovation that has been the hallmark of America. You mentioned the COMPETES Act which deals with energy research in the United States. It deals with scientific research. It's an extremely important one, and unfortunately, our Republican colleagues refused to support that bill when it was here on the House floor. We had enough Democrats at that time to move the bill out.

Also, as I recall, I wasn't here and my two colleagues were here at the time—it was the American Recovery and Reinvestment Act, otherwise known as the stimulus bill, that created the largest increase in scientific research ever in America's history. Now, the public may not appreciate that, but that research is finding its way into every part of our industrial future, and from that, the billions of additional dollars that were spent, two things happened: scientists, technicians, lab techs, engineers were employed. They had jobs, and they were developing the future industries of America.

Enough from me. Let me turn to my compatriot from the Midwest. Mr. ELLISON, you have a very, very important part of the country. It wasn't particularly friendly to us Democrats but friendly to you because of your outstanding leadership. So please share with us your experience there in the upper Midwest.

Mr. ELLISON. Well, Congressman, let me just thank you for holding down this Special Order and congratulations to you and Congressman TONKO. In California, you-all conveyed the message, and I want to congratulate your whole State for your success from our side of the aisle.

But unfortunately I'm going to have to be here for a short while tonight,

but I just wanted to come down and share a few moments with you and the Speaker and the American people, talk about the importance of maintaining and holding on to that vision of making it in America because we did it before, we can do it again, but it will not happen by magic. It's going to take some things.

It's going to take, first of all, some investment in education. It's going to take some investment in our Nation's infrastructure. It's going to take some real investment in our small businesses so that they can get it moving, and it's going to take some real investment in our belief in ourselves to reclaim this mantle of manufacturer for the world.

This can happen. We've done it before. America still is the leading manufacturing Nation in the world, but we've seen other nations creeping up on us. We can do it but these investments are going to have to happen.

In this Congress, we made tremendous investments in, as you already pointed out, the American Recovery and Reinvestment Act. Important. We call it the stimulus for shorthand, but the fact is it was reinvestment. Reinvestment is one of the R's in that American Recovery and Reinvestment Act, and Mr. Speaker, I want the American people to bear in mind that investment is what we need at this time so that we can continue our upward trajectory for jobs.

I hope that our friends on the other side of the aisle who are going to get the gavels after they assume leadership continue this effort to try to reinvest in America for the sake of manufacturing. We will see. They will have the chance. But the fact is that this Democratic Congress put this country on a platform and a foundation for future growth in jobs and manufacturing.

There was mention a moment ago of the investment act. Not only did we invest in scientific research, we invested in infrastructure. We not only invested in infrastructure, but in our health care bill we invested in making sure that we have the educational wherewithal to take care of our people into the future. Tremendous investments in education, for medical education, so that we can take care of our people. That, again, will fuel manufacturing because part of manufacturing is medical device manufacturing so that we have the educational talent to make those instruments that are life saving in this world.

So you put the health care bill, together with the Recovery Act, what you're talking about is a recipe for making things that will help life-saving research take place through American innovation and manufacturing.

So I just want to commend you for being down here week after week. Whether you have a bunch of people helping you or whether you're by yourself, you have an enduring commitment to making sure the American people know that manufacturing is not declining—well, it has been but it

doesn't have to be declining—in America. It can be ascending in America if we make the investments in education and research and the things that we talked about earlier.

I want to say that being from the Midwest, and I'm so proud to be from the State of Minnesota, wonderful State. We already had a little bit of snow there. I know you all don't know what that is in California. It's white, fluffy stuff. The fact is we even in the State of Minnesota are investing in wind. We are investing in biofuels. We are investing in all sorts of green energy producing methods that also require that we're going to be manufacturing new technology but also transmission lines to transfer the energy that we make based on our innovation.

In the course of the time between August and now, we've been home a lot, working hard but back in our districts, and I had the opportunity to go to a number of manufacturing companies in my district. 10K Solar, they know who they are. They're in Minnesota. They are a cutting-edge solar innovation manufacturing company. Other companies are making new fascinating things with wind technology. And this is the kind of thing we want to stimulate. This is what is going to continue to make America the great economic power that it has been, and I just hope that we can get some real bipartisan cooperation to continue this drive so that we can continue to make America that country that is the envy of the world.

And so unfortunately, Congressman, I'm going to have to leave you to carry the weight tonight, but again, I just want to thank you for your commitment and just say that I draw inspiration from the pictures that you're about to explain right now.

Mr. GARAMENDI. Well, Mr. ELLISON, thank you so very, very much, and it's a busy night for all of us. We've just come back to reorganize ourselves and to go forward.

Earlier today we selected a minority leader for the next year. It is our current Speaker, NANCY PELOSI, and as she left the caucus today she very clearly laid out an agenda for the Democratic Party. That agenda was Make It in America: Manufacturing Matters, and Take Care of the Middle Class. These two things go together. If we are going to have a robust economy, if we are going to be able to move up the employment and reduce the unemployment in America, then we must make it in America. As we do that, we will recreate those very, very important, critical, middle class jobs. There's a whole strategy that's underway here.

□ 2010

I used to play football when I was back at the University of California a few years back and did fairly well at it. But there is an analogy that I think we need to keep in mind here to the current economic situation in America.

Let's envision for a moment that the first quarter was the 8 years of the

Bush administration. What happened? Well, I had a little chart up here a few moments ago, and maybe I ought to put it back up. The first 8 years of the Bush administration—be with me for a moment here—were the years of the first quarter. What happened? It was a wipe-out. It was horrible. The American team was decimated. We were on our backs. We were losing 800,000 jobs a month in the last year of the Bush administration. It was 8 million jobs lost.

The second quarter, we brought in the Obama team. It didn't start off too good. The first few minutes of that quarter were rough, but it was an improvement. Each minute that went by, each quarter that went by, we saw an improvement; and by the end of that second quarter, we were building jobs. We were building jobs in the private sector.

Now, we're into the second half of the Obama administration. What's going to happen? The Obama team is still on the field. The President's in place. We have a strong minority position going forward in the Democratic Caucus. Our Republican colleagues will take over the management of the House, and we'll see how that goes. On the Senate side, the Democrats are still there. So let's continue the second half as the Democratic half.

Here's our plan: we are going to develop strategies—many of them are already in place—to make it in America so that America can make it, and it is based on this: manufacturing matters. That was the Speaker's message. The minority message going forward in this House next year will be "make it in America so that Americans can make it." It's important to be able to take that paycheck home.

My oldest daughter, now a little bit older—well, I should say more than a little. I'll never forget the day she came back from her first summer job. She came back, and she showed us her check. She held it up like that; and she said, Dad, I've got my first paycheck. She was proud. She was so proud that she was a working American.

And I know for those millions of Americans out there today that can't find a job, they want to be able to come back to their home with that check in hand and tell their children, I'm back at work. I'm working again. I can take care of you. I can provide for your education. I can put the food on the table. That's what they want. And we have a strategy in mind on the Democratic side that will do that.

This first quarter that I was talking about, the strategy was basically to increase the wealth of the wealthy, to start two wars and never pay for them, and to take the referees off the playing field and just let it rip. And we were ripped to a fare thee well. Wall Street just went crazy with ultimate greed. And the result—we should have expected it—you take the referees off the field, take the rule book, throw it off into the shower; and what do you think's going to happen in an NFL

football game? Well, that's what happened when Wall Street was allowed to run amok during the George W. Bush years.

It was the Democrats in this House, in the Senate that laid out a structure to stabilize the financial industry. We got most of that money back, and we'll probably get it all back in the years ahead. It was stabilized, not as good as we would want; but it was stabilized.

And then the next piece was brought forward, which was the American Recovery and Reinvestment Act. By all accounts, by learned economists, 3 million jobs were created or saved as a result of that. And that wasn't the only piece of legislation. There was in that piece of legislation reinvestment in science and technology and research, reinvestment in our roads and streets and bridges, building the foundation for the future of America.

Followed up later in this session by Democrats with legislation called the HIRE Act, to put people back to work, to give businesses the financial incentive to hire people, to bring people back onto the payroll, subsidizing those rehires so that people can take that paycheck home and say, Dear, I'm back at work. I've got a job again. That's what Americans want. And the Democrats were delivering that.

The last piece of legislation before we went into the election was a piece of legislation to help the governments of America, the cities, the counties, the States, keep people employed in the essential jobs that are the public sector jobs: police, fire, teachers. In California alone, 16,000 teachers are in the classroom this year as a result of that piece of legislation. We want people to work. We put those bills on the floor. Some were actually passed by the Senate, much to our delight; but many, many were not. There were many pieces of legislation that passed here without Republican support, but nonetheless were an effort on our part to put people back to work. We're going to take this thing further in the year ahead and up through the next session of Congress.

Let me put this up here for you to see. My colleague, Mr. ELLISON, was talking about wind turbines and photovoltaic. Interesting, but not many of these are made in America nowadays. Most of these are imported: wind turbines from Europe and China; photovoltaic cells now mostly from China; buses from Europe and other places. We can make these things in America. We can make these things in America because we once made them in America. In my own district, in the Fairfield/Solano Counties area of California, we used to make a lot of solar panels. And in the Bay Area, there still is a bus manufacturer, one of the few left in America that actually produces buses, the GILLIG Corporation.

I will never forget the day that I went out to visit the wind farm in Solano County and talked to the companies that were putting those wind tur-

bins up. I asked them, Boy, that's quite a tower. It's 400 feet high, a lot of steel. Oh, yeah, yeah. We bring that in from Korea. That's interesting. And those blades stretching out the length of a football field, 300 feet? Oh, yeah, those are brought in from Europe right now, but maybe we can begin to manufacture those once again in Colorado. And all the gear boxes and all of the electronics, all of it is imported.

And I told them, I said, You want me to continue to support American tax money, subsidizing your wind turbines and your business, and you want those things made overseas? Well, they don't make it in America anymore. And I said, Well, let me put it to you this way: if you want my help, if you want American taxpayer money for subsidies, then you damn well better make it in America; otherwise, our tax money ought not be used to support industries overseas. If it's private money, do what you want to do. If you want to buy a turbine from Europe, fine. If you want to buy a turbine from Japan or China, fine. But use your own money. Don't you use American taxpayer money. But unfortunately, far too much of that has gone on in the years of the past.

I have introduced legislation and others are following along so that our tax money is going no longer overseas for buses, for bridge steel, for photovoltaic systems, for wind turbines. Our tax money, when these Democratic bills pass this House and the Senate and signed by President Obama, our tax money will be used to support American industry.

□ 2020

Think of what that means. We spend \$4 billion a year buying buses with our tax money, our gas tax money. Where is it going now? A lot of it is going overseas for foreign-made buses and trains and equipment. We don't want that anymore.

In the American Recovery and Reinvestment Act, some \$12 billion was set aside for a high-speed rail, and a sentence was added to that particular piece of the bill that said that when high-speed rail is built in America, it will be built in America by American manufacturers.

There are some companies overseas that build these high-speed rail systems. Some of them whined, and others of them—Siemens, in particular—said, Well, if that is where the money is and that is the requirement, then we will build the Siemens high-speed rail system in America.

It makes a difference in how you write laws, and the laws that we should write that use our gasoline and our diesel tax money to buy buses, trains, other kinds of rolling stock, and to build bridges and to build highways, that is our gas tax money, that is our diesel tax money, then spend that money on American-made equipment, whether it is a bus, a high-speed rail, a train, or whatever. Again, if you want

to use your private money, if you want to buy a Mercedes-Benz, go for it, but not with our tax money.

It also applies in the area of energy policy, the same thing. In the American Recovery and Reinvestment Act, there were substantial subsidies for wind and solar and green technologies of all kinds, nuclear and the rest. Good. We need to change our energy policy. We have to move away from our dependence on coal and oil into new, renewable technologies that do not contaminate our atmosphere with carbon dioxide.

Are we going to do that successfully? If we allow our tax money, our subsidies to be spent on equipment made overseas, I don't think so. I don't think so at all. That is our money. We should spend it in the future on American-made equipment of all kinds. That should be our policy. That is legislation that I have introduced. That is legislation that is strongly supported. And, I dare say, it is legislation that will be a major part of Make It In America, the Democratic agenda to rebuild the manufacturing sector of this Nation.

There is another piece of this puzzle that we need to keep in mind, and that is tax policy. There was a lot of discussion during the campaigns, and a lot of Democrats lost their jobs on this issue. It is the big "D." It is the deficit. A lot of our Republican colleagues, rightfully, said the deficit is a problem.

Well, you can go into economics. You can talk about Keynesian countercyclical economic policy and all the rest. And I happen to believe that when the economy is going in the tank, countercyclical measures, Keynesian, using the government purchasing to encourage the growth of the economy, to stabilize the economy, unemployment insurance and other benefits that provide a foundation are extremely important. And, we will soon, on this floor and over in the Senate, take up the extension of the unemployment insurance.

I know our Republican colleagues are opposed to this. They think that by ending the unemployment insurance, people will go out and find a job. I think not. And even a few Republicans lost their jobs in this election, and we will see if they get unemployment insurance. They may very well apply for it, and maybe some of my Democratic colleagues will also. But that unemployment insurance keeps food on the table, keeps families together, and provides the shelter that is necessary, because the jobs are not yet there, because these policies are just now going into legislation and eventually into the law and into place.

The deficit, what are we going to do about the deficit? We are going to have to get the economy going. That, all economists say, is the most critical part of dealing with the deficit. If the economy doesn't grow, the deficit cannot be dealt with. So we grow the economy. Policies such as we have talked about here are a way of doing it.

There is another thing about the deficit that needs to be taken into account, and that is: Where did it come from? Here is a fact. The day that George W. Bush took office in January of 2001, he was handed a \$230 billion surplus. The day that President Barack Obama took office, he was handed a \$1.3 trillion deficit. Why did it occur? Collapse of the economy, clearly a big piece of it. And the policies of the government just letting Wall Street run amuck, the housing industry run amuck without any rules, all of that was part of it. But there was more to it.

The Bush tax cuts in 2001 and 2003 added billions and, over time, trillions to the deficit. And the Iraq war and the Afghanistan war, two wars that were financed by borrowing money from China, added to the deficit.

Those are the realities. The deficit is part of the economy now; it is part of our fiscal situation. It started, grew, and manifested itself during the George W. Bush years, and now we need to work our way out of it.

So how are we going to do that? How do we work our way out of this deficit? Well, with policies like Make It In America, clearly important. The countercyclical measures, providing unemployment insurance, using the power of government to bring jobs into reality, all of those are important. Tax policy, also.

A big debate will occur in this Chamber in the days ahead. Before December 31, a debate will occur as to what will be the tax policy of the United States. The George W. Bush tax cuts, which I talked about a moment ago that created a large part of that deficit, are up for debate because they expire on December 31, 2010. The expiration of those tax cuts, most of which went to the wealthy, are going to be up for debate.

Our Republican colleagues want to extend all of the tax breaks. The Democrats, President Obama and the rest of us, have a different idea. We think the deficit is really important. We believe that we have to address the deficit. The extension of all of the Bush tax cuts will significantly increase the deficit.

Now, on the Democratic side, we believe that the tax cuts to the middle class are extremely important, because they give the middle class the opportunity to have a larger paycheck, less taxes taken out, so that homeowners can pay the mortgage, put food on the table, provide for their families, give kids the books, the backpack, the things they need to go to school. That is our view. The tax cuts should be extended for the middle class.

Let's look at what happens in a very, very important policy discussion between the Democrats and the Republicans about taxes. There are a lot of bubbles on this page, but these bubbles represent real money. The George W. Bush tax cuts, if extended, have this effect:

For those people that are earning \$10,000 or more, they will get \$52 in re-

duced taxes. And so it goes. Let's say a person is earning \$75,000 a year. They will get \$1,800 of tax cuts. And then it continues to grow. The more income you have, the more wealth you have, the greater the break, the greater the tax cut for you, so that by the time you are a millionaire, your average tax reduction is \$17,000.

Under the George W. Bush, that is average. That is between \$500,000 and \$1 million. But if you are a millionaire and you have \$1 million adjustable tax, you will receive an enormous benefit. And then, if you get up to the gazillionaires, here is where you are.

□ 2030

The Democrats have a different idea. Our idea is that every taxpayer, every taxpayer, the very wealthy and those who are making just \$10,000 a year, should receive a tax break on the first \$200,000 that an individual makes and \$250,000 for a couple filing joint tax returns. Let me make that clear: Every taxpayer gets a tax break, up to \$200,000 for an individual and \$250,000 for a couple filing a joint tax return.

What is wrong with that? Millionaires get a tax reduction, billionaires get a tax reduction, every taxpayer gets a tax reduction. And this is our plan. But for those who are very, very wealthy, those who are making over \$250,000, \$500,000, \$1 million, \$1 billion a year, we think they have an obligation to America, and they should not receive a continuation of the tax break that they have had for the last several years, this kind of a tax break.

So we would suggest that their tax break go back to what it was before 2001. In the case of those earning up to \$1 million, it would go from 33 percent to 36 percent. Oh, my goodness, a 3 percent increase. How horrible.

I think not. What does that amount to for somebody making \$1 million a year? Three percent, \$30,000. That is not going to bust their checking account. But it is certainly going to be important if you are concerned about the deficit. If you care one iota about the deficit, you better be caring about this, because here is where the real money is, right here.

For the tax breaks to continue, for those above \$250,000 we are talking about over \$700 billion of increased deficit. You can't have it both ways here. You cannot have it both ways. If you are concerned about the deficit, then why in the world would you want those people who are not hungry, who are not homeless, who are not working in our manufacturing plants, why would you want them to be responsible for increasing the deficit? Well, perhaps because that is your constituency.

That is not our constituency. The Democratic constituency is the hard-working middle class that will get a tax break, a continuation of what they have had for the last 7 years.

This is important. This is about the deficit. Remember, every taxpayer in America gets a tax break up to \$200,000

or \$250,000. They get a break. But you get more money above that, and your adjusted gross income is greater than \$250,000, then for that amount, up to \$1 million, you are going to pay 3 percent more. For a millionaire, \$30,000. For a billionaire, okay, it will be more dollars, but the increase is only going to be 4-plus percent. This is not going to bust their bank, and it is not going to hurt small business.

Let's be clear about this: Small business is not impacted, except for just 3 percent of the small businesses in America, meaning this proposal that the Democrats are going to put forward will provide a tax break for 97 percent of small businesses. It will not increase their taxes for 97 percent of small businesses.

For 3 percent, and here is the definition of small businesses, the world's largest construction company, Bechtel, in California, is by the definition that the Republicans use a small business. Billions of dollars of annual income. It is a small business. I think not, but that is the Republican definition.

Now, one of my colleagues earlier tonight did a little thing that I just have to do again, because it is very illuminating, so let me do that. I will take down our principal message for the two years ahead: Make it in America. Manufacturing matters. If America is going to make it, we must make it in America.

I was talking a moment ago about the Bush tax cut. Here is what it means. The Republican plan, if the Bush tax cuts are extended, will cut taxes for the rich an average of \$83,347 a year. \$83,347 a year is the average tax reduction for the 1 percent wealthiest Americans, the 1 percent wealthiest Americans.

Well, what does that mean? Well, it means that for the next decade, they will be able to buy an \$83,000 Mercedes Benz E-class every year for the next decade. Or maybe they want to buy their wife, girlfriend, whatever, a modest purse, a Hermes, just a handbag, \$64,000, every year. That is a lot of purses for the next 10 years.

Now, if that is not sufficient, we like to characterize some of these fat cats with their cigar. Well, they won't have trouble buying cigars. These are top-line cigars. They can buy 800 cigars every year. And that is not all. They can light those cigars with a \$100 bill. Every single cigar, that is 800 a year, and 800 \$100 bills used to light them.

I could go on and on, but I see my colleague PAUL TONKO has returned.

Here is the alternative, Americans. Here is the alternative to the Republican plan. Instead of giving \$83,000 a year to the wealthiest 1 percent of Americans, you can take that same amount of money and give a \$30,000-a-year job to 3 million Americans.

Our work is about choices, our work is about values, and, frankly, our work is about morality. Tell me what is the morality of allowing the richest 1 percent of Americans to buy 800 cigars a



year and light those cigars with \$100 bills, \$83,347 in tax reductions, versus 3 million Americans, 3 million unemployed Americans who have a family, who are losing their home, who cannot provide food if the Republicans are able to block the extension of the unemployment insurance.

This is a moral question. This is a question of what is right and wrong in America. This tax cut shows the dividing line about where you stand in America.

Where do you stand? Are you with the richest 1 percent, so they can go out and buy a Mercedes E class \$80,000 vehicle every year for the next decade, or do you stand with families and want to put a paycheck on the table? I think it is pretty clear.

Mr. TONKO, thank you for rejoining us.

Mr. TONKO. Thank you, Representative GARAMENDI, for an enlightening discussion on job creation, making it in America, and tax policy that can empower our middle class. The strengthening of the middle class, enabling them to have more purchasing power, has got to be the guiding force as we continue to do work in the closing stages of the 111th Congress and move into the next session of Congress. It is absolutely essential. I think it is what everyone heard out on the campaign field this past fall and summer. People were concerned about the economy.

Again, we have surpassed that 1 million count for new jobs in the private-sector realm, but after 8.2 million jobs lost, it simply isn't getting us there quickly enough.

□ 2040

I understand the impatience. I understand the fear. Obviously, people need to have a job. The dignity of work enables them to dream the American Dream of house ownership and allowing them to encourage their children and help their children pursue their careers through perhaps higher education. So it's important that we respond to that dynamic of empowering the middle class.

I think there's some telling statistics that are really highlighting the concern that people are expressing these days. Some 83 percent of all United States stocks are in the hands of 1 percent of the public. Now that is a very lopsided statistic. We're also told that some 61 percent of Americans always or usually live paycheck to paycheck. That is up from 49 percent just a year ago and then 43 percent just 2 years ago. So that climb from 43 to 49 to 61 percent of those who usually or always live paycheck to paycheck is a concern or at least ought to be a concern to the Members of this body.

And so it is important for us to make certain that we break some of those barriers and we allow for some of the benefit to flow to the middle class. Sixty-six percent of the income growth, for instance, between 2001 and

2007 went to the top 1 percent of all Americans. And when we look at the difference between the Obama tax cut and the Bush tax cut, the Bush tax cut borrowed money from China to enable us to give as a government the top percent of wealth—top 1 or 2 percent of wealth of America—to receive their tax cut. We borrowed. It was off-budget, as you indicated earlier. So we borrowed to pay for a tax cut; to spend for a tax cut for the wealthiest of Americans. Now when we look at the Obama tax cut, it was the largest historic tax cut for middle-income America.

Mr. GARAMENDI. That was in the American Recovery and Reinvestment Act, wasn't it?

Mr. TONKO. Absolutely—and often-times a fact missed on many out there. It was the largest such tax cut for middle-income America, a historic statement. You compare that Obama tax cut to the Bush tax cut that borrowed to spend for the tax cut for the wealthiest of Americans. And so now we shouldn't be surprised when we see these stats that show more purchasing power there for the wealthiest, who are now usurping all of the purchasing of stocks out there. One percent reflecting the 83 percent of all United States stock, for instance.

So we need to do better than that. And I would suggest that all income strata fare better when we have a strong middle class. You need someone to purchase your products. You need someone to build your products, to manufacture your products. We need a strong middle class. We need to invest in that opportunity. And I think all of that recovery that we're hoping for becomes all the more expedited.

It was shown to us in the Clinton years. By creating economic recovery, by producing jobs, you solve the Nation's deficit. President Clinton inherited a deficit from the first Bush administration, and he handed over a \$5.6 billion surplus to the next administration. And then what did we inherit but a record deficit that was then passed on to the Obama administration at their beginnings in 2009 with, again, a recession that was more painful than any economic consequences in the past 70 years.

So the track record is such that you have seen Democrats working with the Democratic administration to build us out of deficit situations, create a surplus, and then have it spent down again and giving priority to those engines—economic engines that simply don't work. When the Obama tax cut—again, historically large for the middle class—was implemented, we saw that what the economists, from far-right thinking to far-left thinking, as a team had suggested would happen. We actually saw that happen. And these economists were right on. As soon as the middle class was given its tax cut, that tax cut was brought back. It was spent back in the regional economies. And we saw the beginning of the end of that bleeding of the recession. It ended the bleed-

ing simply by creating that recovery, having those dollars recirculate in regional and State economies across the country, the telltale indicators then proved that the bleeding of that recession had stopped. And it was that empowerment of the middle class that enabled, I think, the economics of it all to work.

So we should take lessons from history, and we can take that Obama tax cut and contrast it with the Bush tax cut and see what really happened. And your whole statement about those thresholds, those households of \$250,000 or less, with that as a threshold we can see the empowerment that comes when we concentrate on that portion of the tax cut that I believe will have a trickle-down value. The \$700 billion price tag on the upper income strata in terms of spending on a tax cut for that strata is a hefty one and we need to understand, analytically understand, what the payback would be. What is the dividend; is there a lucrative dividend by spending such money on that given strata of tax cut.

Mr. GARAMENDI. Thank you, Mr. TONKO. If you or anyone really cares about the deficit, you need to really pay very close attention to this debate that is going to happen here in this chamber and here in Washington, D.C., in the days and weeks ahead. And that is, do we give an enormous tax break to the wealthiest of America, and in doing so increase the deficit by over \$700 billion, or do we limit that tax break to all taxpayers up to \$200,000 or \$250,000? An extremely important debate that will take place.

For me, it is time to think about the deficit. It's time to get real about the deficit. And if you really care about the deficit, if you really care about growing the economy, the point that you just made, then limit the tax reduction so that all Americans receive a tax deduction up to \$200,000 or \$250,000 of adjusted gross income. And keep in mind it's adjusted gross income, not gross income. Adjusted gross income. That's after all the deductions.

Mr. TONKO. And I would suggest to you also that we need to accompany that sort of analytical thinking and that sort of dividend associated with the spending that would be done on a tax cut so that we maximize the benefit for the economy. But we also have to think of the stewardship, the sound management that was part and parcel to the Clinton years when we contrast that with the management post-Clinton or pre-Clinton. It is absolutely essential to incorporate concepts like PAYGO so that you pay as you go. You are forced then to come up with the ideas that will produce the revenues in order to initiate the new spending.

Mr. GARAMENDI. By PAYGO, you mean that the Congress and the Senate in enacting tax cuts balance those tax cuts off against reductions of program or vice versa. If you have a new program, the way you get the revenue to pay for it.

Mr. TONKO. Absolutely.

Mr. GARAMENDI. The PAYGO, meaning as applied to us in the Congress.

Mr. TONKO. Exactly. And it creates that sort of stewardship over the budget that doesn't find us in situations where we paid for two wars, we initiated a part D Medicare doughnut hole which impacted our senior population with their pharmaceutical needs and gave a tax cut to the wealthiest of Americans and did it all off-budget. And so that when this President assumed office, one of the first tasks assigned the administration or embraced by the administration so as to truth in budgeting and honesty in budgeting is to bring it online, which grew the deficit, but it was a truthful budget. You can't continue to have an off-budget, borrow from China or whatever, in order to pay for programs and say, Okay, we'll pay for it into the future. The PAYGO concept requiring us to find the revenue sources in order to do these orders of programing or tax cuts will be accompanied by the mindset, the logic of just how do you pay for it. And PAYGO means being fiscally responsible.

Mr. GARAMENDI. Excuse me for interrupting. That was the policy during the Clinton period, and it led to the surplus because it put fiscal discipline into this building and over on the other side in the Senate. Similarly, it has now been reinstated by the Democrats a year and a half ago.

□ 2050

I want to just wrap up here. I want to go back to "Make It In America" and wrap with this. Our time has almost expired here.

Mr. TONKO. Sure.

Mr. GARAMENDI. With this "Make It In America" agenda, as Speaker PELOSI and soon to be Minority Leader Pelosi said as she exited the Organizational Caucus of the Democratic Party today, there are two principles that the Democratic Caucus will follow: One, we will make it in America so that America can make it. Two, we will do this on behalf of the middle class so that those jobs are there.

Interestingly, while the President hasn't used this term very often of "make it in America," President Obama has nonetheless proposed policies that are directly in line with this—specifically, that every business in America be given the opportunity to immediately write off any capital investments they make. Now, it's already in the law. In the American Recovery and Reinvestment Act, there is in the law an automatic write-off of a capital investment made by a small business. That was increased in a subsequent bill that we voted out, without any Republican support, that allows small businesses to write off immediately.

The President would go further. I've introduced a bill that would do that—other members of the Democratic Cau-

cus have also—so that businesses would be incentivized to invest now in the capital equipment that will provide the foundation for future jobs. Invest now.

This is part of our strategy. It is an overarching Democratic strategy, one that we have been working on for some time, beginning with, among the first bills passed by Congress and signed by the President way back in 2009, the American Recovery and Reinvestment Act.

Would you like to wrap this up here?

Mr. TONKO. Let me just state this, that the landmark Small Business Act, which is intended to create jobs—we're anticipating 500,000 jobs—allows for investment in exporting, which I believe is critically important; it allows for investment in our modernization of manufacturing and small businesses, and it allows for the unleashing of some \$300 billion worth of loan opportunities to our small businesses.

We profess small business to be the economic engine, to be the springboard to the economic recovery. To the credit of Speaker PELOSI, whose leadership has led this House through the 111th Congress, we have made that our focus. We came out of a deep, deep recession, and, unfortunately, there wasn't enough time for us to feel the effects of the progress made by such legislation. I just think we need to pursue that path to progress.

Thank you very much, Representative GARAMENDI.

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

#### THE ECONOMY, UNEMPLOYMENT, AND THE ADVENT OF THANKSGIVING

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

Mr. AKIN. Thank you, Mr. Speaker. Good evening.

I would like to talk about several different topics today. One, I think, is on the hearts and minds of Americans everywhere. I want to talk a little bit about unemployment. I want to talk about the economy and what the solutions are to this problem. This isn't very complicated, but people try to make it more complicated than it needs to be.

When we get done with that subject, I'm going to change gears and do something that's a little bit more topical for the Thanksgiving season. I'd like to tell you the actual story, a great adventure story, about the Pilgrims, about the Thanksgiving that they celebrated and about the many other ways that they have blessed our country.

First things first, let's talk a little bit, though, about something that's on everybody's minds—the problem of unemployment and the problem of the continuous and rapid growth of the Federal Government, which stifles our

freedoms and liberties, which buries us in red tape and bureaucracy, which raises our cost of living, and which makes life more and more miserable for Americans as they lose their freedoms, and the Federal Government's out-of-control spending that accompanies that.

These are problems we've talked about, and these are problems that the voters have voted on. The voters seem to think that this is a problem in spite of the fact that we're going to try and shove socialized medicine down the throats of Americans and in spite of the fact they don't want it. We're not dealing with unemployment. We're not dealing with the causes for unemployment, but I think we need to talk about it a little bit because it isn't as complicated as some of my colleagues seem to make it out to be. It's not a matter of class warfare. It has nothing to do with that. It's just simple economics.

Now, if you want to talk to anybody who is a small business man and ask him what are the things that kill jobs and ask him what are the job killers, I would bet you he's going to be talking about things on this list right here.

The first thing is excessive taxation. The second is insufficient liquidity. What does that mean? It means it's hard for businessmen to get money from banks.

Economic uncertainty. People don't want to take risks when they don't know what's going to happen next. Then, of course, there is a whole lot of red tape and government mandates. All of those things are enemies to jobs and job creation.

Now let's go into this just a little bit because this isn't so difficult. It's not a matter of class warfare. It's not a matter of rich people not paying enough. In fact, there is an interesting statistic or two. What percent of the overall tax burden do you think the top 1 percent of Americans carry? What percent do you think the top 10 percent of Americans carry? Well, the top 10 percent of Americans carry about 70 percent of the tax burden in this country. How about the bottom 50 percent of Americans? What percentage do they carry? Less than 10 percent. So I guess we've got a pretty graduated income tax. If that were the solution, we'd already be in great shape, but let's get back to the basics about jobs.

First of all, why is it that excessive taxation kills jobs? Well, the reason is that the people who own small businesses create most of those jobs. Small businesses—maybe we should say medium and small businesses, which have 500 or fewer employees, are the businesses that hire 80 percent of Americans.

Now, my Democrat friends can't seem to make this connection. If you kill the business, you're not going to have the jobs. If you tax the businessman's hide off, he's not going to hire people because he's not going to have the money to buy new equipment, to

put up new buildings, to invent new technologies, and to expand his business. So the connection is pretty straightforward. If you want to kill jobs, you tax the guys who own those businesses. A lot of those business owners don't really think of themselves as wealthy, because they've started some little businesses that have grown and grown and grown, and as they grow, they keep putting more and more money back in the businesses. They haven't stopped to consider the fact that they may be multimillionaires, but they keep putting the money into the businesses and the businesses grow and they hire more people.

If you're just so hung up on the fact that somebody is filthy rich and if you're so hung up on the fact that they may be having more fun than you are and that you've got to tax them into the dirt, well, then you're not going to have any jobs. You just can't have it both ways. If you want jobs, you have to have healthy businesses, and you can't have healthy businesses if you tax them out of existence. So excessive taxation is just going to be a job killer.

Insufficient liquidity. That is, if you run your banks and if you have bank regulators all over the banks so they can't make any loans, it's hard for the businessman to get money to invest in new things.

Obviously, economic uncertainty. Let's say you own a business, and you've got lots of money tied up in it. Are you going to take a great big gamble when you don't have any idea what next goofy policy the administration is going to come up with or what kind of additional taxes and red tape and bureaucracy you're going to face? No. You're going to hunker down. You're going to say, Wait a minute. I'm not going to take any risks in this environment. Business is off.

A lot of people are boarding up their businesses. A lot of businesses are shutting down. A lot of jobs are being shipped overseas. We create such a hostile environment for business that the big businesses say, Okay. You show us the rules. If you don't want to have your jobs in this country, we'll take the jobs somewhere else. The small businesses just close their doors, and the jobs are gone forever. So the economic uncertainty is a job killer.

Of course there is red tape and government mandates. There is one that should be on this list, and that is excessive government spending. That is also something that has always, historically, been a problem.

Now, on top of the unemployment problem, on top of the runaway Federal Government that is no longer a servant but has taken on the effect of master and is bossing Americans around and taxing them out of house and home and ruining the economy—if that's not bad enough, we've got another problem that's coming, and it's something that we need to deal with in the near future.

□ 2100

That's the problem of a huge tax increase that's just around the corner at the beginning of the year.

So, if we're already in trouble with close to 10 percent unemployment and we know that excessive taxation is one of the things that is a job killer, do we want to then apply a whole bunch more, another huge tax increase to the economy? Most people would say you have to be crazy to do something like that. Most people, when they look at history, say that's the dumbest thing in the world to have a huge tax increase right when the economy is having a hard time, and yet, that's precisely what is going to happen next year if the Congress doesn't take action.

What's happening is, because of some rules in the Senate, the Bush tax cuts, a series of Bush tax cuts are going to expire, and when they do, you can see some of the jumps here from 2010 to 2011. This ordinary income tax, a bracket of 35 percent, is going to jump to 39.6 percent; capital gains going from 15 to 20. You know, the capital gains, that's an important one because that's a place where people who invest in businesses have money. If this tax is low enough, they can plow it back into business. As you raise it up, there's less money going back into businesses. And these are different kinds of dividends, going from 15 to almost 40 percent.

And the death tax, wow, is that ever taking a jump. Everybody who needs to die, you need to die this year, that's for sure, because death tax is zero. It's jumping to 55 percent. So when you get beyond the first million or two that are protected from the death tax, what's happening is, your dad owns a farm and he has a lot of fields and he's got a lot of pieces of equipment, and your plan is to follow in your dad's footsteps and be a farmer, and your dad dies and you find out you're going to have to sell 55 percent of your farm to pay the taxes that your dad owes on his death. Isn't good enough to tax him when he's alive. You tax him when he's dead. So we have a death tax. Well, by the time you get rid of selling half the fields and half the pieces of equipment you say, well, I can't run the farm. Well, that's really smart tax policy, isn't it, that we shut down a small business by jumping the death tax from 0 to 55 percent.

We have child tax credits here that are going up, marriage penalty, lowest tax brackets going from 10 to 15 percent. So, these taxes are coming. Most people would say, that studied economics a little bit, would say this is not what you should be doing during a recession. In fact, regardless if you're a Republican or Democrat, history says this is not what we should be doing.

You could learn—and I'm kind of surprised that the Democrats haven't taken a lesson from Kennedy because he had a recession when he was President. He cut taxes and the economy sprung right back, and of course Ron-

ald Reagan did it. I don't expect the Democrats to learn from Ronald Reagan, even though he used to be a Democrat, but JFK, you think they could learn from him.

You think maybe they could have learned from FDR even. FDR had a guy who was Secretary of the Treasury who was Henry Morgenthau. Henry Morgenthau came up with the same idea that Obama and company came up with a couple years ago, said we're going to stimulate the economy by spending tons of money. It's a little bit like grabbing your bootstraps and pulling and hoping to fly around the room. You know, they're going to spend a lot of money, spend enough money that will get the economy going. That's the idea.

Now, no normal rational person that's not been smoking those funny cigarettes can come up with such an idea. If you came home and your husband or wife said to you, hey, we've got too much credit card debt here, or I'm not making enough money, you know, things aren't going right economically, what do you think we should do? Oh, let's spend money like mad. You would think somebody was crazy. That's what people have tried. Henry Morgenthau tried it. He tried it for 8 years. He came and appeared before the House Ways and Means Committee. His words were, We have tried spending money. We're spending money, more than we have ever spent before and it does not work, I say, after 8 years of the administration. We have just as much unemployment as when we started and enormous debt to boot.

Now, I would hope that we could learn something from history. This is FDR. This is World War II vintage-type stuff. We should have learned from this. We could have learned from JFK. No. Could have learned from Bush. We could have learned from Reagan. When you're in trouble like this, what you want to do is you want to back off on the taxes and back off on the Federal spending. We're going the exact opposite direction. It doesn't make any sense to be raising taxes. We know that taxing small business is a job killer, and yet, we're forging ahead, trying to get everybody paying attention to the fact that, oh, the rich's guy got too many cigars or too many cars or something like that.

But the trouble is the rich guy, who owns that company, is the one who's hiring people. He's the one making the decision to add a wing on the building, put a new machine tool under the wing, to invest money in new processes, to come up with a better way to do things, to be more competitive than a foreign competitor and put Americans back to work. Those are the kinds of people that you need to have taking your money and plowing it back into the economy.

Now, there's some people think through this idea of Federal Government spending money that you can put people to work by the Federal Government hiring them. That seems on the

surface like a bright enough idea. Certainly if you take some tax money and you go out and hire some people, those people have a job. Doesn't that put people back to work? Well, yes and no. The people you hire do get a job. The trouble is for everyone you hire, there are two people in the private sector that lose their job because the government's sucking that money for those salaries out of the private sector. The private sector then becomes less efficient, and economists will say that you lose about two jobs out of the private sector for everybody you put on the government payroll. I mean, if putting people on the government payroll worked, we'd all work for the government. They tried that in the Soviet Union. It wasn't such a hot idea.

So, what's the danger? Why am I talking about this stuff? It should be a day when politics is over, the elections are over, we could get back to work and do the right thing. Well, the right thing here is paying attention to the fact that America is in trouble with a 10 percent unemployment rate. It's actually more than that because I don't know if you know it or not, but anybody who's been unemployed for a certain period of time, they don't count them anymore. So they're not unemployed, even though they don't have a job. That's sort of an interesting way to count, isn't it?

But anyway, here's what happened a number of years ago. I actually was here in Congress when this happened, and these charts go back a few years, but I think it's kind of interesting. This is the gross domestic product. So these vertical lines are America's GDP, and this is before and after a tax relief which occurred in 2003 about the first or second quarter of 2003.

And so the tax decrease we're talking about here is the very tax that's going to expire. So when we cut this tax in 2003, what happened to GDP? Well, here's GDP going along like this before. We do the tax cut and take a look at what happens to GDP afterwards. Now, that suggests that if there's any causal relationship at all that the tax cuts gave us a better GDP.

Let's take a look at the same tax cut not applied to gross domestic product, but let's take a look at it applied to jobs. These lines are job creation. The ones that go down mean that we are losing jobs. The ones that go up mean that we're creating jobs. This is what the economy is doing. Now, this, again, is this May 2003 when these tax relief measures went into effect. Look at all the jobs we're losing here, and look at the snappy turnaround right here when you let the small businessman keep some of what he earns. My goodness, what a turnaround.

Now, here's a very unpleasant thought. If these tax cuts had this positive effect when the tax cuts went into effect on jobs and on gross domestic product, if these tax cuts had that positive an effect, what happens when we reverse that same thing? What happens

when we turn it upside down? What happens when the tax cuts expire? Are they not likely to exert the exact opposite force on our gross domestic product on our already high unemployment? Now, we're not in this situation.

□ 2110

Right now we're having trouble with unemployment, but why do we want to put a force on it that's going to make it even worse. If these things did some good when they went into effect, why do we want to let them expire? It's bad enough the way it is. If we extend the tax cuts, it may not fix the 10 percent, but it may not go to 15 percent anyway. So this is what happened when the tax cuts went into effect to job creation, and that's why the economy took off.

Now, one of the things, it seems to me, that my dear socialist friends don't quite understand is that if you are a happy socialist, what you want is, you want the government to be doing well, you want to have lots of money that you can slop around and spend on different programs. And of course we've been doing too much of that, spending more than we have. But you would think you would want a strong economy because what a lot of people don't realize is, if that economy isn't strong, not only are individuals hurting, not only are States that have to balance their budgets hurting economically, the Federal Government revenues are also way down.

I was surprised during this time period when people wanted to say that the tax cuts had cost us a whole lot of money, that when you took the money they claimed the tax cuts cost in lost taxes and added it to the war in Iraq and Afghanistan that the amount of money total was less than what it cost us to have the economy in the tank in these first couple of years. So when the economy is bad in your home, it's bad in your State. It also is lousy in the Federal Government. So you put all of these tax cuts in place. You think, Oh, that's fiscally irresponsible because then the government is going to go into debt more and more. Oh, is that really so? The fact is not so.

Let's take a look at what happened. Here are Federal revenues. This is the year. That is the tax cut. So Federal revenues are coming down here. We cut taxes, and the Federal revenues actually go up. Now that seems like making water run uphill. Why is it possible that the Federal Government would get more money when we reduce taxes? It is known to some people as a Laffer Curve. But what this is, it's the effect that when the economy gets going, we collect more tax revenues.

Let's look at it this way: let's say that you are made king for the year, and your job is to collect as much revenue as you can collect in the selling of loaves of bread. So you start to think. You say to yourself, Well, I could put a one-penny tax on a loaf of bread and people would eat a whole lot of bread

because we're not taxing it very much, and we'd raise a certain amount of money. And then you think, Wow, but if I could do that with a penny, I could move that decimal over and charge a dollar a loaf of bread. Then I would get much more money. How about \$10 a loaf? You say, Well, wait a minute. So \$10 a loaf, I could get \$10 every time. But people wouldn't buy bread anymore. It would be too expensive. It would go on the black market, or they would buy cake or something else.

So common sense would tell you that if you are king for the year and you are taxing bread, that there is some point between a penny and \$10 perhaps, there is some point where there is an optimum amount of tax where people will still pay it and still buy bread. And if you raise the tax, what, in fact, happens is the revenue that the government collects goes down rather than up. In other words, it's not possible to just keep taxing too much because if you do, it basically drives the amount of money you collect down. So there's an optimum point.

And my point here is that if you are a happy socialist, you want the economy strong, and the way to do it is to let the people that run the businesses have enough money to make those investments so that the economy is strong, and we have more Federal revenue coming in. This is what happened '04, '05, '06, '07. The Federal revenues start going up even though we did these tax cuts. Now what we want to do is to reverse this. We're going to get rid of the tax cuts which is then going to have more effect to drive the economy down. It's going to create more job loss, and it's going to make the GDP worse.

We are having trouble learning some very basic lessons from history where we are at a point where we are overtaxing the economy. And if we want to get this economy going, we have to learn from JFK, we have to learn from Ronald Reagan, we have to learn from Bush II that the way to deal with this thing is to cut government spending and to cut taxes. It's a very straightforward answer. But we also have to realize that if we don't deal with the tax increase that's coming up, we are going to add significantly to the already existing economic problems of our country.

So what's the solution? It's not complicated. Make the Bush tax cuts permanent. Now we, Republicans, have proposed that for years. The Senate Democrats have opposed it. The Democrats in the House have opposed it. They say all of these tax cuts are for rich people, and they talk about the classes of society in America. And the one thing they can't seem to remember is the fact that if you don't have a strong business, you're not going to have jobs, and you're just going to have to get used to it.

In America, some people get stinking rich; and it's okay; and it's all right for them to have their money because a lot

of times, if they get enough money, they start spending it on other people anyway. And so what you've got to do is let those businesses have some money to work with because the government is not going to create the jobs. And by letting these tax cuts expire, you are just going to further damage the economy and increase the suffering of Americans all across our country.

So the solution is straightforward, at least to what we should be doing with these tax cuts. What we should be doing is keeping the tax cuts and voting to make them permanent and not letting them all expire. That's the commonsense way to approach the thing. It's not going to necessarily get us out of all the problems we're in right now, but it's going to prevent them from getting a lot worse.

And what we have to do then obviously is to get back into the business of cutting back on Federal spending, and we're going to have to cut back on government red tape, and we're going to have to dismantle some of the complicated and redundant different Departments that we don't need to be paying for. We have to start looking at the Federal Government and say, What does the Federal Government have to do and all of the stuff that it would be nice if the Federal Government did that cost money, we're going to have to just stop doing that. We're not going to get it out of waste, fraud, and abuse because there isn't a budget line item that says that. What we're going to have to do is we're going to have to reform the system.

The one thing I believe the Republicans are looking at very closely—I'm certainly very interested in it and am trying to sell it to my Republican colleagues—is the idea that we have an opportunity, though we can't pass legislation through the Senate and even if we did, it's unlikely that President Obama would sign it. But what we can do is we can send bills to the Senate, and the public can watch and see that we've heard the message. We understand. We want less taxes. We want more affordable government. We want to shrink and reduce the Federal Government in places where it doesn't really need to be putting money, and we can do that.

But there is one thing we can do and that is in the House here, we can change the rules. We can change the system. The House, with Democrat and Republican leadership through many, many years, is really a series of fiefdoms, as different committees gain lots of power.

And if we take a look at that system and we design a system which is not so much designed to spend money but to make it hard to spend money, then we can start making some progress to develop the tools here in the House to try to reduce a government that is literally a runaway government that is no longer the servant of the people but is increasingly becoming a fearful master.

That is our task; and we will be evaluated by the American public, I have no doubt, on our ability to perform the task. And to the degree we have a majority in the House, we can at least start in the House by saying, Let's change the whole committee structure. Let's take a look at how we do the budgeting process. Let's take a look at how these earmarks fit into who spends the money, who makes money, and how do we hold the committees accountable for reducing the size of the Federal Government.

All of these things are ahead of us, but we need to stop this train wreck coming, and we need to make these tax cuts permanent. That's the quick answer to something that we need to be doing.

Now I'm going to turn to perhaps a little bit lighter topic, a completely different topic, and that is the advent of Thanksgiving coming along next week. The Thanksgiving story is one that, as I have gotten older, I get to love the story more and more. It's a fantastic adventure story. It's a story of people of tremendous courage, tremendous vision who took very great risks and gambles and blessed you and I and all true Americans, blessed in ways that we've forgotten and in ways that we need to remember. I'm going to grab a picture, if you will excuse me a second.

□ 2120

Last year, I had this picture on a larger format. Unfortunately, I just had this framed copy. The picture that is by my side, some of you may recognize, is a small version of the picture that is in the Rotunda here not so far from where I am standing.

The picture is called "The Pilgrims at Prayer," and I would like to talk to you about this little group of Pilgrims that came over and gave us our Thanksgiving, the particularly famous Thanksgiving that took place in Plymouth, Massachusetts. There was an earlier Thanksgiving in Virginia, but this particular group of Pilgrims, though, gave us a lot, lot more than Thanksgiving. So while it is the Thanksgiving season, I think it is appropriate to think a little bit about their great example to us, because it is the principles and ideas of people like this that we need to reproduce and we need to follow their example as we move America forward in the days ahead.

So let me start by saying, first of all, who were these Pilgrims that we talk about that were at Plymouth and that gave us Thanksgiving? Who were the Pilgrims? They were really a couple of groups of people, but about half of them, and some of the very influential ones, were called Separatists. They were what you might call in their day sort of the evangelical Christian types of England, except that they were a little bit of a weird subset in this regard.

They had listened to the writing of a Scottish theologian that followed Knox in about the 1580s or so, and he started

finding in his Bible this interesting idea that the Bible, particularly the Old Testament, or, for Jewish people, the Torah, there seemed to be a distinction between civil government and church government.

Now, that may seem very obvious to us today, but in those days, if you recall, there was a king half the time running the church and a church half the time running the kingdoms, and the two were very much interconnected and very much intermixed dating back to the time of Charlemagne.

But they came up with this idea that the Bible seemed to indicate that there was a difference between church government and civil government, and they got that from looking at the story about Moses. Moses was like the civil authority, but he had a brother who was running the worship service, Aaron. And so he saw that example, but then there were other examples that were less known.

There was a guy, Uzziah, who was a king, and he went into the temple and started burning incense because he thought he was able to do anything he wanted. A couple of courageous priests stood up to confront him, and he started to stick his finger at them and give them a lecture and say, Off with their heads, and he looked and his hand was covered with leprosy.

So there were these stories, particularly the story of Saul, the first king, where he offered the sacrifice and Samuel read him the riot act and said, You've really have blown it now, buddy.

So you have these examples in the Old Testament where civil and church government were separate. So these guys, the Separatists, had learned from their Scripture and had decided in their day that they didn't want their church to be run by the King of England. This was following old Henry VIII, who had separated the English church from the church in Rome, and so the church was being run by the King of England. These guys decided what they were going to do in Scrooby, England. They decided that they would get this manor house. They would all get together and worship and start their own little church, and the church wasn't under the King and it wasn't under the King's thumb. Well, as you can imagine, that did not meet with the approval of the King, and he said, I am going to harry them out of England.

And so these Separatists were given all kinds of very tough treatment—fines and taxes. Their wives were put in the stocks and made fun of and all kinds of difficult things so that these Separatists couldn't really live in England and they couldn't have their little church that they had started or their series of churches. And so, as you know the story, they moved to Holland where they could have freedom to start their own church.

So they lived in Holland for some time. It was a difficult existence. They

had to work 7 days a week and many, many hours a day; very, very difficult economically for them. But they didn't complain, and they were able to have their church worship service the way they wanted. That lasted for some period of time as these Separatists were in Holland, but a couple things happened that convinced them to look around at something else, and the main thing was that their children were picking up some bad habits from the Dutch kids and they didn't like that. They had come there because they had some very strong theological beliefs about what was right and wrong. They were worried about their children and the culture in which they were living, and so they cast about for what God would have them do.

So the picture that is printed, it is a wonderful painting. It is about 10-by-20 feet in the Rotunda. This picture depicts the key turning point for a bunch of these Separatists, and this is in the town of Delfthshaven. And if you take a look closely at the picture, certainly you can't see it here in the camera, but it says "Speedwell." That is the name of the ship. And these are the Separatists gathering together at Delfthshaven in a farewell to their pastor, John Robinson, who they loved dearly.

John Robinson was a very even-tempered, peace-loving man. He had risked his life a number of times trying to separate groups of different Christians that were fighting each other, and his parishioners said he had the wisdom to see trouble coming and to steer his little flock away from the trouble. So they loved John Robinson.

He is now preaching his last sermon, because he will not go with the Pilgrims to America but, instead, will stay behind with the members of his church that were still going to be back in Holland.

And so, as you can imagine, if this is your last time and you have all of these friends who are going on this absolutely incredible expedition to plant a plantation in the middle of the wilderness all the way across the ocean, you are going to give them your best shot. You are going to talk to them about the things that you think are most important.

So we have a recording of what he was preaching about. And he, first of all, bewailed the state of the Calvinists and the Lutherans. And he said, "For though Luther and Calvin were bright lights in their own day, yet were they living today they would readily embrace the additional truth that God is breaking forth from his word."

What he was saying, in effect, was that our understanding that we get from the Bible is not static; it is something that moves over time. And as people learn lessons from history, we should learn from them, and we should continue to learn the additional things that God is going to teach us in practical sense from his Bible.

In a sense, his idea of the Bible was it was a gold mine. It was full of truth.

And as men over time read it and understood it, they could improve the lot of civilizations. It turns out that this was a pretty good theory in all practical sense. Whether you happen to have any interest in theology or not, it turned out to be a pretty good theory, and you will see why in just a few minutes as we follow this little group of people on this incredible adventure story.

You have to think about this. When people came to America in Jamestown and other places, it was men. They came here, to some degree, to say they were going to spread the light of Christ to the heathen, but mostly they were looking for gold. That is what the history books show us.

But this little group of people were different. They were going to take their wives and their children on a one-way trip across the North Atlantic to try to plant a civilization. And they were doing it not as a bunch of dogs that had their tails tucked between their legs because they had been chased out of one place and chased out of another place, but with a vibrant vision of a challenge to build a new civilization based on new principles and new ideas. They wanted a change from the European civilization because, Robinson goes on and says: Now, when you go to this new land, be very careful what you adopt as truth, sayeth he, for it is unlikely essentially that a Christian civilization can spring so rapidly out of such thick anti-Christian darkness.

He was talking about Europe, and how Europe was very resistant to ideas that the Bible would suggest were a good way to do things. So he was saying: Now, when you go over on this great expedition, be really careful what you do, because how you set things up is going to be very, very important. And you don't want to set it up just the way they did in Europe, but continue to use the Bible as the blueprint.

So this group of people are going to leave Delfthshaven here and they are going to go across and rendezvous in England with the ship *Mayflower*.

Now, it turns out this old *Speedwell* was a leaky bucket. They tried to take a couple of attempts to start from England to go over to America, and the seams on the *Speedwell* opened up and it started to leak so badly they had to turn around and come back, and then they had to take some of the different passengers off and some of their supplies off. They had to leave the *Speedwell* behind. It got to be kind of complicated and expensive.

Eventually, like a family getting off on a vacation late, they eventually get in the *Mayflower* everybody they could fit in there with what supplies they could and started across the North Atlantic. Well, that delay put them in the North Atlantic in the fall, which is a rough time to be crossing the North Atlantic.

Well, the old *Mayflower* started getting beaten by storms. In the begin-

ning, the Pilgrims—and let me maybe clarify this point now. The people in the *Mayflower* at this point are really two groups. About half of them are these Separatists, which you see here, and the other half were just jolly old blokes off the streets of England that were part of the merchant adventurers financing this trip to plant a colony over in the New World.

□ 2130

The idea of the colony, of course, was it was going to make money for the people that were financing this undertaking, and they were hoping they would get rich from it. So you have really a little over 100 people, about 50–50 between these Separatists that have a vision for a new civilization and other people that are just there mostly hoping to make a good living and to turn a page in their lives.

So they come across the North Atlantic, and in the beginning the sailors all start making fun of them because they are all seasick. It is pretty miserable to be seasick. You almost feel it would be better to die when you turn green. So the sailors would call them "puke socks." That was what one of the boatswains called them, "you puke socks," because everybody was sick and feeling pretty bad.

But the storms intensified as they crossed, and after awhile the poor old Pilgrims noticed that the sailors weren't joking so much about it. They looked a little bit upset too, because the storms got really severe. And in spite of their prayers and everything else, the *Mayflower* was just beaten by storms.

One time in the middle of the night they heard a groaning and a crack as though they had run into a rock or something, and it turned out one of those great big huge oak beams that was supporting the main mast had started to sag and break under the weight of the mast and the tremendous pressure of the wind and the rigging and the sails.

So they were almost thinking they had to turn the *Mayflower* around and go back to England, when one of these passengers, one of the Separatists, remembered there was a big printing press screw jack in the hold, which they fought out of the hold and managed to get it in position and cranked it up to support the oak beam so it would not be sagging.

They continued the trip across the ocean, and because of the storms were blown significantly off course and landed the first time out in Massachusetts, which, of course, is not Virginia. Virginia in those days went as far north as New York, but they were headed much further south. They weren't surprised. They knew they had been blown north by the storms.

So there they are after a couple of attempts to try to come south down the outside of Cape Cod. The winds were very unfavorable, it is late in the season, the storms are rough. These old

square riggers, the Mayflower, they were not great technological wonders at being able to sail into the wind, so consequently they didn't want to get with a hard wind to be driven on to the sandy beach, because the ship would break up and that would be the end of the deal.

So they are anchored out at Provincetown, and it is getting I guess into about the November timeframe, getting pretty chilly up in Massachusetts. They realized that they are not in Virginia and so their charter didn't apply. So now we get the first real lesson in civil government from the Pilgrims, and, boy, what a great lesson for all of us it is today.

Because the charter didn't apply, the two groups that were in the Pilgrims were known as the saints and the strangers. The saints were the Separatists, that is the saints here at prayer, and the strangers were the ones that were strangers to God. And the strangers are saying, hey, it is like Australia, you know. No rules, mate. Everybody for himself. We get to shore, we can do whatever we want to do.

It had quite a smell of anarchy about it, and it was then that the saints said, no, we kind of need to pull things together. So they exercised some leadership, took a piece of paper and wrote a document. It is called the Mayflower Compact, one of the greatest American documents produced. We don't have a copy of it. We have copies, but we don't have the original. It was viewed by the Pilgrims as not really an astounding thing, but subsequently we have considered it of great import.

So it starts "In the name of God, amen." It goes on to say, "We do covenant and combine ourselves together in a civil body politic for the glory of God, the advancement of the Christian faith, and to frame such just and equal laws as may seem good."

And so what is it that is so special about this Mayflower Compact? Well, as far as I know, it is the first time in human history where you have a group of free people under God creating a civil government to be their servant. Does that sound like a familiar pattern? Of course. It is very similar to what our Declaration of Independence is saying.

You have to understand in the context of history how innovative what they had done really was, because in Europe, the model for civil government was the divine right of kings. If you are a politician, it was a great deal. You say "God put me here as king. When I say jump, you are supposed to say 'how high?'"

So Europe had been dominated by the divine right of kings, and each king felt like they weren't a servant, they were the boss. God put them there, and they tell you what to do. That is how Europe did things.

But these Separatists when they came across the ocean had the concept that we are trying to infuse in the Republican Party as we deliberate very

soberly about changing the system, that we are going to change the system from Europe and the divine right of kings to the system that the government would be the servant of the people and that individual citizens had God-given rights and it was the responsibility of the government to protect your God-given rights.

That is what the Mayflower Compact was all about, and that is why this very first moment, as they are at the great big oak table in the great room of the Mayflower, why this moment is so significant to all of us, because the Pilgrims gave us the model of American civil government.

Now, to them it was sort of a straightforward idea, because they had already struggled with this question in the context of their church government. In Scrooby, England, they had decided to separate themselves from little old King James. He was a little bit of a weird fellow. He had some very strange social habits. They didn't want him running their church.

So a group of free people under God had covenanted together to create a New Testament church, and they took that model of the New Testament church and simply picked it up and applied it to civil government. A group of free people under God created a civil government, not a church government, to be their servant.

Now, they believed those two were separate, so they didn't tangle up the church with their civil government, but they used the same pattern. So the Mayflower Compact is really to our knowledge the first written constitution pulling these elements together; that under God, free people are creating a civil government to be their servant. That is the basic pattern. It is called the covenantal view of civil government. It is the first written Constitution in America that is on that same pattern. That was 1620.

Now, I will continue with the story of the Pilgrims, but just to jump forward, it is not so long after that, 1620 to 1634, you have a more advanced constitution for Boston, and then a very highly advanced constitution called the Fundamental Orders of Connecticut, only 18 years later. So that is 1638, very early.

The Fundamental Orders of Connecticut has basically the whole model for the whole U.S. Constitution. It has federalism, separate branches of government, a lot of the technical sophistication of the U.S. Constitution just 18 years after these Pilgrims had started with the Mayflower Compact. So you have a tremendous period of the development of the concept of American civil government very early.

Well, I told you this group of Pilgrims here had blessed us in a lot of ways. It should be obvious, two of the ways they blessed us—these are ideas that just completely undergird America. The first is separating civil government from church government. That is something they took from the Bible. It is amusing, isn't it?

The second thing they did was give us our model of civil government, which is the fact that the government is to be the servant, not a fearful master. So those were pretty good ideas.

They also came, and I think this is a pretty important concept, they came with the belief that they could learn things from the Bible and should use the Bible as a blueprint to guide how they did things. And that same concept was picked up later by the people who would follow after the Pilgrims.

So let's finish the story a little bit and get to Thanksgiving. The Pilgrims, they are on Provincetown at the tip of Cape Cod, and they do the Mayflower Compact. Then they take pieces of a prefabricated boat called a shallop that was stored in their holds and they put that together. It had been damaged some by the storms coming across. It took them a number of weeks to build it up. But a shallop is a pretty good size rowboat. It would carry more than a dozen people, it had a sail and a rudder.

They took the shallop up in the shallow water around the inside of Cape Cod, and they had their first encounter at Eastham beach, there just about sunrise. A whole bunch of Indians screaming and yelling shot arrows at them. It wasn't exactly a warm welcome. They shot some of their muzzle loaders off and nobody got hurt. And they continued around the inside of Cape Cod.

They were looking for a place, and Cape Cod, I have a chance to go there in the summer times, it is known as Barnstable Harbor. Translated, that means Barnstable Harbor.

They were out in the surf, the sand is shallow there, they are out in the shallop and it got to be dark, and they are trying to figure out, the wind is coming up, it is starting to snow, they are getting ice all over their clothes. They try to make a run in to where they thought the entrance to Barnstable Harbor was, and they were mistaken. It was not. It was just a sandy beach, and the surf was starting to pile in on the beach. And right when they are in the waves, the guy by the name of Clark says—grabs the steering oar, and he swings the shallop around in a desperate maneuver. He says, "If ye be men, pull for your lives."

□ 2140

And they laid into the oars and were able to snatch the shallop out of the waves and out into the deep water. Again, the snow. It's dark and the snow is coming down. Ice is freezing on their clothes. And eventually, eventually they manage to find something where they can pull into the lee of this piece of land where they got out of the heavy blowing wind and were able to pull their boat up on the shore where there weren't any waves, and they spent a waterlogged Sunday on this island. It turned out when they got up in the morning, it was an island in the middle of a beautiful harbor, which we now

know as Plymouth, Massachusetts. The island was named after the seaman Clarke, who said, If ye be men, pull for your lives.

And so they start making rapid discoveries. They find that there's an area of land that's clear where they can plant crops. There's beautiful fresh water coming down from a hillside and a high area that they can fortify to try to protect themselves, defend themselves from whatever problems there might be. Particularly, they were concerned about the Indians that were in those parts. They didn't see any Indians, but they were worried that there might be some because the other Indians over in Eastham had not been too friendly. Of course, there's a reason they hadn't been too friendly. It's because there had been some ships that had come by and stolen some of them and sold them off into slavery. It put the Indians in a bad mood, you might say.

And so you have the Pilgrims now late in the season, in fact, about Christmas Day, starting to build their first shelters in Plymouth. As you can imagine, the trip had been tough. Their supplies were limited. And the people that were getting in and out of the wet boats and trying to work on building shelters there started to get sick. And over a period of the next couple of months, more and more of them died, to the point that in some days as many as four Pilgrims at a time would die. There was a time, a day or two, when everybody was so sick there were only two or three that were able to get up and feed everybody else and sort of show themselves on the palisades of the little fortification they'd made just in case the Indians made some sort of attack.

But they were in rough shape. In the middle of the night sometimes a man would take his dead wife, would drag her out across the frozen ground and bury her under leaves and rocks. And it was very tough. There were children, wives, and adults. By the time that March came around, half of the Pilgrims—almost half the Pilgrims had died.

Now you might ask yourself, these are people that came with a vision. They had a vision that God was calling them to found a new Nation based on new principles, new ideas, ideas that they took from the Bible. And you'd say, Well, where was their God? He blew them off course by the storm and now half of them died. You'd think they might get discouraged. It's easy to be discouraged, as you can imagine, in those conditions. Very few families didn't have someone who died in that first couple of months.

And so the captain of the Mayflower, who had anchored the Mayflower there in Plymouth Harbor for the winter to try to give them some protection, in the spring decided he had lost half his crew, decided he had to sail back to England. And so he prevailed on the Pilgrims. He said, Now, you need to go

back with me to England because this little adventure hasn't worked too well. Half of you are dead; half my crew is dead.

And so you can picture standing on the shore, Plymouth, and the wind is blowing through the pine trees behind you and you're looking across to the harbor. There's the Mayflower and the boatswain is giving the call. Sails are being squared to the wind. The sail is being raised. Men are walking or actually turning a big crank. It wasn't quite a capstan. It was a different type of arrangement to lift the old seaweed-covered line that held the anchor to the bottom of the harbor. And first large, then small, the Mayflower disappears over the horizon and there's just the sound of the wind in the trees. And every one of the Pilgrims stayed there on that beach because they believed that God had called them to a mission, to the beginning of something that was going to be great that He would bless, in spite of the fact that half of them had died.

It wasn't too long after that that they had their first Indian sighting. The lookout said, Indian coming. You mean Indians? No. Indian. They look out and here's this tall brave dressed in a loincloth walking boldly down the street. He looks at them and in perfect English says, Do you have any beer? Quite a reception from their first Indian guest.

It turned out he was an Indian that was a chief of a tribe up in Maine. He liked hitchhiking down the coast. And he could speak English. He'd actually gotten to know English pretty well and developed a taste for smoked duck and for beer and things. Until he had eaten a good supply of the Pilgrim's food, he wouldn't tell them too much. After he had a good meal, he told them about the Indians in the parts. He told them about the fact that the land where they were living had been considered cursed by the Indians because the Patuxets that had lived there had died of a plague. And so God in his providence took the Pilgrims to probably one of the only places on the eastern seaboard where they could stay where there weren't hostile Indians.

It turned out they made a good alliance with Massasoit, who was a good Indian chief and had become a friend of the Pilgrims. Massasoit talked to them about the last of the Patuxets that was living by himself, alone and lonely. And when Tisquantum understood the plight of the English settlers in Plymouth, he decided to join them because he knew something about it. He had been shanghaied, sold into slavery, bought out of slavery by some monks, traveled to England, learned to speak English, and gotten a trip back in a ship to go back to the Patuxets. He got there and the Patuxet tribe was wiped out, I assume by small pox or something. And so he's living by himself.

Now he joins the Pilgrims and helps them and teaches them all kind of useful lessons. He told them that in a

short period of time that the streams would be full of little fish and they could use that to plant corn. He taught them important things like taking your moccasins off and wiggling your toes in the mud so you can catch eels, which they could fry up for food. All sorts of useful things Tisquantum taught them. Of course, we know him as Squanto, friend of the white man.

Squanto lived with them some time and helped the settlers there. They were living under the conditions of the contract that the merchant adventurers had set up. And one of the things that they had set up was it was going to be a socialistic society. Everybody was going to pitch into the common store. They had common land. They're going to grow food on the land. Everybody had to work the field. Everybody had to wash everybody else's laundry. And that wasn't working too well. In fact, Governor Bradford—he was elected Governor soon after Governor Carver had died, probably of cerebral hemorrhage—Governor Bradford said in his diary of Plymouth Plantation, as though men were wiser than God, he said this idea of socialism—he didn't use the word socialism—taking everything in common may have been a good idea to Plato and other ancients as though they were wiser than God.

But he basically pitched out socialism and said every man can have his own field, could grow his own corn, and his diary said that it made hands very industrious. People who would feign to be sick or too weak to work now were out busy in the cornfield growing corn for their family and the women didn't complain about washing other people's clothes.

Anyway, they got rid of socialism. Eventually, after about a year or so, decided to celebrate a day of thanksgiving. And so they invited a couple of Indian chiefs to join them for thanksgiving. The trouble is the Indian chiefs, Massasoit, brought along about 90 braves. So when the Pilgrims saw this massive number of Indians they were going to feed for a meal, they're thinking, Oh my goodness, this isn't going to work very well.

Fortunately, the Indians did some hunting. They brought deer and turkey and a number of other things, berries that they had collected. And they had a wonderful Thanksgiving. The Indians didn't know they had just been invited for one Thanksgiving dinner. They stayed 3 days and enjoyed Thanksgiving over and over again. In the meantime, they had footraces and contests and shooting with bows and arrows and all kinds of other things that they did that was a lot of fun. It was a great couple-day celebration of thanksgiving in Plymouth Plantation.

Thanksgiving became a very popular holiday in the colonies up and down the eastern seaboard. And the first national day of thanksgiving was called by George Washington to celebrate the adoption of the U.S. Constitution. It was later set at a particular time in



November—I think it was the third Thursday in November as I recall—and it has stayed there to this time.

□ 2150

So we have the story now of the Pilgrims. As you celebrate your Thanksgiving this year, it might be helpful to think back and say there is more than Thanksgiving with the Pilgrims. They were a group of people who were willing to change the system, to think of different ideas. They came here and separated civil and church governments. They came here and created the model of a written constitution, the idea that the government is to be the servant of the people, that people have God-given rights and that it is the job of government to protect those rights, as we stated another 150 years later in our Declaration of Independence. They came here with the idea that, after trying socialism, it wasn't going to work. They realized that it was not biblical, that it was a form of theft, so they kicked socialism out. They learned that in the early 1620s.

So we can thank these people because of the fact that they were innovative and had that spirit and desire. Even when half of them died and the Mayflower was going back, they clung to their vision. They had the courage to create a new civilization. In the words of Bradford Prince, as written in his diary, they felt that perhaps they'd lit a candle on a dark shore. They felt that perhaps they could be stepping-stones for people who would come after them to found a great Nation. So the dream that they had of coming here to do something new, unlike what Europe had done, was very much in their hearts. It was very much a part of their thinking as they scratched that existence on that lonely, rock-strewn Massachusetts shoreline. To this day, as we celebrate Thanksgiving, we can remember their first Thanksgiving when they put a few kernels of corn on a plate to remind them of how close to starving to death they had been at one time.

It's a beautiful story. There's a lot more to it, a lot more adventure to it. There were knife fights in cabins. I haven't had time to cover all of that with you, but the basics are there. This is a great bunch of Americans, a wonderful adventure story and a time for us to give consideration to the fact that we also have been given a challenge, a challenge of a beautiful land that was established on a firm foundation. It's our job to keep it that way and to pass it on to our children—a government that is the servant of the people and not the master.

God bless you all. Have a wonderful Thanksgiving.

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

#### OUR POLITICAL HERITAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, the gentleman from Illinois (Mr. KIRK) is recognized for 60 minutes.

Mr. KIRK. Mr. Speaker, 10 years ago, I had the great privilege and honor to deliver my first speech as a Representative of the people of the 10th District of Illinois. As I end my time in the House of Representatives and begin with the honor of serving the great State of Illinois, I want to thank those that I have served with and reflect on my time in this great body.

Our Jefferson's Manual of House Rules traces its heritage back to the Palace of Westminster, in London, England. Early in the 1980s, I worked under a member of the House of Commons during the time of Prime Minister Margaret Thatcher, and in Parliament, great weight is put on a member's maiden speech.

In the speech that I gave in the House of Representatives, a new Member outlines the principles for which he stands, and as I began my service to the people of northern Illinois, I highlighted the political tradition of the men and women who represented us in this House. A look at their accomplishments and service mirrors who we are and the gifts that we can provide to this great Nation.

Our community has a 180-year-long tradition of electing leaders who are very independent and ahead of their times. Ours is a rich tradition, and I can only hope that history will find my contributions to be consistent with the predecessors', whose roots trace back to 1818 when a new State of Illinois stood on the frontier of a growing Nation.

My predecessors were committed to the people of Illinois and to the good of this Union. At the same time, they understood the important role of the United States and of the world as a beacon of freedom, and while they fought for similarities here at home, they also fought for human rights abroad and condemned those who would spread intolerance and hate wherever it occurred.

Within its current boundaries, our congressional district encompasses a diverse community, including northern Cook and eastern Lake Counties, and it stretches from Wilmette, north along Lake Michigan's shore, to Waukegan. To tour our district is to see firsthand both the promise of the American Dream and those who have not yet realized it.

Our residents enjoy both great benefits and serious challenges. We are home to some of the wealthiest communities in the Nation, and yet we also have some of the most economically challenged communities in Illinois. We have pristine wetlands and forests, as well as one of the worst polluted harbors in the Great Lakes, and we have more than 1,000 tons of highly radioactive spent nuclear fuel stored just 120 yards from Lake Michigan. We are also home to the only training center for new recruits in the United States

Navy. Each day, thousands of my constituents commute to Chicago, fighting some of the worst traffic congestion in the Nation each morning into the city and repeating the process every evening.

In serving the people of the 10th District, I have been honored to follow a long list of role models who have represented us in the Congress:

Our first Representative, John McLean, was one of the State's pioneer political leaders. He took his seat in the Old House Chamber on December 3, 1818, serving just 1 year. He was later elected to the United States Senate to fill a vacancy caused by the death of Senator Ninian Edwards in 1824 and served through March of the following year. While our pathfinder's service was very brief in both Chambers of this Congress, he was honored by the State, which named McLean County after him.

It was about this time that the first European family settled on the North Shore in what is now Evanston, residing in a place that was described as "a rude habitation of posts, poles and blankets." More notable, though, was the construction of the first permanent structure on the North Shore, a roadside grocery, serving cold beer and liquor to travelers. This grocery was described as "the headquarters of counterfeits, fugitives from justice and, generally speaking, a vile resort." Ironically, 100 years later, Evanston would become the international headquarters of the Women's Christian Temperance Union, and it is from these Spartan but colorful beginnings that we trace our suburban history.

Numerous shifts in population have brought many changes to the boundary lines of today's 10th Congressional District, and redistricting has changed its landscape no fewer than 10 times in the last 190 years. We face another change soon as Illinois prepares to lose a congressional seat before the next election. By 1902, Lake and northern Cook Counties were part of the 10th District, and the first outlines of the current district were formed as a new phenomenon in American living emerged, the suburbs.

In 1913, the election of a Progressive candidate, Charles M. Thompson, was indicative of the new independent spirit of the 10th District voters and of our willingness to elect whomever will best represent our interests, regardless of incumbency or party affiliation. Independent, thoughtful leadership are common themes among the men and women who represented our 10th District. Our leaders include:

John Stuart, a law partner of President Lincoln's; James Woodworth; Isaac Arnold; Charles Farwell; Lorenzo Brentano; George Foss; Abner Mikva; George Adams, a Civil War veteran who fought in the First Regiment of the Illinois Volunteer Artillery; and Robert McClory, who served for nearly 20 years and was a House manager for the Equal Rights Amendment in 1972.

Yet there are five men and women who represented the 10th District who stand out among this impressive crowd and deserve star treatment. These five heroes fought against slavery, advocated equal pay for women, civil rights initiatives, and served a number of Presidents as they battled human rights abuses abroad while funding biomedical research here at home.

□ 2200

These five exemplify the high standard of leadership demanded by our constituents and expected by our Nation.

Elected in the 33rd Congress as a Whig, Representative Elihu B. Washburne served his final seven terms as a Republican. During his tenure in Congress, he served as chairman of the Committee on Commerce and, in the 40th Congress, as chairman of the Committee on Appropriations. In 1862, President Lincoln personally lobbied to have him elected Speaker, although he eventually fell short.

Representative Washburne's legacy is legendary. He was a strong opponent of slavery and became known as one of the leaders of the Radical Republicans, along with Thaddeus Stevens and Charles Sumner. This group was outspoken in its opposition to slavery that went well beyond calling for simple abolition. They called for complete equality under the law for freed slaves.

The Radical Republicans were critical of the reconstruction policies of both President Lincoln and President Andrew Johnson. Representative Washburne argued that Southern plantations should be subdivided and redistributed among former slaves, and when President Johnson attempted to veto the extension of the Freedman's Bureau, the Civil Rights Act, and the Reconstruction Act, Representative Washburne and his colleagues took action and were successful in their efforts to pass the Reconstruction Act.

The Radical Republicans and Washburne became leaders in the impeachment of President Johnson, and when his close friend Ulysses S. Grant became President, Representative Washburne was appointed as our country's Secretary of State. He resigned just 11 days later, ending what remains the shortest term for any U.S. Secretary of State.

Congressman Washburne left that high office because the President offered him the opportunity to assume the leadership of the American diplomatic mission in Paris. Congressman Washburne served as our ambassador to France through the Franco-Prussian War and there demonstrated true independence and initiative.

Ambassador Washburne offered refuge to diplomats from various German States and other foreigners who were abandoned by their diplomatic missions. In grave danger on the street, those diplomats found safety under the American flag with Ambassador Washburne, and when the German Army surrounded Paris in late 1870,

Washburne remained at his post and was the only foreign diplomat still in residence in Paris during the days of the Commune. These were tough times for besieged Parisians, who were reduced to eating rats.

Washburne honored our Revolutionary War debts to France by continuing his humanitarian service. His international service and his commitment to humanitarian relief presaged our own time when America has become a foundation for freedom and the international system of humanitarian relief missions around the world. Congressman Washburne remained in Paris until 1877, when he returned to Chicago.

Sixty years later, we come to the beginning of a career of another star in our story, Congressman Ralph Church, who won election to Congress in the 74th, 75th and 76th Congresses and again in the 78th Congress through his death in the 80th Congress. Many people living in our community still remember Congressman Church and his wife, Marguerite.

The second luminary in our story is a Representative far ahead of her time, Representative Church's widow, Marguerite Church. Mrs. Church succeeded her late husband in the Congress, and during her first term, Illinois redistricted its congressional seats for the first time since 1901. It placed northern Cook and Lake Counties in what was then called the 13th District.

Mrs. Church brought a commonsense approach to Federal spending. She spoke against what she called extravagant and reckless spending, earning respect from both her colleagues and her constituents. Her seat on the Government Operations Committee gave her an ideal platform to urge restraint in spending, and her assignment on the Committee on Foreign Affairs allowed her to encourage the growth of democracy across the globe.

Many of Mrs. Church's policies proposals were forward-thinking. Early in her career, she advocated equal pay for women and civil rights initiatives. The progress of the early 1960s finds its roots 10 years prior, partially in the service of Marguerite Church. She was the only female Member of the Illinois delegation, and her voting record was impeccable, answering more than 11,000 rollcalls during her tenure in the House, missing only four.

In 1959 as a ranking member of the Foreign Economic Policy Subcommittee, she traveled more than 40,000 miles and visited 17 countries. In 1960, at the invitation of President Eisenhower, she participated in the White House Conference on Children and Youth and, in 1961, served as a member of the U.S. delegation to the United Nations 15th Assembly.

While participating, she jumped far ahead of her time, especially in her outspoken public criticism of South Africa and their policy of apartheid. Mrs. Church then retired in 1962.

The 88th Congress saw the beginning of another legendary career. Donald

Rumsfeld was elected Representative for this district, having previously served on the staff of Congressman David Dennison and Robert Griffin. While in the House, Rumsfeld sat on the Committee on Science and Astronautics and Government Operations. It was during this heyday of President Kennedy's space program, which heralded Lake Forest's own Jim Lovell, who went on to command Apollo 13.

Rumsfeld also had a seat on the Joint Economic Committee in both the 90th and 91st Congresses. His campaigns were indicative of what politics used to be and what they were to become. He accepted only small donations and limited expenditures for his campaign while relying on an army of volunteers to canvass neighborhoods and perform day-to-day tasks which served as the lifeblood, then and today, for any strong congressional campaign.

In 1969, he resigned to accept a place in President Nixon's administration as the head of the Office of Economic Opportunity. Not knowing much about the Office's mission at the time, he turned to his chief of staff, Bruce Ladd, who had an intern friend who had written a college paper on the Office of Economic Opportunity. That intern came to brief Congressman Rumsfeld on the Office's opportunities and walked out with a job. The intern's name was Richard Cheney.

In 1971, President Nixon appointed Rumsfeld as the director of the Cost of Living Council, a position he held until 1973 when he became the United States ambassador to NATO for 2 years.

When President Ford took office in 1974, he recalled Rumsfeld to Washington to coordinate a four-man transition team. His performance earned him appointment as the White House chief of staff, although he personally did not like the title and preferred to be called staff coordinator. He brought Secretary Cheney with him.

In 1975, Rumsfeld was appointed our Secretary of Defense, a position which he held through the end of the Ford administration in 1977. He was awarded the Presidential Medal of Freedom that same year, and during the Reagan administration, Rumsfeld's expertise led him to accept membership on the President's General Advisory Committee on Arms Control, and he became an adviser on government and national security affairs in 1983 and 1984. He was named Special Presidential Envoy to the Middle East in 1984.

Rumsfeld's experience in the private sector as CEO of G.D. Searle & Company and as a senior adviser to William Blair & Company complemented his government service. I'm proud to call him a friend.

Building on the records of Washburne, Church, and Rumsfeld, among others, we touch on other stars of our story. Congressman Robert McClory represented Lake County and serves as a true symbol of independence in service to the Nation. Congressman McClory was a conservative and a

loyal Republican who was a defender of President Nixon until the evidence convinced him otherwise. It was Congressman McClory's votes for two impeachment articles that set the standard for political independence, judgment, and the rule of law in this House.

For us, we now come to the final predecessor of mine in this seat, Congressman John Edward Porter, who won a special election in 1980 to follow Abner Mikva. To briefly touch on Congressman Mikva's service, it was brilliant in many ways and set another standard for independence in this Chamber and on the Federal bench.

□ 2210

Following him, Congressman Porter gained a seat on the Committee on Appropriations in 1980 where he served until his retirement after the 106th Congress.

Following a trip to the Soviet Union in 1983, Congressman Porter founded the Congressional Human Rights Caucus. He witnessed numerous human rights abuses while in the Soviet Union and decided to enlist the support of his colleagues to bring pressure on nations and groups that mistreat the innocent or prisoners of conscience. In his role as cochairman of the Human Rights Caucus, he helped free refuseniks, fought for the rights of North Korean refugees and religious freedom in China, spoke out against the use of child soldiers in Africa, and condemned the brutal regime of Sani Abacha in Nigeria.

The Congressional Human Rights Caucus was the first U.S. Government entity to host the Dalai Lama in Washington. Congressman Porter also sponsored legislation authorizing the creation of Radio Free Asia and then secured appropriations to fund this ground-breaking program, helping move the agenda of freedom in China.

Porter's record of accomplishments in foreign policy is impressive, but his record of constituent service was unmatched. He led efforts to improve the safety of Waukegan Regional Airport by updating the radio and control tower. He brought back the Coast Guard rescue unit to help the people of southern Lake Michigan, the same Coast Guard folks that saved my life as a teenager.

He worked with the U.S. Army Corps of Engineers to control flooding along the north branch of the Chicago River, and his commitment to the environment led him to be a strong supporter of the Clean Air Act and the Clean Water Act. He orchestrated the effort to designate 290 acres of land at Fort Sheridan as open space and was one of only six House Members named as taxpayer superhero by the Grace Commission's Citizens Against Government Waste in 1992. He was named to the Concord Coalition's honor role in '97 and '98 for his commitment to eliminating deficits and balancing the budget.

John Porter was always willing to take chances when he truly believed in

an issue. And 15 years ago, long before it was safe to do so, he proposed reforms to the third rail of American politics, Social Security. His proposal, in fact, can be considered revolutionary because it was one of the first and was remarkably similar to many proposals that followed.

What Congressman Porter may be most remembered for was his improvement of the health care for all Americans. In his role as chairman of the Subcommittee on Labor, Health, and Human Services, and Education on the Committee on Appropriations, Congressman Porter launched the effort to double funding for the National Institutes of Health within 5 years. This additional funding helped researchers develop better and new treatments and helped fund the cracking of the human genome. He also had a commitment to biomedical research and investment in the future that will undoubtedly result in better health care for all people around the world.

John Porter served us all in the highest tradition of public service and commitment to a greater good. Having served as his administrative assistant, I could not have had a stronger role model in public service. I had some very large shoes to fill and can only hope to be remembered by my constituents as someone who fulfilled his tradition.

The record clearly demonstrates northeastern Illinois' political character, strongly independent, generally ahead of our time. Ideas like emancipation, equal pay for women, and an end to apartheid were all part of our representatives' leadership in decades ahead of the body politic. Our opinions do not necessarily adhere to strict party lines; and, therefore, anyone who represents our area must demonstrate independence and break from the party on occasion to make sure that they are adhering to our values. My predecessors did this. And while I'm a firm believer in my party's vision, it's that tradition of independence that I sought to serve in the House of Representatives.

Elihu Washburne, Marguerite Stitt Church, Don Rumsfeld, Robert McClory, John Porter. They are not household names, but their service helped shape the history of our Nation because of their commitment to do what was right and the decision to take action to protect those most in need. It is an example of what I strove to live up to in the service of this House and the people of the 10th Congressional District.

Drawing on this tradition, I focused my service on independence modeled by Congressman McClory, on spending restraint modeled after Mrs. Church, on constituent service and biomedical research in the example of John Porter, on national defense modeled after Don Rumsfeld, and America's role in the world modeled after Elihu B. Washburne. In light of this history, the people of the 10th District demand

their Representative in Congress should be a thoughtful, independent leader at all times. And I believe such independence is a way to represent the people of Illinois, and I take that very seriously.

Early in my service, I had the opportunity to prove that I would follow that tradition for the 10th District. I cosponsored and voted in favor of the Shays-Meehan campaign finance reform law, a bill opposed by most Members of my party. Although my support did not make me popular in leadership circles, I made a promise to my constituents, and I was not going to break it. This was not the time to follow party loyalty because I thought the Nation's interests were in supporting that legislation.

I have consistently cosponsored and supported bipartisan legislation to end hate crimes and employment discrimination, bolster access to women's health services, and ensure equal rights for all Americans. I've also been a staunch supporter of Federal stem cell research. This cutting-edge research has the potential to eliminate pain and suffering for millions of people who are living with cancer, diabetes, Alzheimer's, and more. Such independence is reflected in Congressional Quarterly's analysis, which identified my record, for example, as "the center of the House" in 2009.

My predecessor, John Porter, set our country on a course to double funding for the National Institutes of Health over his first 5 years; and I maintained that commitment to his legacy through 10 years in this House. On my view, it is essential that we continue this promise and ensure that we remain committed to the future advancement of medical technology and research.

I'm also very proud to be one of the only few Republicans who worked actively to craft stem cell legislation and was an original sponsor of H.R. 3, the Stem Cell Research Enhancement Act, which the House passed but unfortunately was vetoed by the President. The future of stem cell research is unknown, but I'm hopeful that we will continue to lead on this issue and ensure that we find a permanent solution and set funding from the Federal Government.

Following the inauguration of President Obama, I worked with my fellow moderates in the Tuesday Group, the House Centrist Caucus, to create a health care reform agenda. As a result of hundreds of meetings and roundtable discussions with providers and doctors and patient groups, we authored the Medical Rights and Reform Act, which guarantees the doctor-patient relationship, allows individuals to buy insurance across State lines, and would end frivolous lawsuits.

Following Congresswoman Church's footsteps, I also took measures to reduce wasteful Federal spending. I bucked my party in leading the charge to deny hundreds of millions of dollars

in Federal funding for the infamous Bridge to Nowhere in Alaska. I was also the first member of the Appropriations Committee to swear off pork-barrel spending in our broken earmark system. I consistently voted to support the taxpayer and ease the burden of Federal taxes on American families.

I voted in a way that reflects a pragmatic problem-solving nature for the people of northeastern Illinois. I tried to make sure that the Federal Government was making daily life easier for suburban families. The most common complaint among families in Chicago suburbs is traffic congestion. Our highway system is outdated and in need of repair, and mass transit can be more readily available if we work policy correctly. To address this, I joined with my colleague to the west, Congresswoman MELISSA BEAN, to create the Suburban Transportation Commission. Our goal was to bring together local leaders with their State and Federal representatives to find solutions to local and regional transportation problems.

I have been a staunch supporter of commuter rail; and I am pleased to say that since we've been in office, Metra has expanded service on its North Central line and is working now to build the Star line, which I hope will provide a commuter rail link between western suburbs. I also introduced the COMMUTER Act to incentivize the use of public transportation among suburbanites who would otherwise be stuck in traffic.

Recognizing the growth of suburban communities, I joined with dozens of my colleagues to devise the Suburban Agenda, a package of legislation designed to address the needs and concerns of suburban families. We focused on keeping kids safe in school, making college more affordable, preserving open space, and improving our health care delivery system. And to keep employment up in the suburbs in the teeth of the Great Recession, I introduced the Small Business Bill of Rights, a bill to protect the number one engine of our economy, small businesses.

□ 2220

From preserving the right to a secret ballot in a union election to eliminating unnecessary paperwork, the Small Business Bill of Rights is a prime example of suburban pragmatism at work.

Suburban families also expect world-class schools, and in the 10th District we are privileged to have some of the best public schools in the country. I think it is fitting that the first bill I introduced in the House was the GRADE-A Act to ensure full funding for Federal impact aid schools. I established an education advisory board to help guide me in formulating education policy, and this board helped draft legislation making technical corrections to the No Child Left Behind Act that I believed would enhance local control of schools and empower teachers.

I worked on many facets of improving our education system, including creating healthier learning environments. I introduced the Green Schools Act to provide matching grants for green school construction projects in our classrooms and the School Conservation Corps Act to support conservation clubs and teach kids about the importance of environmental protection.

As a staunch supporter of alternative energy and transportation, we supported and authored many other bills to provide permanent tax incentives for renewable energy and clean transportation. I also joined with Congressmen Boehlert and PLATTS to help lead the Republican effort to raise the Nation's fuel economy standards.

Following in the tradition of Congressmen Washburne and Porter, we promoted human rights in remote corners of the world through my tenure of this House. I took up the case of a journalist imprisoned in Bangladesh simply on the, quote, crime of promoting interfaith dialogue between Bangladesh and Israel.

Shoaib Choudhury was charged with sedition, a crime punishable by death under Bangladeshi law, and spent 18 months in prison before congressional attention convinced authorities to release him. In 2007, the House passed a resolution I authored calling on the Government of Bangladesh to immediately drop all charges against Shoaib. It carried by a vote of 409-1.

Some of our work also helped secure the release of Dr. Taye Wolde-Semayat, a political prisoner in Ethiopia. We condemned the persecution of Baha'is in Iran and sought to bring peace to Darfur, worked to secure the release of the first Egyptian blogger to be jailed for his online writings, and established the Congressional Commission on Divided Families to reunite Korean Americans with their North Korean relatives.

We fought to protect Iraq's Christian community from increasing violence and led efforts to combat the rise of global anti-Semitism. We fought for women's rights around the world, basic education, health services, and access to family planning.

We stood up for our allies—Poland, Armenia, Greece, Ukraine, and Georgia—and increased oversight of the United Nation's Relief and Works Agency, and demanded accountability in U.S. assistance to the West Bank and Gaza.

We successfully changed policy on proposed arms sales to Saudi Arabia, protecting U.S. forces in the region, and preserving Israel's qualitative military advantage.

We delivered Eyes in the Sky, and the X-Band radar system to defend the State of Israel, and our bipartisan legislation moved forward to prohibit gasoline sales to Iran which is now the law of the land.

In my time representing the people of the 10th District, there is one defining

moment that shaped my work in the Congress and forever changed our country. I started the day on September 11, 2001, in the Pentagon having breakfast with Secretary Rumsfeld. The meeting broke up early when the Secretary was notified that a second plane hit the World Trade Center. Shortly thereafter, we were evacuated from the Capitol complex after the Pentagon was hit. Being forced from our offices that day was a profoundly sad moment.

As a veteran and a Naval Reserve intelligence officer, I knew we were at war and there was much work to be done in the Congress to protect the American people and provide our military with the resources they needed to fight terrorism.

The House began debating legislation to establish a Department of Homeland Security while most congressional offices were closed as a result of an anthrax attack. Working out of temporary space at the General Accounting Office, I authored language providing for effective 911 emergency call capabilities from telephones on passenger aircraft and trains. At the same time, I also began working on improving the effectiveness of the State Department's Rewards for Justice program to help provide investigators with more information that could lead to the capture of wanted terrorists. Remembering how a tip from this program led to the capture of Mir Aimal Kasi, the terrorist who murdered CIA employees outside headquarters on January 25, 1993, I wanted to increase the maximum reward for information that would lead us to terrorists responsible for 9/11.

In the years that followed, we continued to work to make this program more effective, authorizing special payments, expanding the number of informants eligible for rewards, and allowing payments other than cash to be made in certain circumstances.

The war in Afghanistan requires contributions from all elements of the U.S. Government, and sometimes the best support comes from unexpected places. On one trip to Afghanistan, I was pleasantly surprised to find that some of the best intelligence against al Qaeda and the Taliban were coming from agents of the Drug Enforcement Administration. I was also surprised to learn that the DEA was not officially part of the U.S. intelligence community. I returned to Washington and worked with Congressman FRANK WOLF to make sure that the DEA became an official member of the intelligence community again.

I also worked to provide DEA with specialized intelligence aircraft to use in Afghanistan. The intelligence collected from this plane not only helps warfighters on the ground, but the information is also admissible in court, meaning narcoterrorists in Afghanistan could more likely face criminal charges in the United States.

I am very proud of my work in Congress to help our men and women in

uniform fight overseas, and more proud to have served alongside them. In December 2008, I became the first Member of the House to serve in an imminent danger area when I deployed to Kandahar, Afghanistan to serve as a special adviser to General Nicholson for Regional Command South focused on counternarcotics. A year later, I returned to Afghanistan to serve again. Each time, I have become more committed to the men and women serving over there and their mission.

Today, 9 years after the first American boots hit the ground in Afghanistan, the mission remains vital to our security. We must leave Afghanistan only after victory is secured and terrorists no longer find sanctuary in its rugged mountains capable of hurting Americans and the United States.

As a veteran, one of my highest priorities in the Congress is to take care of our men and women in uniform, consistently work to improve the quality of life for active duty servicemen and -women, their families, and retirees.

I am proud to have joined with Congressman DENNIS MOORE to pass the American Veterans Disabled for Life Memorial Coin Act. This memorial will honor the sacrifices made by America's more than 3 million disabled veterans by building a memorial for them here in Washington, D.C., within eyesight of the Capitol. I was also inspired to see this bill passed by an extraordinary young man, Sergeant Bryan Anderson of Rolling Meadows, Illinois. Bryan lost both legs and an arm due to a roadside bomb in Iraq.

Washington has legions of professional advocates who make a living out of convincing people to see issues from their point of view, but none can compare to Bryan. With Bryan, what you see is what you get—a veteran with an inspirational story who wants to see the memorial built, not for himself, not just for disabled veterans, but so that everyone will remember the sacrifice of all of our veterans.

One project in particular follows the arc of my career in this House. In 1999, a Washington-based consultant wrote a study recommending the closure of the North Chicago VA Hospital. The study said that Lake County veterans could get help downtown in Chicago or Maywood, or even the Milwaukee area, with only a 30-minute drive.

□ 2230

The study overlooked the fact that North Chicago VA was recently renovated and housed modern in-patient wards with the latest equipment still in bubble wrap. It also overlooked the fact that the Navy was operating an outdated, oversized hospital no more than a mile away and had plans to invest more than \$100 million to replace it. I thought it made more sense to combine these two institutions, rather than close one and rebuild the other.

Over the last 10 years, we battled the bureaucracy and gradually integrated the services of the Navy and VA. We

started by combining in-patient mental health, leading to a jointly operated operations suite and emergency room, and on October 1st of this year, we officially opened the first truly joint Navy-VA hospital in the country. This new facility will care for more than 100,000 veterans, retirees, sailors, and their families. It is my hope that this model will improve veterans' health care throughout our Nation.

What better way to honor our veterans than by naming the facility after one of our Nation's heroes, 10th District resident and Apollo XIII Commander Captain James A. Lovell, Jr.

In 2007, I wrote to Deputy Secretary of Defense Gordon England and requested that the new facility have the name that reflected the mission of this pioneering hero. In response, the Deputy Secretary wrote, "It is fitting to name the facility after Captain Lovell, not only for the reasons cited in your letter, but also for his role in the history-making Gemini 7 mission, which included the first rendezvous of two manned maneuverable spacecraft. The joint DoD-VA health care facility in North Chicago can be described as the first rendezvous of two separate medical treatment facilities, joining them into one cohesive, comprehensive federal facility. It, too, is a history-making event."

As I leave this House, we face key challenges; challenges of solving increasing gridlock in our communities; challenges on the environmental front of cleaning up nuclear waste and PCBs; challenges of maintaining the tradition of the 10th District in education excellence; challenges like keeping the U.S. health care system on the cutting edge so that each American lives a full and healthy life; and providing tax fairness for married people, ending the death tax, and stopping government waste.

I look forward to continuing our work and confronting these challenges head-on in the Senate. In the meantime, I want to extend my best wishes and heartfelt congratulations to our congressman-elect, Robert Dold, who I know will continue our tradition of thoughtful, independent leadership. Congressman-elect Dold shares my passion for our district, our State, our country, and our democratic allies. I am confident that the 10th District is now in good hands and look forward to working with him to advancing these goals.

Mr. Speaker, I first arrived in this House as a staff member in 1984, 26 years ago. On and off, I served during the speakerships of Tip O'Neill, Jim Wright, Tom Foley, Newt Gingrich, Dennis Hastert, and NANCY PELOSI. This institution is the real arena of American politics. It is here that the raw emotions of the American people are translated nearly instantaneously into draft policies to address our Nation's needs. It is here where democracy is strongest, youngest, and most vibrant.

As an intern, staffer, and Member I have had the honor to serve in the

House of Commons in London, in the House of Representatives here in Washington, and soon in the Senate. But most of my professional life, in one form or another, has been here in the People's House. I have loved every minute of it, and would say to young Americans that one of the best ways to make a real difference in life is to join the roughly 12,000 Americans who have had the unique privilege of serving their district here in the center of the democratic world.

I want to especially thank my district chiefs of staff, Dodie McCracken, Lenore Macdonald, and Eric Elk; my Washington chiefs of staff, Doug O'Brien, Liesl Hickey, and Les Munson; and the man who drafted my first speech in the House, Patrick Magnuson, and the man who drafted my last speech in the House, Patrick Magnuson.

I move on now to the Senate to serve the people of Illinois. I am honored to have the privilege to work for everyone from Rockford to Cairo. But part of my heart will always remain here in the House with the spirits of Washburne, Church, Rumsfeld, Mikva, and Porter, the men and women who represented the northern suburbs here in the House of Representatives.

Mr. Speaker, I yield the floor for the last time, and thank you.

#### 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. GRAYSON) to revise and extend their remarks and include extraneous material:)

Mr. SHERMAN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

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

Mr. THOMPSON of Pennsylvania, for 5 minutes, today and November 18.

Mr. SMITH of New Jersey, for 5 minutes, today.

#### ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Thursday, November 18, 2010, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

10327. A letter from the Administrator, Department of Agriculture, transmitting the

Department's final rule — Hass Avocado Promotion, Research, and Information Order; Section 610 Review [Document Number AMS-FV-10-0007] received October 32, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10328. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Mexican Hass Avocados; Additional Shipping Options [Docket No.: APHIS-2008-0016] (RIN: 0579-AD15) received November 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10329. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Balance of Payments Program Exemption for Commercial Information Technology-Construction Material (DFARS Case 2009-D041) (RIN: 0750-AG60) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

10330. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Treatment by the Federal Deposit Insurance Corporation as Conservator or Receiver of Financial Assets Transferred by an Insured Depository Institution in Connection With a Securitization or Participation After September 30, 2010 (RIN: 3064-AD55) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10331. A letter from the Deputy General Counsel, Office of General Counsel, National Credit Union Administration, transmitting the Administration's final rule — The Low-Income Definition (RIN: 3133-AD75) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

10332. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Microbiology Devices; Reclassification of Herpes Simplex Virus Types 1 and 2 Serological Assays; Confirmation of Effective Date [Docket No.: FDA-2009-N-0344] received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10333. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Volatile Organic Compound Site-Specific State Implementation Plan for Abbott Laboratories [EPA-R05-OAR-2009-0665; FRL-9212-8] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10334. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Albuquerque/Bernalillo County, New Mexico; Interstate Transport of Pollution [EPA-R06-OAR-2007-1119; FRL-9221-4] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10335. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Change of Addresses for Submission of Certain Reports; Technical Correction [FRL-9221-7] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10336. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada; Clark County Department of Air Quality and Environmental Management [EPA-R09-OAR-2010-0814; FRL-9219-5] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10337. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona [EPA-R09-OAR-2010-0718; FRL-9219-7] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10338. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emissions Measurement and Instrumentation; Not-to-Exceed Emission Standards; and Technical Amendments for Off-Highway Engines [EPA-HQ-OAR-2010-0142; FRL-9220-6] (RIN: 2060-A-069) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

10339. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-47, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10340. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-48, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10341. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-51, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10342. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-44, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10343. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-43, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10344. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-45, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10345. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-46, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10346. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-58, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10347. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-52, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10348. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 10-57, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

10349. A letter from the Assistant Secretary of State for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 10-104, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10350. A letter from the Assistant Secretary of State for Political-Military Affairs, Department of State, transmitting Transmittal No. DDTC 10-096, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10351. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-111, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10352. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-102, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10353. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 09-103, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10354. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-100, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10355. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-058, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10356. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-082 (CORRECTED), pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10357. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-076, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10358. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-048, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10359. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-085, pursuant to the reporting requirements of Section 36(c) of the Arms Export

Control Act; to the Committee on Foreign Affairs.

10360. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-091, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10361. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-036, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10362. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-084, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10363. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-081, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10364. A letter from the Assistant Secretary, Principal Deputy Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-099, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10365. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-086 (CORRECTED), Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10366. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-074, Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10367. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 10-093, Certification of proposed issuance of an export license, pursuant to sections 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

10368. A letter from the Associate Director for PP&I, Department of the Treasury, transmitting the Department's final rule — North Korea Sanctions Regulations received November 1, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

10369. A communication from the President of the United States, transmitting a report related to Afghanistan and Pakistan; to the Committee on Foreign Affairs.

10370. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — General Schedule Locality Pay Areas (RIN: 3206-AM25) received November 3, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

10371. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act; Regional Fishery Management Councils; Operations [Docket No.: 080102007-0337-03] (RIN: 0648-AW18) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10372. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; closure [Docket No.: 0912281446-0111-02] (RIN: 0648-XY79) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10373. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Re-Opening of the 2010 Gulf of Mexico Recreational Red Snapper Season [Docket No.: 970730185-7206-02] (RIN: 0648-XY73) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10374. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Emergency Rule to Authorize Re-Opening of the Recreational Red Snapper Season [Docket No.: 100713296-0452-02] (RIN: 0648-BA06) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10375. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No.: 0912281446-0111-02] (RIN: 0648-XY79) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10376. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0910131363-0087-02] (RIN: 0648-XZ27) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10377. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Group-er Fishery of the South Atlantic; Closure of the 2010-2011 Commercial Sector for Black Sea Bass in the South Atlantic [Docket No.: 040205043-4043-01] (RIN: 0648-XY48) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10378. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Group-er Fishery of the South Atlantic; Closure of the July-December 2010 Commercial Sector for Vermilion Snapper in the South Atlantic [Docket No.: 040205043-4043-01] (RIN: 0648-XY47) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10379. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone

Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Correction [Docket No.: 090511911-0307-02] (RIN: 0648-AX89) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10380. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Amendments 20 and 21; Trawl Rationalization Program [Docket No.: 100212086-0354-04] (RIN: 0648-AY68) received October 25, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

10381. A letter from the Assistant Secretary of State, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a "foreign terrorist organization", pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

10382. A letter from the Assistant Secretary of State, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a "foreign terrorist organization", pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

10383. A letter from the Assistant Secretary of State, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a "foreign terrorist organization", pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

10384. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Revolution 3 Triathlon, Lake Erie & Sandusky Bay, Cedar Point, OH [Docket No.: USCG-2010-0791] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10385. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Illinois River, Mile 000.5 to 001.5 [Docket No.: USCG-2010-0786] (RIN: 1625-AA00) received October 28, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Direct Final Rule Staying Numeric Limitation for the Construction and Development Point Source Category [EPA-HQ-OW-2010-0884; FRL-9222-2] received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10387. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Carbon Dioxide Sequestration 2010 Section 45Q Inflation Adjustment Factor [Notice 2010-75] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10388. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tribal economic development bonds — Extension of deadline to issue bonds [Announcement 2010-88] received November 5, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10389. A letter from the Associate Legal Counsel, Equal Employment Opportunity

Commission, transmitting the Commission's final rule — Regulations under the Genetic Information Nondiscrimination Act of 2008 (RIN: 3046-AA84) received November 2, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Oversight and Government Reform and Education and Labor.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. ARCURI: Committee on Rules. House Resolution 1721. Resolution providing for the consideration of the Senate amendment to the bill (H.R. 1722) to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes, and providing for consideration of motions to suspend the rules. (Rept. 111-657). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

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

By Mr. PENCE:

H.R. 6415. A bill to permanently extend the 2001 and 2003 tax relief provisions, and to permanently repeal the estate tax, and to provide permanent AMT relief, and for other purposes; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 6416. A bill to ensure that certain Federal employees cannot hide behind immunity; to the Committee on the Judiciary.

By Mr. LAMBORN:

H.R. 6417. A bill to prohibit Federal funding of certain public radio programming, to provide for the transfer of certain public radio funds to reduce the public debt, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOSWELL (for himself, Mr. CONAWAY, Mr. LOEBSACK, and Mr. LATHAM):

H.R. 6418. A bill to amend the Farm Security and Rural Investment Act of 2002 to extend the suspension of the limitation on the period for which certain borrowers are eligible for guaranteed assistance; to the Committee on Agriculture.

By Mr. MCDERMOTT (for himself, Mr. LEVIN, Mr. KILDEE, Mr. DINGELL, Ms. MATSUI, Mr. GUTIERREZ, Ms. BERKLEY, Ms. PINGREE of Maine, Ms. NORTON, Mr. STARK, Mr. GRIJALVA, Ms. HIRONO, Mr. CONYERS, Ms. LEE of California, Mr. BLUMENAUER, Mr. NADLER of New York, Ms. DELAURO, Mr. ELLISON, Mr. LANGEVIN, and Mr. OLVER):

H.R. 6419. A bill to amend the Supplemental Appropriations Act, 2008 to provide for the further extension of emergency unemployment benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. ADLER of New Jersey (for himself, Mr. BROWN of Georgia, and Mr. SIMPSON):

H.R. 6420. A bill to amend the Fair Credit Reporting Act with respect to the applicability of identity theft guidelines to creditors; to the Committee on Financial Services.

By Mr. FILNER:

H.R. 6421. A bill to eliminate the learned intermediary defense to tort claims based on

product liability, and for other purposes; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 6422. A bill to amend the Railroad Retirement Act of 1974 with respect to current connection; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON of Mississippi (for himself, Ms. CLARKE, and Ms. HARMAN):

H.R. 6423. A bill to enhance homeland security, including domestic preparedness and collective response to terrorism, by amending the Homeland Security Act of 2002 to establish the Cybersecurity Compliance Division and provide authorities to the Department of Homeland Security to enhance the security and resiliency of the Nation's cyber and physical infrastructure against terrorism and other cyber attacks, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, 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. CONYERS:

H. Con. Res. 332. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. ELLISON:

H. Res. 1720. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Twelfth Congress; considered and agreed to.

By Ms. BORDALLO (for herself, Mr. BROWN of South Carolina, Mr. FALCOMA, and Mr. GRIJALVA):

H. Res. 1722. A resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, 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. FATTAH:

H. Res. 1723. A resolution disavowing the partisan impeachment of William Jefferson Clinton; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. LOBIONDO, Mr. PALLONE, Mr. ACKERMAN, Ms. MATSUI, Mr. SPACE, Mr. STUPAK, Mr. HASTINGS of Florida, Ms. TSONGAS, Mr. ORTIZ, Mr. BARROW, Mr. KISSELL, Ms. WOOLSEY, Mrs. DAVIS of California, Mr. REHBERG, Mr. GRIFFITH, Mr. COFFMAN of Colorado, Mr. BARTLETT, Mr. CARNAHAN, Mr. INGLIS, Mr. SHIMKUS, Mrs. BONO MACK, Mr. KRATOVIL, Mr. SMITH of Washington, Mr. BOSWELL, Mr. CHILDERS, Mr. MELANCON, Mr. MARSHALL, Mr. COOPER, Mr. ROTHMAN of New Jersey, Ms. MCCOLLUM, Mr. LARSEN of Washington, Mr. ROSS, Mr. DICKS, Mr. HODES, Mr. CROWLEY, Mr. CHANDLER, Mr. DONNELLY of Indiana, Mr. HILL, Mr. TAYLOR, Mr. ADERHOLT, Mr. MCINTYRE, Mr. LINDER, Mr. PRICE of Georgia, Mr. FILNER, Mr. THORNBERRY, Mr. WELCH, Ms. GIFFORDS, Mr. MOORE of Kansas, Mr. DELAHUNT, Mr. ALTMIRE, Mr. SKELTON, Mr. MICHAUD, Ms. HERSETH SANDLIN, Mr. AL GREEN of Texas, Mr. RYAN of Ohio, Mr. BOYD, Mr. RAHALL, Mr. BACHUS, Mr. MITCHELL, Mr. MCDERMOTT, Mr. PASCRELL, Ms. DEGETTE, Ms. BALDWIN, Mr. PAYNE, Mr. SHERMAN, Mr. BERRY, Mr. HOLT, Mr. HEINRICH, Mr. KANJORSKI, Mr. WU, Ms. SHEA-PORTER, and Ms. DELAURO):

H. Res. 1724. A resolution commending the City of Jacksonville, Arkansas, for its outstanding support in creating a unique and lasting partnership with Little Rock Air Force Base, members of the Armed Forces stationed there and their families, and the Air Force; to the Committee on Armed Services.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 6424) for the relief of Lauli'i Matu'u; which was referred to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

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

H.R. 39: Mr. GARAMENDI.  
 H.R. 235: Mr. FATTAH.  
 H.R. 678: Ms. HERSETH SANDLIN.  
 H.R. 1193: Mr. WALZ.  
 H.R. 1310: Ms. JACKSON LEE of Texas.  
 H.R. 1410: Mr. TOWNS.  
 H.R. 1521: Mr. CRITZ.  
 H.R. 1625: Mr. INSLEE.  
 H.R. 1693: Mr. HINCHEY.  
 H.R. 1751: Mr. JOHNSON of Georgia.  
 H.R. 1884: Ms. BEAN.  
 H.R. 1927: Mr. PAYNE.  
 H.R. 1948: Mr. HOLT.  
 H.R. 2103: Mr. HARE.  
 H.R. 2625: Mr. WALZ, Mr. GRAYSON, and Mr. JOHNSON of Georgia.  
 H.R. 2870: Mr. LYNCH.  
 H.R. 3464: Mr. MILLER of Florida, Mr. WAMP, Mr. HARE, and Mrs. CAPITO.  
 H.R. 3577: Mr. MAFFEL.  
 H.R. 3697: Mr. MARIO DIAZ-BALART of Florida.  
 H.R. 3790: Mr. GRAVES of Georgia.  
 H.R. 4371: Mrs. EMERSON.  
 H.R. 4469: Mr. KLINE of Minnesota, Mr. CARTER, Mr. MCCOTTER, Mr. BONNER, and Ms. GIFFORDS.  
 H.R. 4671: Mrs. CAPITO.  
 H.R. 4722: Mr. FARR and Ms. WASSERMAN SCHULTZ.  
 H.R. 4802: Mr. WELCH.  
 H.R. 4806: Mr. BERMAN.  
 H.R. 4844: Ms. LEE of California.  
 H.R. 4958: Mr. DOYLE.  
 H.R. 5001: Mr. WEINER.  
 H.R. 5058: Mr. BONNER and Mr. SESSIONS.  
 H.R. 5111: Mr. STEARNS.  
 H.R. 5470: Ms. SUTTON.  
 H.R. 5504: Mr. HASTINGS of Florida.  
 H.R. 5510: Mr. KILDEE.  
 H.R. 5527: Mrs. NAPOLITANO.  
 H.R. 5533: Ms. ROYBAL-ALLARD and Mr. BUTTERFIELD.  
 H.R. 5791: Mr. HEINRICH.  
 H.R. 5803: Ms. ZOE LOFGREN of California.  
 H.R. 5859: Mr. RYAN of Ohio.  
 H.R. 5967: Mrs. LOWEY, Ms. HIRONO, and Ms. NORTON.  
 H.R. 6072: Mr. NADLER of New York.  
 H.R. 6113: Mr. CASSIDY.  
 H.R. 6199: Ms. JACKSON LEE of Texas, Ms. KILPATRICK of Michigan, Mr. RANGEL, Mr. CLAY, Ms. LEE of California, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, and Mrs. CHRISTENSEN.  
 H.R. 6238: Ms. MARKEY of Colorado.  
 H.R. 6258: Mr. SABLAN, Ms. LEE of California, Ms. JACKSON LEE of Texas, and Mr. CONYERS.  
 H.R. 6283: Ms. NORTON.  
 H.J. Res. 97: Mr. BARRETT of South Carolina.  
 H. Con. Res. 296: Mr. COHEN.



H. Con. Res. 323: Mr. MORAN of Virginia, Mrs. MCCARTHY of New York, Mr. TIBERI, Mr. ROTHMAN of New Jersey, and Mr. GRAYSON.

H. Con. Res. 327: Ms. JENKINS, and Mr. MARCHANT.

H. Res. 763: Mr. MCCAUL, and Ms. FOXX.

H. Res. 767: Mr. COSTELLO.

H. Res. 840: Mr. WAMP.

H. Res. 1431: Mr. DANIEL E. LUNGREN of California, Mr. CRITZ, Mr. PETRI, and Ms. WOOLSEY.

H. Res. 1444: Mr. McDERMOTT, Mr. GORDON of Tennessee, Mr. STARK, Mr. BISHOP of Georgia, Mr. CONYERS, Mr. CASSIDY, Mr. TANNER, Mr. MCGOVERN, Mr. PAYNE, and Ms. MATSUI.

H. Res. 1476: Mr. WEINER, Mr. MURPHY of Connecticut, and Mr. ENGEL.

H. Res. 1524: Mr. MEEKS of New York.

H. Res. 1531: Mr. SIMPSON, Mr. McCOTTER, Mr. TERRY, Mr. HASTINGS of Florida, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr.

CONAWAY, Mr. KING of Iowa, and Mr. JACKSON of Illinois.

H. Res. 1576: Ms. TSONGAS.

H. Res. 1585: Mr. DJOU, Mr. TURNER, and Mr. PITTS.

H. Res. 1690: Ms. LEE of California, Mr. GUTIERREZ, Mr. KILDEE, Ms. SUTTON, Ms. CHU, Mr. MATHESON, Ms. CASTOR of Florida, Mr. DOYLE, Mr. BRADY of Pennsylvania, Mr. BARROW, Ms. LINDA T. SÁNCHEZ of California,

Mr. MARKEY of Massachusetts, Ms. SCHAKOWSKY, Mr. LIPINSKI, Mr. ROSS, Mr. LOEBSACK, Mr. ELLISON, Mr. FALCOMA, Ms. GIFFORDS, Mr. MURPHY of Connecticut, Mr. SIREN, Ms. RICHARDSON, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Ms. WATSON, Mr. BACA, Ms. MOORE of Wisconsin, Mr. McDERMOTT, Mr. COHEN, Mr. YARMUTH, Mr. PRICE of North Carolina, Mr. BERMAN, Mr. FARR, Mr. TIERNEY, Ms. FUDGE, Mr. CRITZ, Mr. CARSON of Indiana, Mr. BOREN, Mr. COOPER, Mr. POLIS of Colorado, Mr. SABLON, Mrs.

MALONEY, Ms. TSONGAS, Mr. PETERS, Ms. ESHOO, Ms. KOSMAS, Mr. HINOJOSA, Mr. MCNERNEY, Mr. RUSH, Mr. CROWLEY, Mr. WU, Mr. SHERMAN, Mrs. DAVIS of California, Mr. LUJÁN, Mrs. LOWEY, Ms. WASSERMAN SCHULTZ, Mr. HOYER, Mr. BUTTERFIELD, Mr. INSLEE, Mr. EDWARDS of Texas, Mr. MICHAUD, Mr. LARSON of Connecticut, Ms. SLAUGHTER, and Mr. REYES.

H. Res. 1704: Ms. TITUS, Mr. DELAHUNT, Mr. ROTHMAN of New Jersey, Mr. CARNAHAN, Mr. TIERNEY, Mr. HOLT, Mr. ACKERMAN, Mr. NADLER of New York, Mr. VAN HOLLEN, Ms. PINGREE of Maine, Ms. MATSUI, Ms. TSONGAS, Ms. CASTOR of Florida, Mr. SIREN, Mr. FARR, Ms. LEE of California, Mr. CONNOLLY of Virginia, Mr. FALCOMA, Mr. MEEKS of New York, Mr. SHERMAN, Ms. WOOLSEY, Mr. MARKEY of Massachusetts, Mr. NEAL of Massachusetts, Mr. CROWLEY, Mr. JONES, Mr. PAUL, Mrs. EMERSON, and Mr. MANZULLO.



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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 156

WASHINGTON, WEDNESDAY, NOVEMBER 17, 2010

No. 150

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

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

Let us pray.

O God of infinite goodness, confirm Your past mercies to us by empowering us to be faithful to Your commands.

Help our lawmakers this day to use their understanding, affections, health, time, and talents to do what You desire. May they strive to please You with faithful service. Lord, rule their hearts without a rival, guiding their thoughts, words, and works. Take possession of their hearts and order their steps by the power of Your loving providence.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 17, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the cloture motion on the motion to proceed to S. 3815, the Natural Gas and Electric Vehicles Act, be withdrawn and that at 11 a.m. the Senate then resume the motion to proceed to S. 3772 and immediately vote on the motion to invoke cloture on the motion to proceed; further, that the Senate recess from 12:30 to 4 p.m. today and that if cloture is invoked this morning, then postcloture time continue to run during any recess or adjournment of the Senate today.

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

Mr. REID. Mr. President, I have spoken to Senator HATCH and Senator MENENDEZ, who are the main sponsors of this legislation. It is extremely important legislation. We are going to continue to work to get this done. This is a bipartisan bill. There is some dispute as to what the pay-fors should be, but it is something we should be able to work out, and hopefully we can do it before the end of this year. Whether we can do that depends a lot on the schedule, but it is one of the most important things we can do. It is job creating, great for the environment, and great for the security of this Nation.

Following any leader remarks, the Senate will turn to a period of morning business until 11 a.m. this morning, with the time until 11 equally divided and controlled between the two leaders

or their designees. At 11 a.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to S. 3772, the Paycheck Fairness Act. If cloture is not invoked, the Senate will immediately proceed to vote on the motion to invoke cloture on the motion to proceed to S. 510, the FDA Food Safety and Modernization Act. As a result of the order that was just entered, the Senate will recess from 12:30 until 4 p.m. today.

### FOOD SAFETY ACT

Mr. REID. Mr. President, I am not going to give a long speech on food safety. I will say, however, how important it is.

I read a column today where someone kind of minimized the importance of this and why should the Senate be working on this issue. I would invite them to meet a number of people in Nevada who had near-death experiences as a result of eating tainted food. That is what this legislation is all about. It is something we should have done before. It is a real shame that we have not been able to. I hope we can get this done before we leave here this year. I cannot get out of my mind the little girl who was so sick from eating spinach that was tainted. She has been hurt so badly for the rest of her life. She was held back in school. Her body is not what it should be. Her growth has been stunted. So anyone who minimizes the importance of this legislation does not understand how sick these people get and how often they die as a result of food poisonings.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

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



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S7913

will now be a period of morning business until 11 a.m., with the time equally divided and controlled between the two leaders or their designees, with the Senator from Iowa, Mr. HARKIN, controlling 15 minutes; the Senator from Connecticut, Mr. DODD, controlling 15 minutes; and the Senator from Maryland, Ms. MIKULSKI, controlling 5 minutes of the majority's time.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. 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.

#### RUSSIA AND THE NEW START TREATY

Mr. VOINOVICH. Mr. President, I rise today to discuss the challenges America faces in our relationship with Russia and their implications on the Senate's consideration of the new Strategic Arms Reduction Treaty, known as START.

A number of my colleagues on both sides of the aisle have spoken about the treaty's impact on global nuclear non-proliferation. I would like to use my remarks today to highlight my concerns about the treaty in the broader context of: one, the Obama administration's "Reset Policy" towards Russia; and two, the new START treaty's impact on our allies in Eastern Europe and the Baltic states. I believe these concerns must be addressed by the administration before I can determine my support for the treaty.

Over the last decade I have been an ardent champion of NATO and have worked diligently to increase membership in the alliance. I have also been active in improving our public diplomacy in Eastern Europe through our expansion of the Visa Waiver Program at the request of our friends and allies in Central and Eastern Europe. That legislation which the President signed on Visa Waiver was supported by both our State Department and by our Department of Homeland Security.

In my remaining time in the Senate, I will continue to work to strengthen the Visa Waiver Program which has improved our image in the world and strengthened our borders through shared best practices and enhanced intelligence sharing with our partners and allies abroad.

My passion for foreign relations stems in large part from my upbringing as the grandson of Southeast European immigrants. As an undergraduate at Ohio University, my first research paper examined how the United States

sold out Central and Eastern Europe and the former Yugoslavia to the Soviets at the Yalta and Tehran conferences in 1943 and 1945. These states would become the "Captive Nations" suffering under the specter of Soviet domination, brutality, and oppression for nearly 50 years.

As a public official in Ohio, I remained a strong supporter of the Captive Nations. During my tenure as mayor of Cleveland, I joined my brothers and sisters in the Eastern European Diaspora to celebrate the independence days of the Captive Nations at City Hall. We flew their flags, sang their songs, and prayed that one day the people in those countries would know freedom.

We saw the Berlin Wall fall and the Iron Curtain torn in half thanks large in part to the leadership of Pope John Paul II, President Reagan, and President George H.W. Bush. But even with the end of the Cold War, I remain deeply concerned that darker forces in Russia are reemerging as a threat to democracy, human rights, and religious freedom, not just for the Russian people but for the citizens of the newly freed Captive Nations.

This concern in 1998 during my tenure as Governor of Ohio and Chair of the National Governor's Association prompted me to pursue an all-50 State resolution supporting NATO membership for the Czech Republic, Hungary, and Poland.

When I think about the importance of NATO and our commitment to the Captive Nations, I am inspired by President George W. Bush's speech on NATO expansion in Warsaw on June 15, 2001. President Bush stated: "We should not calculate how little we can get away with, but how much we can do to advance the cause of freedom." There was concern at that time because of the debate with Russia that we would back off and not support further expansion of NATO.

I worked diligently from my first day as a member of the Senate in 1999 to extend NATO membership to my brothers and sisters in the former Captive Nations. I knew NATO membership would provide these fledgling democracies safe harbor from the possible threat of new Russian expansionism. But I also knew the process of NATO expansion would enhance much more than security in Europe.

As I noted in a speech on the Senate floor on May 21, 2002, "While NATO is a collective security organization, formed to defend freedom and democracy in Europe, we cannot forget that common values form the foundation of the alliance." In other words, the foundation of the Alliance is based on common values.

Democracy, the rule of law, minority rights, these are among the values that form the hallmark of the NATO alliance.

One of my proudest moments as a Senator was when I joined President Bush, Secretary of State Colin Powell,

Secretary of Defense Rumsfeld, and Chairman of the Joint Chiefs of Staff GEN Richard Myers at the NATO Summit in Prague on November 21, 2002, when NATO Secretary General Lord Robertson officially announced the decision to invite Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to become part of the Alliance. This was truly one of the most thrilling days of my tenure as a Senator.

Later that day, my wife Janet and I were happy to attend a dinner in honor of Czech President Vaclav Havel at the Prague Castle. Following that dinner, at 1:30 a.m. Prague time, I placed a call to Cleveland to talk with my brothers and sisters at home with ties to these NATO aspirant countries. They had gathered in the Lithuanian Hall at Our Lady of Perpetual Help to celebrate that day's historic events, and this was truly a capstone to years of effort.

It is because of my long history and work with the Captive Nations that I continue to worry about the uncertainties of our future relationship with Russia. I have traveled to 19 countries during my 21 trips to the region as a Senator. Presidents, prime ministers, and foreign ministers in Eastern Europe have told me time and time again it is comforting for them to know their relationship with NATO and the United States serves as a vital hedge against the threat of a future potentially expansionist Russia.

Yet now there is much talk from this administration about resetting the U.S. bilateral relationship with Russia. Moscow seeks to regain its global stature and be respected as a peer in the international community. I do not blame them.

President Obama's May 2010 National Security Strategy states: "We seek to build a stable, substantive, multidimensional relationship with Russia, based on mutual interests. The United States has an interest in a strong, peaceful, and prosperous Russia that respects international norms." I agree with the administration. There is nothing inherently wrong with this approach.

There are indeed key areas where the United States and Russia share common cause and concern:

1. Russia is a permanent member of the U.N. Security Council and will continue to be essential towards any effective multilateral pressure on Iran to give up its nuclear program.

2. Russia continues to have leverage on the North Korean regime and has stated a nuclear-free Korean peninsula is in the interest of both our nations.

Russia continues to have leverage on the North Korean regime and has stated a nuclear-free Korean Peninsula is in the interest of both our nations.

- No. 3, we are partners in the International Space Station, relying on the Russians. Until the August 2008 invasion of Georgia, our government and U.S. industry were working hard on a nuclear cooperation agreement with

Russia similar to the one we entered into with India. In fact, I worked on that with Senator LUGAR. I thought that was a good idea. With the world economy as it is today, the worst thing we can do is break off communication and revert back to our Cold War positions. President Obama's trip to Moscow last year and President Medvedev's reciprocal trip to Washington in June were opportunities to further engage Russia and determine where we have a symbiotic relationship and what we can accomplish together for the good of the international community.

However, I believe our reset policy with Russia should not establish a relationship with Moscow at the expense of the former Captive Nations. We simply do not know how our relationship with Russia will transpire during the years to come. Will Russia fully embrace a democratic government, free markets, and the rule of law or will Russia seek to reestablish its influence over the former Soviet Union whose collapse then-President and now-Prime Minister Vladimir Putin described in 2005 as "the greatest geopolitical catastrophe" of the 20th century? This is what Putin had to say about the dissolution of the Soviet Union, a pretty striking comment coming from the former President and now Prime Minister.

This brings us to the topic of the new START treaty, which the Senate may consider in the coming weeks. America's grand strategy toward Russia must be realistic. It must be agile. As I have said, it must take into account the interests of our NATO allies. I am deeply concerned the new START treaty may once again undermine the confidence of our friends and allies in Central and Eastern Europe. Let me be absolutely clear: I do not ideologically oppose the administration's non-proliferation agenda. The President's stated goal of a world without nuclear weapons is noble, but I believe the Senate's consideration of the new START treaty must be considered through a wider lens that includes the treaty's implications for our friends and allies in the former captive nations.

Let's talk about what is going on right now. First, I am concerned about the uncertainties surrounding a Russia that could revert back to a country seeking to expand its influence on the Baltic States and Eastern Europe. President Medvedev's February 2010 National Military Doctrine of the Russian Federation, released 2 months before the conclusion of the new START treaty in April of this year, explicitly labels NATO expansion as a national threat to Russia's existence and reaffirms Russia's right to use nuclear weapons if the country's existence is threatened. I am sure such statements, combined with Russia's 2008 invasion of Georgia, send shivers down the spines of our brothers and sisters in Central and Eastern Europe, even if they don't say so publicly.

The concerns of our captive nation brothers and sisters regarding Russia

are not abstract. They are rooted in blood and tears and in a history of abandonment. My hometown of Cleveland, OH, was once the city with the world's second largest population of Hungarians after Budapest. I remember vividly the stories my Hungarian brothers and sisters told me about the Hungarian revolution of 1956. Encouraged by the implicit promise of intervention from the United States and the United Nations, hundreds of thousands of Hungarians protested against the People's Republic of Hungary in support of economic reform and an end to political oppression. Those protests spread throughout Hungary. The government was overthrown. But Moscow sought to maintain its control over the captive nations, took advantage of America's inaction on the rebellion, invaded Hungary, crushed the revolution and established a new authoritative government. Over 2,500 Hungarians were killed in the conflict, and 200,000 Hungarians fled as refugees to the West. Hungary would suffer under the oppression of the Soviet Union for nearly another half century. Of course, there was a similar episode in Czechoslovakia during the Prague spring of 1968.

The former captive nations have accomplished so much as free market democracies and members of the NATO alliance. Our friends and allies must have absolute confidence negotiations toward the new START treaty did not include side agreements or informal understandings regarding any Russian sphere of influence in those Captive Nations. Moreover, I remain deeply concerned, even in the absence of agreements of understanding, that the former Captive Nations may once again wonder: Will the West abandon us again? Will agreement with Russia once again be placed above the interests and concern of our allies? Will we forget what happened after Yalta and Tehran? We cannot let this happen again.

Second, the former Captive Nations are also closely watching Russia's military activities. Last September—and nobody made a big deal out of it—Russia undertook Operation West, a military exercise involving 13,000 troops simulating an air, sea, and nuclear attack on Poland. Not much said about it. These war games, which took place during the 70th anniversary of Polish independence, were the largest Russian military exercises since the end of the Cold War. If we look at the Russian military's recent activity, one cannot help but understand our allies' concern Moscow may be reverting to the past. I hope President Obama will meet with leaders from the former Captive Nations this weekend during the NATO summit in Lisbon. The President should provide these leaders public reassurance that the United States remains committed to article 5 of the North Atlantic Treaty, which states that an attack on any member of NATO shall be considered to be an attack on all.

One of the best ways to alleviate the anxiety about the Russian military amongst our Captive Nation allies is for this administration to pursue negotiations with Russia toward its compliance with the Treaty on Conventional Armed Forces in Europe, the CFE. The Senate's potential consideration of a new START cannot be disconnected from Russia's prior track record on treaty compliance. Russia decided in 2007 to suspend its compliance with the CFE treaty, a treaty signed by 22 countries that placed balanced limits on the deployment of troops and conventional weapons in Europe. This unilateral decision by Moscow should serve as a reminder to Senate colleagues about Moscow's commitments to its international obligations. Russia's compliance with the CFE treaty is essential to sustained security and stability in Central and Eastern Europe. Again, complying with it would send a very great signal to the people worried about Russia's direction.

Our friends in Central and Eastern Europe are worried about the uncertainty surrounding a Russia that appears at times to be reverting back to an authoritative state seeking to weaponize its oil and natural gas resources as a means to expand its influence on Europe and the West. Russia has the largest reserves of natural gas and the eighth largest oil reserves. Moscow turned off the tap to Europe in the recent past. They could do it again. We should also be concerned about Moscow using its control of oil and natural gas to pit members of NATO against each other. I know when I was at the German Marshall Fund Brussels forum this year and last, I spoke with our friends in the EU and encouraged them that rather than unilaterally negotiating with Russia in terms of natural gas, they should all come together and negotiate as a team so they wouldn't be pit against the other. Unfortunately, most of them ignored that.

Finally, I am deeply troubled that the Obama administration has decoupled Russia's human rights record from America's bilateral relationship with Russia. The United States and Russia are both signatories of the 1975 Helsinki Declaration, which clearly states that:

Participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

In recent years, we have seen anything but a respect for human rights in Russia. Prime Minister Putin stated during a recent interview with the *Kommersant* newspaper that pro-democracy demonstrators in Russia assembling without prior permission "will be hit on the head with batons. That's all there is to it."

The actions of the Russian Government speak louder than words. We have seen protests canceled, newspapers closed, activists detained and abused.

Yet we have seen little effort by this administration to engage in a sustained dialog with Moscow on its human rights record and commitments under the Helsinki Declaration. We did more about human rights violations 20 years ago in Russia than we are doing today. It is like we have tape over our mouth.

As David Kramer of the German Marshall Fund of the United States notes in a Washington Post opinion on September 20:

The human rights situation in Russia is bad and likely to get more worse as [Russia's] March 2012 presidential election nears. Those in power will do anything to stay in power . . . Enough already with U.S. expressions of "regret" about the deteriorating situation inside Russia—it's time to call it like it is: Condemn what's happening there and consider consequences for continued human rights abuses.

I believe the Obama administration's inaction and reluctance to confront Russia on its human rights record sends a dangerous signal to Moscow that there are little or no consequences for bad behavior. At a minimum, such coddling of bad behavior by the West only serves to embolden Moscow as to our resolve to hold Russia to account on its international obligations, a distressing thought as we consider the new START in the Senate.

I have fought all my life to secure freedom for my brothers and sisters in Central and Eastern Europe and the former Yugoslavia. Once they received their freedom, I championed—and continue to champion—their membership in NATO and the EU. I am working with Senator SHAHEEN right now in the former Yugoslavia to see how many of those countries we can get into the European Union and how many we can get into the NATO alliance. I will be darned, at this stage in my life, to do anything that would jeopardize their security and economic prosperity. I have seen too many opportunities for the region slip away during my lifetime. I will not let it happen again.

Political expediency should never be an excuse to rush to judgment on public policy, let alone our national security. Treaties supersede all laws and acts of Congress. The Senate's advice-and-consent duties on treaties are among our most solemn constitutional duties. I cannot, in good conscience, determine my support for this treaty until the administration assures me that our reset policy with Russia is a policy that enhances rather than diminishes the national security of our friends and allies throughout Europe.

Moreover, I must receive the strongest assurances that this policy does not once again amount to the United States leaving our brothers and sisters in the former Captive Nations alone against undue pressures from Russia.

When I finally cash out, I want to know these countries we forgot at the end of the Second World War, where millions of people were sent to the gulag, will never be forgotten again.

I think this President has an obligation to look at this treaty beyond just

the nonproliferation side. He has an obligation to look at it as part of resetting our relationship with Russia, and we ought to get some things cleared up before we go ahead and sign this treaty.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

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

#### TRIBUTE TO BILL BARTLEMAN

Mr. MCCONNELL. Mr. President, I rise to pay tribute to a legendary Kentucky newspaperman who, after 39 years, is retiring, and the Commonwealth will certainly be the poorer for it. I am going to miss my old friend, Bill Bartleman of the Paducah Sun, as his service in the fourth estate ends this month.

Bill's first day at the Paducah Sun was January 7, 1972, when the Murray State University graduate was hired as both a reporter and a photographer. In the four decades since, he has covered Senators and Governors, local lawmakers and the Kentuckians whose names you may not know but who, in his words, "make life happen."

He has interviewed a President of the United States, and he has ridden a hot air balloon over the Ohio River. He has become Kentucky's longest running legislative reporter. He has led quite a life of accomplishment, and I wish him well in the next stage of his career.

I first met Bill when he covered my initial race for the Senate in 1984, and he has covered every one of my races since that time. For my last election campaign in 2008, Bill moderated a debate between me and my opponent that was broadcast on C-SPAN. So the whole Nation had a chance to see Bill hard at work. He was fair, honest, and professional, as always.

After 39 years, it would be easy for some reporters to make the mistake of thinking they are the story—but not Bill. This veteran journalist has words of wisdom for young reporters. This is what Bill had to say:

Remember the responsibility of what you do.

He went on to say:

Bill Bartleman isn't important, but what he covers is important. You need to represent the public and report what happens fairly. You can't send people tainted water, and you can't send tainted news.

Those words are well said. Those of us in public life will always have a close relationship with members of the press. Sometimes it is a bit challenging and sometimes it is frustrating. Sometimes the politician and the reporter do not always see eye to eye. I cannot say Bill Bartleman and I agree on everything. But I can say that Bill Bartleman will always have my respect.

For 39 years, Kentuckians have benefited from his incisive political coverage. As he moves on to a position with Mid-Continent University in Mayfield, KY, I know I speak for many Kentuckians when I say: Thank you, Bill. Thank you, Bill, for your dedicated service. You certainly will be missed.

Bill's own newspaper, the Paducah Sun, recently published an excellent article about his life and career, and I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Paducah Sun, Oct. 24, 2010]  
AFTER 39 YEARS, BARTLEMAN TO RETIRE  
FROM SUN

Kentucky's longest-running legislative reporter plans to retire from The Paducah Sun in November.

Bill Bartleman, 61, will retire from the Sun after 35 years of covering government and politics, and nearly 39 years total working for the newspaper.

"I have thoroughly enjoyed my career as a reporter for The Paducah Sun and have mixed emotions about retiring," Bartleman said.

"The profession has provided me with opportunities to experience things and see things that others don't get to see and feel. Most gratifying are the memories of the people I've met and having the opportunity to work for people who care."

The Pennsylvania native graduated from Murray State University in December 1971. Bartleman served his first day at the Sun on Jan. 7, 1972, after being hired as a dual reporter and photographer with the majority of his duties in photography.

He took over the paper's government and politics beat in 1975 and covered, in person, every session of legislature in Frankfort from 1976-2007 while using the Web, phone interviews and less frequent Frankfort visits for coverage in the past three years.

A frequent commentator for more than 30 years on Kentucky Educational Television's "Comment on Kentucky," Bartleman also served as a panelist for KET political debates for governor, U.S. senator and other offices.

In 2008, he moderated a U.S. Senate candidate debate between Sen. Mitch McConnell and Bruce Lunsford, which was broadcast on C-SPAN, the national cable affairs network.

Bartleman said he will become an administrator at Mid-Continent University in Mayfield on Dec. 1.

"I learned early in my career that The Paducah Sun has had a rich tradition and responsibility of reporting news thoroughly, fairly and accurately," Bartleman said. "It is a tradition handed down by Ed Paxton, Sr. I've always viewed myself as one of his caretakers to help carry on that tradition and responsibility. It is time for me to pass on my caretaker role to someone else and meet a new and exciting challenge."

#### PRIORITIES DURING LAMEDUCK SESSION

Mr. MCCONNELL. Mr. President, both Republicans and Democrats in the Senate held many meetings this week to assess the priorities of our respective conferences.

I am extremely proud of the clarity my Republican colleagues have used to express what our priorities must be and

that we have listened to the American people. Last night, Republicans expressed the need to cut spending, reduce the debt, shrink the size and scope of the Federal Government, and help spur private sector employment—in short, change the way Washington is doing business to get our economy going again.

There is no question that is a sentiment shared by the American people. I would be remiss if I did not also express some dismay with the priorities that are being put forward on the other side of the aisle.

This is a lameduck session, and they have an opportunity to respond to the American people before we convene for the 112th Congress, but there is no reason why we cannot get to work on their behalf beginning today.

Let me share with you what I believe our priorities need to be during the lameduck session: first and foremost, preventing massive tax increases on families and small businesses and stopping the Washington spending spree. It is critical we send a message to job creators that Congress will not raise taxes on January 1.

In September, I offered a bill that would make the current tax rates permanent. In other words, nobody—nobody—in America would get a tax hike at the end of the year. The White House did not like that idea. Their preference was to raise taxes on small businesses. I think it is safe to say the American people clearly preferred our proposal: no tax hikes on anybody, especially in the middle of a recession. We should be creating jobs, not killing them.

It is my hope that starting today Democrats will turn to the priorities that reflect the wishes of the American people. If they choose that route, I know Republicans will be happy to work with them to get those things accomplished. If not, I am confident Republicans will be eager to chart a different course on behalf of the American people.

When we return from the Thanksgiving break, Republican and Democratic leaders will have an opportunity to discuss these priorities with the President in a meeting at the White House. I am looking forward to the meeting and to the opportunity to share with the President again the areas where we agree. I believe we can work together to increase opportunities for job growth here at home through increased trade opportunities abroad. I agree with the President that we should increase our exploration for clean coal technology and nuclear energy, and Americans feel strongly that we need to reduce spending and our national debt.

We can work together on all those items, and the White House meeting is a good opportunity for congressional Democrats to join us in those efforts.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

#### FDA FOOD SAFETY MODERNIZATION ACT

Mr. DURBIN. Mr. President, I know my colleague, Senator HARKIN, will be on the floor momentarily to speak about the Food Safety Modernization Act. I wish to preface my remarks by thanking him personally. TOM HARKIN has been not only a great colleague and friend, he has been such an exceptional leader when it comes to this important issue. It is no surprise for those of us who know TOM HARKIN's congressional and Senate career. He has always been an extraordinary leader.

The Americans with Disabilities Act, which literally has changed the face of America and opened doors for the disabled across our Nation, is not only one of the most dramatic steps forward when it comes to human rights and civil rights in my time, it was led by Senator TOM HARKIN of Iowa and Senator Robert Dole, Republican of Kansas, who then served in the Senate.

So TOM HARKIN has been our conscience and our leader when it comes to issues involving safety, human rights, and expanding the reach of freedom in our Nation to those who otherwise might have been denied.

I will tell you why I am passionate about the food safety issue. It goes back to a note I received as a Congressman. It was almost 16 years ago. It was a note from a woman who did not live in my congressional district. She was from Chicago and I was 200 miles away. Her name was Nancy Donley, and she told the story of her 5- or 6-year-old son Alex. She brought some hamburger home from the local grocery store to fix it for her son. She made his dinner. He ate it, and then he got sick, terribly sick. In a matter of a few hours, he was at the hospital, and in a matter of a few days he had passed away.

He was a victim of E. coli. Trust me, his mom would never have done anything to harm him, and she thought she was doing the right thing to cook his meal and bring it to him at the dinner table. Unfortunately, that family decision, which is made millions of times across America every single day, was a fatal decision.

Nancy Donley—heart broken, her life shattered by the loss of that little boy she loved so much—could have shrunk away in despair and anger over what had happened but did not. She made it her passion and her crusade to gather others like her in behalf of the cause of food safety. She started an organization called Safe Tables Our Priority—or STOP—and started lobbying Members of Congress, even a Congressman 200 miles away, to do what they could to make our laws stronger and better across America.

I have kept in touch with Nancy. It has been over 16 years. We are close friends now. I have to tell you that in my pantheon of heroes, Nancy Donley is right up there for what she has done with her life. If we are fortunate enough today and successful in passing this bill—at least moving it forward

procedurally—I wish to say I am doing that in her name and in the memory of her son Alex and the thousands, tens of thousands, maybe even more, across America who are victims of contaminated food.

For some people, it is just a simple case of indigestion or diarrhea that goes away after a few days. It may be mistaken for the flu. For others, it gets more serious. The number of Americans who die or become severely ill due to preventable foodborne illness is unacceptably high, and it has been that way for a long time.

Every year, 76 million Americans suffer from preventable foodborne illness. Mr. President, 325,000 of our family members, friends, and neighbors are hospitalized each year because of food contamination and 5,000 die—100 a week. That means that every 5 minutes 3 people are rushed to the hospital because the food they ate made them sick, and at the end of the day 13 will die.

Throughout the debate on this bill, I have shared the heartbreaking stories of victims such as Alex Donley and his family. Some of these victims who were courageous enough to share their stories will suffer chronic symptoms that do not go away for a long time, if ever. The victims who have died would have wished they were lucky enough to be alive, even with these long-term illnesses.

Today, as we vote to move to this bill, I will be thinking about how much it means to so many of us. I talked about Nancy Donley and her son Alex. They are not the only ones. There are people all across America who understand, when they go shopping at the food store and buy groceries or buy produce, there is a sort of built-in assumption it is safe. Would our government let things be put on the shelves in a store that have not been inspected, that are not safe?

Most people assume that if the government is doing its job like it is supposed to, they should not have to worry about those things. Well, to a great extent, they are right. We have extraordinary resources in the Federal Government dedicated toward food safety. But the simple fact is, there are wide gaps when it comes to food safety in America, and those gaps need to be closed by this bill.

The vast majority of Americans understand this. According to a recent poll commissioned by Pew, 89 percent of Americans want us to modernize our food safety system. Thanks to the leadership of Senator HARKIN and Senator ENZI, our Republican colleague, our food safety bill passed the Health, Education and Labor Committee unanimously more than a year ago.

This bill has substantial bipartisan support. Twenty Republican and Democratic Senators are already committed to it. It is supported by a broad group of consumer protection interests, including those at the Grocery Manufacturers Association and those at the

Food Marketing Institute and other places that actually market the products and are willing to accept the new legal burdens of this bill in order to give their customers peace of mind in terms of what they are going to buy and consume.

The FDA Food Safety Modernization Act will provide the FDA with the authority it needs to prevent, detect, and respond to food safety problems.

The bill will increase the frequency of inspection at all foreign and domestic food facilities according to the risk they present.

One of the issues we have to be aware of is that a global economy means food is moving across borders more frequently. It is rare that we have the resources in place in some foreign country to make sure what is in that can or in that package is safely prepared. This bill moves us toward this goal. We pick the things that are the most dangerous when it comes to food imports and say they will be the highest priority; we will start the inspection now on food imports coming into the United States. The FDA doesn't currently have the resources or statutory mandate to inspect more frequently, and what they do inspect in terms of imports is very limited. We expand that to the most high-risk, dangerous food products that might come in.

Most facilities are inspected by the Food and Drug Administration, though only once every 10 years. Think about it. The U.S. Department of Agriculture is in place every single day at meat and poultry and production facilities with the inspectors in place to do the job. When it comes to the FDA, an agency with such a broad responsibility—in fact, much broader: 1 inspection every 10 years—if it is your son or daughter, your baby, someone you love, is that enough? I don't think it is. This bill significantly increases the frequency of inspections at all domestic and foreign food production facilities according to the risks they present. The bill gives the Food and Drug Administration long overdue authority to conduct mandatory recalls of contaminated food.

It is hard to believe today, but if we know something is contaminated and has been sent out to the grocery shelves across America, our government has no legal authority to say: Bring it in. The best we can do is advertise the fact that it is dangerous and hope that the manufacturer, the distributor, and the ultimate retailer will get the message and move on it and do the right thing. It is voluntary. It is not mandatory, even if we know that something is dangerous. This bill gives that authority to the Food and Drug Administration. That means that if a company refuses to recall contaminated food, the most expedient action the FDA can take is to issue a press release right away, and we have to get beyond that. We have to give them authority. Many companies do cooperate with the FDA, and I salute them. It is

not only the sensible thing to do; it certainly maintains the representation of them as food producers.

Some, such as the Peanut Corporation of America, which distributed thousands of pounds of peanuts and peanut paste contaminated with salmonella, didn't fully or quickly recall food that made people sick. The Food Safety Modernization Act is going to change that by ensuring the FDA can compel a company to recall food that can cause serious adverse health consequences or death.

Experts agree that individual businesses are in the best position to identify and prevent food safety hazards at their own facilities. The people who run a facility know where the vulnerabilities are on the assembly line and they know which hazards their foods are most susceptible to. That is why our bill requires each business to identify the food safety hazards at each of its locations and then implement a plan that addresses those hazards and keeps the food safe and free of contamination. The bill gives the FDA the authority to review and evaluate these food safety hazard prevention plans and hold companies accountable.

I see the chairman of the committee on the floor and I will end in a moment.

Finally, our bill gives the FDA the authority to prevent contaminated food from other countries from entering the United States. If a foreign facility refuses U.S. food safety inspection, the FDA has the authority to deny entry to their imports. Think about that. This is now going to be put into the law that if you are producing food overseas and you will not allow us to inspect your facility, we can stop exports to the United States. Is there any Member of the Senate, any family, who doesn't think that is a good idea? That is what this bill is all about.

I wish to thank Senator HARKIN for his extraordinary leadership on this bill. I can't tell my colleagues how many times we have come together, Democrats and Republicans, trying to work out differences. We are very close. I think there is one item of disagreement going into it. That is pretty good for Senate work—only one item of disagreement.

I say to my friends: Bring this bill to the floor. Let's vote on that particular item—Senator TESTER's concern—up or down. Let's do it. But let's not go another day without providing the protection families across America expect and deserve when they buy food. Let's do this on behalf of Nancy Donley and moms and dads all across America who ran the risk and, in her case, went through the bitter experience of losing her little 6-year-old boy Alex because of contaminated food. This is something that should be totally non-partisan.

I urge my colleagues: Let's give a strong vote today to move forward on this important bill and help ensure that the food on America's tables is safe.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I intend to defer to Senator HARKIN for I understand 15 minutes. I wish to offer a brief unanimous-consent request that following Senator HARKIN's speech for up to 15 minutes I be recognized for 5 minutes, and that any remaining time on our side be reserved for Senator ENZI, the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the Senator from Texas for yielding.

I wish to thank Senator DURBIN for all the work he has done on food safety for so many years. He has been a leader. He has prompted us and prodded us to get to this point, and we have a good bipartisan bill. I wish to take a few moments to talk about it before the vote that will be coming up in the next hour.

The aim of the Food Safety Modernization Act, as it is called, is very simply to bring our Nation's antiquated and increasingly inadequate inspection service into the 21st century. This bill takes a comprehensive approach to reforming the current system. I am pleased to report that this bill is a product of strong bipartisan collaboration on the Health, Education, Labor and Pensions Committee. Again, I wish to particularly thank Senator DURBIN and Senator GREGG who have worked together over many years to produce this excellent bill. I also wish to thank our ranking member, Senator ENZI, for his leadership in helping to bring this bill to the floor, as well as to my good friend Senator DODD who has been working on this bill also from the beginning and adding his expertise, especially on food allergies. I also thank Senator BURR, who has been personally involved in this entire process.

Senators often speak about the importance of addressing kitchen table issues here in the Senate—the practical, everyday concerns of working Americans and their families. Well, food safety is a kitchen table issue and it couldn't be more urgent or overdue. It is shocking to think that the last comprehensive overhaul of our food safety system was in 1938, more than seven decades ago. Think about how our food system has changed in those 70 years. On the whole, Americans enjoy safe and wholesome food. We know that. But the problem is that “on the whole” is not good enough any longer.

As my colleagues can see from our first chart, they will see that recent foodborne illnesses have been wide in scope and have had a devastating impact on public health. When people get

sick from eating bagged spinach, we have a problem. When kids take their peanut butter sandwiches to school and they get sick from it and go to the hospital, we have a problem. We had 90 deaths and 690 reported cases in 46 States. We have found salmonella in tomatoes, in peppers, and even in cookie dough. When families eat cookie dough and they are getting *E. coli*, we have a problem. Recently, of course, we had the salmonella outbreak in eggs. So it is widespread. It is not just in bagged spinach or eggs, it is in peanut butter, cantaloupes, tomatoes. It is widespread. So we know we have a real problem.

The Centers for Disease Control and Prevention estimate that foodborne illnesses cause an estimated 76 million illnesses a year; 325 Americans every year are hospitalized because of foodborne illnesses; and 5,000 Americans die every year due to a foodborne illness. These are not my figures. These figures are from the Centers for Disease Control and Prevention. According to a Georgetown University study, the cost to our society is about \$152 billion a year in medical expenses, lost productivity, and disability. So the numbers are staggering, not only the number of people who get sick, but the number of people who die and the cost to our society.

I checked in my own State of Iowa, and the cost alone in Iowa—we have over 800,000 cases every year. Each Iowan has to spend about \$1,800 in annual health-related expenses, and about \$1.5 billion in total related costs. My colleagues can look at their States and see the impact. So these are intolerable, but somehow we tolerate them. No longer can we do that. Our current regulatory system is broken. It does not adequately protect Americans from serious widespread foodborne illnesses.

Our meals have grown more complex with more varied ingredients and more diverse methods of preparation and shipping. By the time raw agricultural products find a way to our dinner plates, multiple intermediate steps and processes have taken place. Food ingredients travel thousands of miles or, as Senator DURBIN said, from other countries to factories here and then to our tables. They are intermingled and mixed along the way. Yet, despite all of these changes, our food safety laws have not changed in 70 years.

What we need to do for starters is improve processes to prevent the contamination of foods and methods to provide safe foods to consumers. To achieve this, more testing and better methods of tracking food can be utilized and verified that the processes are working.

Here are some interesting figures. Thirty years ago, we had 70,000 food processors in this country. The FDA made 35,000 visits a year. So we had 70,000 food processors and we made 35,000 visits a year. Today, a full decade into the 21st century, we have 150,000 food processors—over twice as many—

but today FDA inspectors make 6,700 visits each year, one-fifth as many as they did 30 years ago, with twice as many plants. So is it any surprise we are getting more and more foodborne illnesses throughout this country? Referencing what Senator DURBIN said earlier, more and more of our food is coming from other countries. All we are saying in our bill is you have to adopt the same kind of food safety processes and prevention methods that we have in this country to be able to ship your food in. I don't think that is unreasonable, to say that their processes and their safety procedures have to be at least the same as ours or as adequate as ours.

As this chart shows, our bill overhauls our food safety system in four critical ways. First is prevention. We have had some success in our Agriculture Committee in the past on what is called a program of finding out where are the points where contamination can come in and then address those points in a preventive manner. Well, we are now kind of extending that beyond meat and poultry to all food to get the prevention in place. We improve the detection and response to foodborne illness outbreaks with better detection services and better response times. We have a mandatory recall in here that the Department has never had, ever. We enhance the U.S. food defense capabilities, and we increase the FDA resources in order to take care of this.

This bill today will dramatically increase FDA inspections at all food facilities. It will give FDA the following new authorities: It will require all food facilities to have, as I said, preventive plans in place, and the FDA can have access to those plans. So they have to have preventive plans that the FDA gets access to. We have better access to records in case of a food emergency to try to find out what happened. It requires, as Senator DURBIN said, importers to verify the safety of imported food. It strengthens our surveillance systems. It requires the Secretary of the Department of Health and Human Services to establish a pilot project to test and evaluate new methods for rapidly tracking foods in the event of a foodborne illness outbreak. As I said, it gives the FDA the authority to order a mandatory recall of food. A lot of people don't know this: If there is an outbreak of illness because of foodborne diseases, pathogens, FDA does not have the authority to recall that food.

You might say that the companies do that. Well, they do. Most of them see it in their best economic interest to do that. But you might have fly-by-night operators out there that will take the money and run. You might have some foreign-based companies—and I don't mean to pick on them—that are offshore and they may have some food in this country that has caused foodborne illnesses, and they may not want to recall it. We cannot go after them. The FDA doesn't have the authority to re-

call that food. This bill would give them that authority.

This is a bipartisan bill, strongly supported by consumer groups and industry. I have letters from the Grocery Manufacturers Association, U.S. Chamber of Commerce, National Restaurant Association, Pew Charitable Trusts, Consumers Union, Center for Science in the Public Interest, and Trust for America's Health, to name a few. I think it is a rarity when I can say both the Chamber of Commerce and the Center for Science in the Public Interest are on the same page. That is true here.

I have several letters, and I ask unanimous consent that they be printed in the RECORD.

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

SEPTEMBER 8, 2010.

Senator RICHARD DURBIN,  
U.S. Senate,  
Washington, DC.  
Senator JUDD GREGG,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS DURBIN AND GREGG: Trust for America's Health (TFAH), a nonprofit, nonpartisan public health advocacy organization, would like to express our strong support for immediate Senate passage of the FDA Food Safety Modernization Act (S. 510). Although every American depends on the safety of the food they serve to their families, the Food and Drug Administration (FDA) lacks the tools to ensure that safety. S. 510 would finally help bring the FDA into the 21st century.

Approximately 76 million Americans—one in four—are sickened by foodborne disease each year. Of these, an estimated 325,000 are hospitalized and 5,000 die. A recent study by Ohio State University found that foodborne illnesses cost the U.S. economy an estimated \$152 billion annually. With multiple severe food outbreaks in recent years, it is urgent that the Senate take this step to keep Americans safe.

The FDA Food Safety Modernization Act would place more emphasis on prevention of foodborne illness and give the FDA new authorities to address food safety problems. Under this legislation, food processors would be required to identify potential hazards in their production processes and implement preventive programs to eliminate those hazards. Additionally, the bill would require FDA to inspect all food facilities more frequently and give FDA mandatory recall authority of contaminated food. S. 510 is a bipartisan bill, with widespread support from industry, consumer groups, and public health organizations. The bill passed the Senate HELP Committee with a unanimous voice vote, and food safety legislation passed the House last year with overwhelming bipartisan support.

We thank you for your strong leadership on this legislation. If you have any questions, please do not hesitate to contact TFAH's Government Relations Manager.

Sincerely,

JEFFREY LEVI, PH.D.,  
Executive Director.



SEPTEMBER 8, 2010.

Hon. DICK DURBIN,  
U.S. Senate,  
Washington, DC.  
Hon. JUDD GREGG,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DURBIN AND SENATOR GREGG: Consumer Federation of America strongly supports passage of the FDA Food Safety Modernization Act (S. 510). CFA is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy and education.

Foodborne illness strikes tens of millions of Americans each year, sends hundreds of thousands to the hospital, and kills approximately 5,000 of us. The diseases are more than “just a bellyache.” Many victims suffer long-term chronic health problems including reactive arthritis, kidney failure and Guillain-Barré syndrome. Children under the age of 5 are the most frequent victims of foodborne illness. People over age 60 are most likely to die after contracting a food-related illness. The economic costs are enormous. A recent study estimated the annual cost of all foodborne illnesses to be \$152 billion.

The suffering and heartbreak and deaths are pointless. Foodborne diseases are almost entirely preventable. They continue to rage because our nation’s primary food safety agency, the U.S. Food and Drug Administration, operates under the constraints of a 70-year-old law that is largely extraneous to current threats to food safety. The Food, Drug, and Cosmetic Act does not give the FDA a specific statutory mandate, appropriate program tools, adequate enforcement authority or sufficient resources to stop foodborne disease before it strikes us and our loved ones.

S. 510 changes the paradigm for fighting foodborne illness, directing the FDA to prevent foodborne illness rather than just reacting to reports of illnesses and deaths. It requires food companies to establish processing controls to avoid food contamination, gives the FDA authority to set food safety standards, and requires the Agency to inspect food processing plants regularly to assure controls are working as intended.

On behalf of CFA’s millions of members, we thank you for your strong leadership in developing S. 510 and your determination to ensure its passage. We look forward to continuing to work with you to get a final bill to the President as soon as possible.

Sincerely,

CAROL L. TUCKER-FOREMAN,  
*Distinguished Fellow, Food Policy Institute.*  
CHRIS WALDROP,  
*Director, Food Policy Institute.*

THE PEW CHARITABLE TRUSTS,  
*Washington, DC, September 14, 2010.*

Hon. RICHARD DURBIN,  
U.S. Senate,  
Washington, DC.  
Hon. JUDD GREGG,  
U.S. Senate,  
Washington, DC.

DEAR SENATORS DURBIN AND GREGG: The Pew Charitable Trusts urges the Senate to vote at the soonest possible date on S. 510, the FDA Food Safety Modernization Act of 2009, and encourages you to continue the important support and leadership you each have provided for this crucial legislation over the past year. The HELP Committee unanimously approved a strong, bipartisan bill in November, and a manager’s package of amendments was released in mid-August. With the limited time left for legislative action this year, a vote by the full Senate on S. 510 is necessary as soon as possible to en-

sure that a final bill arrives on the President’s desk for enactment before this Congress adjourns.

This country has experienced a seemingly endless number of foodborne-illness outbreaks and recalls of contaminated products, demonstrating the clear need for this legislation. S. 510 fundamentally shifts the government’s approach in this area to preventing food-safety problems, rather than just reacting to them. The bill requires food companies to develop food-safety plans that identify possible sources of contamination and implement measures to minimize them. This legislation also provides the U.S. Food and Drug Administration (FDA) with much-needed enforcement tools, such as mandatory recall authority and better inspection.

Enactment of FDA food-safety legislation could significantly reduce the burden of foodborne illness in the United States, both for families and businesses. A Pew-funded study estimates the annual health-related costs of foodborne illness at \$152 billion. For this reason, a wide range of stakeholders—consumer advocates, public health organizations, and major industry groups—support this bill. We thank you for your leadership on S. 510 and ask you to continue your efforts to secure its passage.

Sincerely,

SHELLEY A. HEARNE,  
*Managing Director, Pew Health Group.*

CONSUMERS UNION,  
*Yonkers, NY, September 10, 2010.*

Hon. RICHARD J. DURBIN,  
*Hart Senate Office Building,*  
*Washington, DC.*

Hon. JUDD GREGG,  
*Russell Senate Office Building,*  
*Washington, DC.*

DEAR SENATOR DURBIN AND SENATOR GREGG: Consumers Union, the non-profit publisher of Consumer Reports magazine, writes in support of S. 510, the bipartisan FDA Food Safety Modernization Act. This legislation will finally bring our outdated food safety laws into the 21st century, and will help protect consumers from deadly recalls like last month’s recall of half a billion eggs for Salmonella contamination. Consumers expect that the food they eat and serve to their families will not make them sick, or worse. We applaud your leadership on this vital consumer protection legislation, and hope that S. 510 comes to the floor of the Senate for a vote in September.

S. 510 will protect consumers by:

Requiring the Food and Drug Administration (FDA) to inspect food processing plants on a regular basis;

Giving FDA the power to order recalls of contaminated food; right now, the agency can only request that the food be recalled and hope that companies respond in the public interest;

Requiring food producers to identify where food can become unsafe, and requiring them to take steps to prevent contamination by Salmonella, E. coli, Listeria, and other pathogens;

Improving methods of tracing contaminated food back to its source, so that consumers can act in a timely and knowledgeable fashion to protect their families from unsafe food; and

Requiring imported food to meet the same safety standards as food produced in the U.S.

S. 510 also takes steps to address the concerns raised by small food producers that they be regulated in a scale-appropriate manner.

We also urge you to support Senator Feinstein’s proposed amendment to ban Bisphenol-A (BPA), an endocrine disruptor, from baby bottles, sippy cups, baby food, and infant formula. BPA has been linked to a

wide range of health problems. Numerous studies have shown BPA effects on the brain, prostate, hormonal and reproductive systems, and it has been linked to an increased risk of insulin resistance and even cancer.

The health impact is even more pronounced on babies and children. Seven states and several cities have already taken action to ban BPA from food and beverage containers used by children and babies, as have three nations, including Canada. In addition, packaging and containers already exist on the market today without this chemical. We urge you to support the Feinstein amendment, and to provide all American children with BPA-free food and drink.

Again, we thank you for your strong leadership on this vital public health legislation. We look forward to working with you to send a final bill to the President’s desk for signature this fall.

Sincerely,

JEAN HALLORAN,  
*Director, Food Policy Initiatives.*  
AMI V. GADHIA,  
*Policy Counsel.*

SEPTEMBER 15, 2010.

SENATOR HARRY REID,  
*Office of the Senate Majority Leader, Capitol Building, Washington, DC.*

SENATOR MITCH MCCONNELL,  
*Office of the Senate Minority Leader, Capitol Building, Washington DC.*

DEAR MAJORITY LEADER REID & MINORITY LEADER MCCONNELL: Our organizations are writing to urge you to schedule a vote on S. 510, the FDA Food Safety Modernization Act of 2009, at the soonest possible date. The HELP Committee approved a strong, bipartisan bill in November, and we believe that a vote would keep the momentum going for enactment of landmark food-safety legislation.

Strong food-safety legislation will reduce the risk of contamination and thereby better protect public health and safety, raise the bar for the food industry, and deter bad actors. S. 510 will provide the U.S. Food and Drug Administration (FDA) with the resources and authorities the agency needs to help make prevention the focus of our food safety strategies. Among other things, this legislation requires food companies to develop a food safety plan; it improves the safety of imported food and food ingredients; and it adopts a risk-based approach to inspection.

Our organizations—representing the food industry, consumers, and the public-health community—urge you to bring S. 510 to the floor, and we will continue to work with Congress for the enactment of food safety legislation that better protects consumers, restores their confidence in the safety of the food they eat, and addresses the challenges posed by our global food supply.

Sincerely,

American Beverage Association, American Frozen Food Institute, Center for Foodborne Illness Research & Education, Center for Science in the Public Interest, Consumer Federation of America, Consumers Union, Food Marketing Institute, Grocery Manufacturers Association, International Bottled Water Association, International Dairy Foods Association, National Association of Manufacturers, National Association of Manufacturers, National Coffee Association of U.S.A., Inc., National Confectioners Association, National Consumers League, National Restaurant Association, The PEW Charitable Trusts, Trust for America’s Health, Snack Food Association, S.T.O.P. Safe Tables Our Priority, U.S. Chamber of Commerce, U.S. Public Interest Research Group.

DEPARTMENT OF HEALTH AND  
HUMAN SERVICES,

Washington, DC, September 10, 2010.

DEAR MEMBER OF CONGRESS, The events of the past two weeks have illustrated a pattern that is all too familiar. Local health officials around the country begin to see an uptick in illnesses from a particular source. As they notify the Centers for Disease Control and Prevention, epidemiologists begin to see a pattern in the illness and outbreak reports, identify a food as the likely cause, and notify the Food and Drug Administration (FDA). FDA, state health and local officials then deploy investigators across the country, furiously searching for the source of the illness, knowing that every day more people are getting sick, some seriously. In the meantime, the public must be warned to avoid the food of concern, creating anxiety for consumers and economic losses for farmers, food processors and retailers.

This time we're seeing this pattern play out with *Salmonella* Enteritidis in eggs, with illnesses in 22 states and more than half a billion eggs being recalled. But in recent years it has been spinach, salsa, peanut butter, bean sprouts, cookie dough, green onions—the list goes on and on, covering many of our most common foods. Many people are left wondering: heading into the second decade of the 21st century, why can't we prevent and react more effectively to the threat from foodborne illness?

Sadly, the answer is simple. As President Obama said during last year's peanut butter outbreak, caused by a different form of *Salmonella*, we have a food safety regulatory system designed early in the 20th century, one that must be overhauled, modernized and strengthened for today.

Under the current system, FDA is often forced to chase food contaminations after they have occurred, rather than protecting the public from them in the first place. Difficulties in tracking the movement of food from its origin to its eventual sale to the public (often far across the country) can frustrate efforts to identify contaminated food. The biggest surprise to most people: FDA cannot order a recall of contaminated food once it is found in the marketplace. Although government has a crucial role in ensuring the safety of our food supply, strong regulation has been missing. An overhaul of our antiquated food safety system is long overdue.

Proposed food safety legislation would give FDA better ways to more quickly trace back contaminated products to the source, the ability to check firms' safety records before problems occur, clear authority to require firms to identify and resolve food safety hazards, and resources to find additional inspections and other oversight activities. Pending legislation would also give the agency mandatory recall authority, and other strong enforcement tools, like new civil penalties and increased criminal penalties for companies that fail to comply with safety requirements. In a world where more and more food is imported, the legislation also would strengthen FDA's ability to ensure the safety of imported food.

The good news is that a bipartisan majority in the House of Representatives passed major food safety legislation last year that would move the United States from a reactive food safety system to one focused on preventing illness. Likewise in the Senate, a bipartisan coalition has developed a strong food safety bill that is ready for the Senate floor. This legislation has the support of a remarkably broad coalition of public health, consumer and food industry groups. We commend both chambers for their hard work.

Now it's time to finish the job. We encourage Senators to support a critical and com-

monsense piece of public health legislation. And, we urge the House and Senate to quickly deliver a modern food safety bill to the President's desk. It's time to break the pattern of foodborne illnesses and economic loss. It's time to give FDA the modern tools and resources it needs to meet the challenges of the 21st century.

KATHLEEN SEBELIUS,  
*Secretary, Department of Health and Human Services.*

MARGARET A. HAMBURG, M.D.,  
*Commissioner of Food and Drugs.*

Mr. HARKIN. Mr. President, I have said many times that to say that food safety in this country is a patchwork is giving it too much credit. Food safety has too often become a hit-or-miss gamble, with parents obliged to kind of roll the dice when it comes to the safety of their kids' food. It is frightening and unacceptable. It is past time to modernize our food safety laws and regulations—70 years past time. We need to give FDA the resources and authority it needs to cope with a growing problem that threatens today a more abundant and diverse food supply. We need to act now.

I urge my colleagues to join the bipartisan sponsors to pass this important legislation and vote for cloture this afternoon on the motion to proceed. Hopefully, we can get on the bill and pass it as soon as possible, so that the families of America will have more assurance that the food they eat, no matter what the source, or from where it comes, has more safety procedures attached to it, and so that we have a new process for prevention in place for all facilities in this country and in foreign countries, and so we can raise the bar and say to our families that you can have more assurance in the future that the food you buy, whether it is the fresh fruits you buy in the middle of winter, shipped from Chile, Argentina, or Mexico, or Guatemala, or the fresh fruits you get in the summertime from California, Washington State, and Canada, or the produce, the lettuce, the bagged spinach, or whatever it might be, will be more safe for you and your family. That is what this is all about—protecting our families and making sure our food safety laws are adequate for the 21st century and not the 18th century.

I yield the floor.

#### THE FDA FOOD SAFETY MODERNIZATION ACT

Mr. ENZI. Mr. President, the United States has one of the best food safety systems in the world. However, even the best of systems have room for improvement. That is why my colleagues and I worked together over the past year to produce a bill that has broad bipartisan support. Food safety is not a partisan issue. We all want the safest food supply possible and the Food Safety Modernization Act makes significant improvements in that direction.

This is not a perfect bill. If it were solely up to me, there are several provisions that I would have done dif-

ferently. However, this bill provides real improvements for our food system by placing a greater emphasis on prevention and targeting government involvement to the areas of greatest need.

The American food industry is made up of hundreds of thousands of processors, distributors, and retailers of all sizes, both foreign and domestic. When you say "food industry" many think of the Nations largest food processors that carry the brand names with which we are familiar.

In truth, "industry" also consists of tens of thousands of small businesses across the country. It also includes over 2 million farmers, both large and small, in the United States that provide the food that we consume at our tables. This bill recognizes the diversity of all these individuals and organizations and protects their ability to continue to grow safe food for our families.

The bill also recognizes the vital role played by State and local officials. Our State officials are on the front lines when it comes to responding to food safety concerns and this bill makes sure that they will have the resources they need to do their jobs. Specifically, the bill provides training and education of State, local, and tribal authorities to facilitate the implementation of new standards under the law.

My colleagues, including Senators HARKIN, GREGG, DURBIN, BURR and DODD, have recognized all these challenges in this process and have worked together to prepare a bill that makes improvements to all aspects of our food system.

I am particularly pleased with the efforts the group has made in the managers' package that focus on providing flexibility for small and very small food processors. This bill provides small processors additional time to comply with new food safety practices and guidelines. The bill also requires the FDA to publish user-friendly small entity compliance guides to assist firms with the implementation of new practices. This way, small businesses in the food system, know exactly how to plan to adopt any new practices that could apply to them.

This bill also protects farms. Farmers remain exempt from registration under the Bioterrorism Act and any new produce safety standards must consider the unique practices that farmers use to grow or market their food. This includes consideration for farmers that use specific conservation practices or grow organic foods under the Organic Foods Production Act.

Small entities that produce food for their own consumption or market directly to consumers are also not subject to registration under this bill. This ensures that individuals can continue to provide food to their communities through farmers markets, bake

sales, public events and organizational fundraisers. Some have confused this bill with provisions in other food related bills and it is not true that S. 510 regulates backyard gardens or potluck dinners. All across Wyoming, people grow their own food and contribute dishes to organizational fundraisers and this bill continues the practice of making sure those individuals aren't subject to federal regulation.

However, if the amendment tree is filled so amendments cannot be submitted, I will likely oppose any further cloture.

I want to again recognize and thank my colleagues who have worked on this bill. I look forward to considering this bill on the floor and appreciate those Members that have helped make this bill a bipartisan effort.

Mr. INOUE. Mr. President, I am pleased that through the leadership of the Health, Education, Labor, and Pensions—HELP—Committee, S. 510—the Food and Drug Administration—FDA—Food Safety Modernization Act—Food Safety Act—will be taken up on the floor of the Senate. I believe that consideration of the Food Safety Act represents positive steps toward better protections for the safety of the American people.

I am also pleased that a few of the provisions from my Commercial Seafood Consumer Protection Act—Seafood Safety Act—that I introduced on September 29, 2010, have been incorporated into S. 510. I am, however, disappointed that more of the Seafood Safety Act could not be included, and will continue to work on passage of the full bill.

The Seafood Safety Act will strengthen the partnership between the Secretary of Commerce, the Secretary of Health and Human Services, HHS, the Secretary of the Department of Homeland Security, DHS, the Federal Trade Commission, FTC, and other appropriate Federal agencies, to coordinate Federal activities for ensuring that commercially distributed seafood in the United States meets the food quality and safety requirements of Federal law. The bill provides for no new jurisdiction and does not alter any existing jurisdiction given to FDA or any other agency. The bill does not include any authorization of appropriations, but seeks only to strengthen existing partnerships and share information.

The bill remains largely unchanged since I introduced it in the 110th Congress, but this version incorporates the FTC as an additional partner since they have broad existing authority for consumer and inter-state commerce fraud issues.

Specifically, the bill requires the Secretaries of Commerce, HHS, DHS, and the FTC to enter into agreements as necessary to strengthen cooperation on seafood safety, seafood labeling, and seafood fraud. Those agreements must address seafood testing and inspection; data standardization for seafood

names; data coordination for the purposes of detection and prosecution of violations regarding importation, exportation, transportation, sale, harvest, or trade of seafood; seafood labeling compliance assurance; and information-sharing for observed non-compliance. The bill also increases the number of laboratories certified to inspection standards of the FDA and allows the Secretary of Commerce to increase the number and capacity of NOAA laboratories responsible for seafood safety testing. It allows for an increase in the percentage of seafood import shipments tested and inspected to improve detection of violations. Finally, the bill allows the Secretary of HHS to refuse entry of seafood imports from countries with known violations, and also allows the Secretary to permit individual seafood shipments from recognized and properly certified exporters.

Again, I am grateful for the leadership shown by the HELP Committee and Chairman HARKIN on S. 510, yet I remain committed to the Seafood Safety Act and look forward to continuing to work to ensure its passage.

Mr. HATCH. Mr. President, I rise today to express my mixed emotions on S. 510, the FDA Food Safety Modernization Act.

With past recalls on spinach, peppers, cookie dough, peanuts and peanut products, there appears to be an increase in the frequency of foodborne outbreaks. The Centers for Disease Control and Prevention, CDC, estimates that foodborne disease cause approximately 76 million illnesses in the U.S. each year, including an estimated 325,000 hospitalizations and 5,000 deaths. These statistics are strong evidence that our current food safety laws and regulations are antiquated and should be updated.

We live in a global food economy, but our Nation's current food safety laws and regulations are geared predominantly to a local and domestic market. As a result, there are new safety challenges that have risen from this global market that must be addressed.

As the former chairman and ranking member of the Senate HELP Committee—it was then known as the Senate Labor Committee—I have a little history on this issue. As chairman of the committee, I introduced the Food Safety Amendments with the intent of ensuring a safer food supply, similar to the goal of the legislation before the Senate today.

I would like to point out that S. 510 is one of the few bipartisan pieces of legislation currently in the Senate. We had Republicans and Democrats working across the aisle to come up with solid policies to address some of the major gaps in our current food safety system. And as we deliberated these policies, it was important to me to protect existing laws that already have solid consumer protections. One of those laws is the Dietary Supplement Health and Education Act of 1994.

Briefly, DSHEA clarified the regulatory structure of supplements to ensure that individuals would continue to have access to safe supplements and information about their use. Under DSHEA, Congress set out a legal definition of what could be marketed as a dietary supplement.

We created a safety standard that products have to meet. We allowed the FDA to develop good manufacturing process standards for supplements. We clarified which claims could be made about these products and we said those statements must be truthful and not misleading.

Furthermore, the Dietary Supplement and Nonprescription Drug Consumer Protection Act of 2006 created a mandatory adverse event reporting, AER, system for dietary supplements and over-the-counter drugs. My friend and chairman of the Senate HELP Committee, TOM HARKIN, and I worked on this law very closely with Senator MIKE ENZI, who was chairman of the HELP Committee at the time, the late Senator Ted Kennedy, who was the ranking member of the HELP Committee at the time, and Senator DICK DURBIN on this important legislation. Our legislation created a system to provide the government with information about serious adverse events associated with dietary supplements and over-the-counter drugs. It provides Federal authorities with a better and more effective tool to become aware and to respond to any problems that might occur.

I am grateful and appreciative to the sponsors of the bill for including provisions to preserve the DSHEA and AER laws' consumer protections as part of S. 510.

In addition, I have heard from many of my constituents that they are concerned with the international harmonization provisions in this bill and its impact on the availability and affordability of dietary supplements—in particular, the Codex Commission which is an international organization that provides guidelines for food safety. Rest assured that the Commission's guidelines on vitamin and mineral food supplements will not affect the regulation of dietary supplements in the United States unless Congress decides to adopt the provisions.

Another issue I want to mention is the importance of promoting small businesses. Without a doubt, small businesses are the engine for economic growth in America and represent a powerful vehicle for opportunity. Small businesses contribute greatly to Utah's economy, and I am committed to doing all I can to promote job creation, grow our economy, and ensure America's businesses are competitive in the global marketplace.

So I am pleased that S. 510 considers the needs of small businesses. It accomplishes this by requiring the FDA to publish user-friendly guidance to assist firms with the implementation and compliance of new practices. It also

gives small food facilities additional time to comply with the new food safety practices and guidelines. In addition, the legislation also requires the FDA to coordinate its outreach activities with the National Institute of Food and Agriculture of the U.S. Department of Agriculture, USDA, in order to educate and train growers and small food facilities about the new requirements from this bill.

Finally, I wanted to address concerns raised by the Utah farming community, particularly small farmers. First, this bill preserves the current jurisdictional separation between the USDA and the FDA. In other words, this bill does not change those who are currently subject to USDA regulation versus those who are subject to FDA regulation under the existing laws. Second, this bill does not change the existing definition of a facility currently required to register with the FDA. This means that farms that are currently exempt from registering with the FDA under the Bioterrorism Act of 2002 continue to remain exempt. Finally, small entities that produce food for their own consumption or market directly to consumers or restaurants are not subject to registration or the new recordkeeping requirements under this bill. This includes food sold through farmers' markets, personal or backyard gardens, bake sales, public events and organizational fundraisers.

Unfortunately with all those great provisions that I just mentioned, there is still one major concern that I cannot overlook, the cost of the bill. The Congressional Budget Office, CBO, has estimated that the legislation will cost \$1.4 billion over 5 years. We need to rein in the out-of-control government spending, especially in today's fiscal environment. We simply cannot continue to drive up the national debt. We cannot sustain trillion-dollar deficits. More government spending will push the Nation over a precipice from which we may not be able to recover.

Even though this spending is discretionary, it troubles me that if future appropriations are not sufficient to cover the cost of the bill, Congress would be unintentionally giving the FDA an unfunded mandate. If this happens, the FDA would either simply not be able to live up to its new responsibilities or would be forced to shift funds from other important and already strapped agency programs like the regulation of prescription drugs, medical devices, and/or biologics. The latter could cause significant harm to the American public. So it is with deep regret that I cannot support S. 510 without it being paid for. However, I am committed to working with my Senate colleagues to find ways to offset the cost of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

#### BALANCED BUDGET AMENDMENT

Mr. CORNYN. Mr. President, I want to briefly draw attention to a resolution that the conference of Republican Senators and Senators-elect adopted yesterday, one that I think fits the times we are living in, one which has seen historic levels of Federal spending and debt and deficits, as well as unsustainable debt that will be inherited by our children and grandchildren, unless we take responsibility for it.

This resolution, I think, would demonstrate the seriousness that we would have as a Congress to get our Nation's fiscal house in order. This resolution reads:

It is Resolved by the United States Senate Republican conference:

That a Balanced Budget Amendment to the United States Constitution is necessary to restore fiscal discipline to our Republic;

That a Balanced Budget Amendment should require the President to submit to Congress a proposed budget prior to each fiscal year in which total federal spending does not exceed total federal revenue;

That a Balanced Budget Amendment should include a requirement that a supermajority of both houses of Congress be necessary to increase taxes;

That a Balanced Budget Amendment should include a limitation on total federal spending.

I thank the 20 Republican Senators and Senators-elect who cosponsored this resolution and the members of the conference who voted to adopt it. Let me share with you a few factoids that I think will demonstrate the compelling nature of this joint resolution and constitutional amendment.

In fiscal year 2010, our deficit was \$1.3 trillion or 8.9 percent of the gross domestic product. That is actually down from 9.9 percent in fiscal year 2009, but certainly nothing to celebrate. The Congressional Budget Office baseline estimates that Federal deficits will average \$605 billion each year through 2020, and the budget that the President submitted to us this year, itself, if implemented, would call for an average of \$1 trillion of deficit each year for the next 10 years.

We know that the Budget Act passed by Congress, signed by the President, requires the President of the United States to submit his budget by the first Monday in February. I can tell you that I am anxiously awaiting to see in that budget proposal submitted by the President by the first Monday in February his commitment to fiscal discipline—now particularly since the American people have spoken so loudly and clearly about their concerns over reckless spending and endless debt.

We know a balanced budget amendment actually works, because virtually every State in the Nation has one, including my State of Texas. Only the Federal Government has no requirement of a balanced budget and can spend huge deficits and borrow money it does not have. No family in America, or small business, when income goes down, can continue to spend at the same level. They have to live within

their means. So should the U.S. Government.

We also know that a balanced budget amendment is popular with the public. A recent referendum held by Florida voters showed that 71 percent approved a nonbinding resolution supporting a balanced budget amendment. We have had votes in the Senate on this not that long ago. I believe it was in 1997, so I will let you judge whether it was long ago. Sixty-six Senators at the time voted in favor of a balanced budget amendment or 1 shy of the two-thirds necessary, including 11 colleagues on the other side of the aisle, demonstrating the bipartisan support for a balanced budget amendment.

It is important to note that at that time, when 66 Senators voted on a bipartisan basis for a balanced budget amendment, the deficit was only 1.4 percent of GDP. Today, it is 8.9 percent. I think if a balanced budget amendment was a good idea—at least in the minds of 66 Senators—in 1997, it is even a better idea today. So I hope colleagues on both sides of the aisle will join with me to offer ideas on drafting this joint resolution.

Of course, as you know, under Article V of the Constitution of the United States, a constitutional amendment can emanate from Congress itself with a two-thirds vote or it can be the result of a constitutional convention. Under either circumstance, three-quarters of the States would be necessary to ratify it. I think if Republicans and Democrats can listen to the voice of the American people and get behind a joint resolution, it will restore some of the public's lost confidence in our ability and our willingness both to heed their voice and also live up to our responsibility.

I think a balanced budget amendment would be a big step forward in the cause of fiscal discipline but, of course, not the only step. As the cochairs of the President's debt commission have already indicated, we need other measures. One that caught my eye they called a "cut and invest committee," charged with trimming waste and targeting investment. They noticed a good example at the State level, in my State of Texas, where we have a sunset commission that requires, every 10 years, every State agency to go through a process to determine whether the programs and the agency itself continue to have good reason to exist at the spending levels authorized.

We need something such as that, which will provide a tremendous ability for us to have additional tools to contain costs and avoid wasteful spending. To that end, I have put forth a model of the bill of the Texas sunset commission, called the United States Authorization and Sunset Commission Act. I urge my colleagues to take a look at that, and I can assure you that, come January, when we have a new Congress, I will offer that legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

### PAYCHECK FAIRNESS

Ms. MIKULSKI. Mr. President, I rise to speak on paycheck fairness, a bill on which we will be voting on cloture. The paycheck fairness bill picks up where the famous Lilly Ledbetter bill left off. I was so proud to lead the fight on the Senate floor 2 years ago, under a new Congress and a new President, to ensure that we righted the wrong of a Supreme Court decision, where Lilly Ledbetter, on behalf of American women everywhere, would be assured that she could get equal pay for equal or comparable work. The Congress responded well and that legislation is now the law of the land.

The paycheck fairness bill picks up where Ledbetter left off, because Ledbetter left the courthouse door open to sue for discrimination. Paycheck fairness makes it more difficult to discriminate in the first place; it increases penalties for discrimination; prohibits employer retaliation for sharing pay information; it closes the loophole that allows for a broad defense in equal pay cases.

Let me go through this one by one. It improves remedies where discrimination has occurred. Current law now says that women can only sue for back pay and fixed damages. The paycheck fairness bill would allow women to get additional compensatory damage, which makes up for the injury or harm suffered based on discrimination. Ledbetter had no provisions regarding that. Also, so crucial is that it prohibits employer retaliation—and, wow, does this go on in the workplace.

Under current law, employers can sue or actually punish employees for sharing salary statements and information with coworkers. This is usually the way employees find out that they are being discriminated against. In the famous Supreme Court hearing, some of our Supreme Court Justices, who bragged that they don't know what a BlackBerry is, gave women the raspberries when they said women should know they are being discriminated against, but you cannot even talk at the water cooler, or down in the office gym, and say: I get paid this; what are you getting paid for the same job?

What paycheck fairness will now do is prohibit employers from taking action against employees who simply share information about what they are getting paid. This was not included in the Ledbetter Act. It clarifies that any factor other than a sex offense—right now, an employer can assert a defense that the pay differential is based on a factor other than sex. Courts can interpret this broadly, and a number of factors are limited. What the paycheck fairness bill does is tighten that loophole by requiring that the differential is truly caused by something other than sex or gender or is related to job

performance that is necessary for the business. Ledbetter did not address that loophole. By the way, I know that the specter of small business is always raised, but I say to my colleagues that small businesses with revenue of less than \$500,000 are exempt from the Equal Pay Act. That means that paycheck fairness maintains that exemption. That is how it takes Ledbetter one step farther. It gives women the tools to begin to know what they are being paid—or people of ethnic minorities, et cetera.

Why is this important? First, it is fundamental fairness. You ought to be paid equal pay for equal or comparable work. It is fundamentally fair. If the same people are doing the job with the same skills and background, they ought to get the same pay. It affects a family's paycheck; it affects their pension; it affects their whole way of life. Right now, equal pay is actually critical to economic recovery. It is one of the ways that we can make sure the family checkbook is increased based on merit.

Some people say: Oh, well, why do you need another bill, Senator Barb? Women already have enough tools to fight discrimination. Well, we haven't fixed everything. And here, I think this bill is simple and achievable with the small business exemption that will do that.

When the Equal Pay Act was passed in 1963, women earned merely 59 cents on every dollar earned by men. We have made progress. In 47 years, we have now come up to 77 cents for every dollar that men make. It only took us 43 years to get an 18-cent increase. Well, I think times are changing. Women are now more in the workplace, and women are now often the sole or primary source of income. Creating a wage gap is not the way to improve the health of a family or the health of our community.

I could go through a lot of statistics about what that means, but I simply want to say to my colleagues that with many Americans already earning less, we need to make sure that the family budget is based on people being able to get paid for what they do and to make work worth it and make wage compensation fair.

I think the facts speak for themselves as to why this bill is necessary. I think the bill itself is a very specific, achievable, narrowly drawn bill, and I urge my colleagues to vote for cloture.

Mr. DODD. Mr. President, I rise today to speak on the Paycheck Fairness Act, a critically important bill to guarantee women equal pay for equal work. I am proud to lead the effort in the Senate to pass this legislation, which my dear friend and colleague ROSA DELAURO has already shepherded through the House of Representatives.

I am pleased that the Senate is finally considering this commonsense legislation and am grateful to the majority leader for his strong support and his recognition of how important this bill is to American families.

Americans must be assured of equity in the workplace. Unfortunately, the fundamental principle of equal pay for equal work has yet to be realized in this country. In my view, it is high time that Congress step in to remedy this injustice.

Despite passage of the Equal Pay Act over 40 years ago, which was intended to ensure that women are paid the same as their male counterparts, a large wage gap still persists. Women are paid, on average, just 77 cents for every dollar earned by a man. To put it another way, the pay gap means that the average woman is paid more than \$10,000 less per year than she deserves. The gap is even larger in the African American and Hispanic communities, with black women earning 70 cents and Hispanic women earning merely 67 cents for every dollar a man earns. In my view, it is an outrage that in the year 2010 we are still not treating women as equals in the workplace.

Even a college education doesn't suffice to correct this inequality. In my home State of Connecticut, the median wage for a woman with a bachelor's degree is \$55,000—which puts her on par with a man who only has a high school diploma. This wage gap means that, cumulatively, a working woman will be shortchanged by \$400,000 to \$2 million over her lifetime in lost wages, pensions, and Social Security benefits.

Now, some will argue that the wage gap is a product of the choices women make, such as what they study in college, what field they pursue careers in, and whether to take time off to raise their children. But study after study has corrected for every possible variable, and still has found that only part of the wage gap can be explained by measurable factors. The rest of the gap is a result of discrimination in the workplace. One study compared men and women who had pursued the same majors, attended equally good schools, and were entering the same industry, and found that women are already paid less than these identically qualified men just one year out of college.

This is not just a matter of fairness but of economic necessity. Every dollar that women are shortchanged means a dollar less spent in her community, to take care of her family. The problem is particularly acute during the current economic recession, in which women are increasingly the primary or sole breadwinners for their families. Since the recession began, approximately 70 percent of jobs lost were jobs that had been held by men. In the typical married-couple family, this translates into forcing the family to survive on just 42 percent of its former income. This means families have less money to spend on everything—groceries, going out to eat, new school clothes, home and car repairs—all of which means less money going into our local economies. Paying women fairly is not just the right thing to do, it is also an immediate economic boost.

The Paycheck Fairness Act would finally give women tools strong enough

to end wage discrimination. It provides a long-overdue update to the Equal Pay Act, which has not been amended since it was signed into law by President Kennedy in 1963. I would add to my colleagues who may be undecided on whether to support the upcoming cloture vote—it has been forty-seven years since the Equal Pay Act was enacted. If we fail to pass this critically important legislation now, there may not be another opportunity to do so for a decade or more.

The Paycheck Fairness Act improves on the Equal Pay Act by toughening penalties for pay discrimination. It puts gender-based discrimination on equal footing with discrimination based on race or ethnicity by allowing women to sue for compensatory and punitive damages. It closes a significant loophole in the Equal Pay Act that for too long has allowed to justify unequal pay without a legitimate business need. It prohibits employers from punishing whistleblowers. Furthermore, it will require better data collection by the Department of Labor and Equal Opportunity Commission and set up training programs to help women learn more effective salary negotiation skills.

To continue our economic recovery, I believe that we must not only work to create jobs. We must also ensure that those jobs are good jobs. Making sure that all workers are confident that they are being treated and compensated fairly is critical to that goal.

This bill will ensure that workers are paid what they deserve and will provide them with security and fairness in the workplace. I urge my colleagues to support this effort.

Mr. CARDIN. Mr. President, I rise today in support of the Paycheck Fairness Act.

Progress for women in this country has not come easily or come quickly. There was a time when women were not allowed to vote or own property. In fact, our country once considered women to be the property of their fathers or husbands.

Over the years, women have fought gender barriers and broken down stereotypes, making great strides toward equity. Unfortunately, inequities still exist. While women have successfully broken through glass ceilings on careers across the employment spectrum, pay discrimination still remains.

Today, women make up half of the total workforce and nearly 4 in 10 mothers are the primary breadwinners of their household. Nearly two-thirds of mothers bring home at least a quarter of the household earnings. In these hard economic times, when women's wages put food on the table, keep the lights on and put gas in the car, pay inequities should not be tolerated.

In 1963, Congress passed the Equal Pay Act in an effort to end pay discrimination. Despite the good faith effort of this legislation, legal loopholes exist that have weakened the intent and goal of the law. The Paycheck

Fairness Act updates and strengthens the core principles in the Equal Pay Act. It will close loopholes in the original legislation; level the playing field for employers, so the employers paying fair wages are not disadvantaged; and will shine a light on pay discrimination occurring throughout our country.

According to the Census Bureau, although women between the ages of 25 and 29 possess a higher percentage of bachelor degrees than men in the same age group, women consistently earn less than men at every level of education attainment. In 2009, women working full time, year around were paid 77 cents for every dollar paid to men on average. This gap is worse for minorities. African-American women were paid 62 cents and Latino women are paid only 53 cents for every dollar a man makes.

In fact, women earn less on the dollar than men as their level of education increases. A study completed by the American Association of University Women found that female graduates working full time earn only 80 as much as their male graduates. The study then looked ten years after graduation to find women fall further behind, earning only 69 as much as men. Overall women are paid less than their male counterparts during their entire career.

Opponents of this legislation argue that there is no real gender pay gap and if there is one it's due to women's choices. Specifically, opponents assert that women earn less because they are more likely to choose part-time work to accommodate a growing family. This is incorrect. Many studies demonstrate that the wage gap is real. According to a recent GAO study, so-called life choices do not explain the persistent wage gap. Additionally, GAO found that even when all relevant career and family attributes are taken into account, there is still a significant unexplained gap in men's and women's earnings.

Additionally, opponents of the legislation assert that the Paycheck Fairness Act will create increased litigation. This, too, is just wrong. The Equal Pay Act is not a strict liability statute and it sets a very high burden for an employee to bring a claim. That burden will not change with the passage of the Paycheck Fairness Act. The legislation will now require that the "factor other than sex" defense available to employers is a bona fide, job related factor that must be articulated. This language mirrors other civil rights legislation prohibiting discrimination.

Finally, opponents assert that this legislation will hurt businesses and reduce job growth during these hard economic times. This is yet another incorrect assertion. In fact, this legislation will help ensure that women are paid fairly for equivalent work. In a nationwide survey of registered voters, 84 percent of voters said they supported "a new law that would provide women

with more tools to get fair pay in the workplace." There is an overwhelming level of support for fair pay across the political spectrum.

The goal of the Paycheck Fairness Act is simple: close the loopholes that exist in current law to ensure that men and women are paid fairly and accurately in the workplace. No longer will an employer be able to pay women and men different wages if they are doing the same or equivalent jobs. No longer will an employer be allowed to retaliate against employees for discussing their wages with other employees. No longer will we allow pay discrimination to be tolerated.

As an original cosponsor of this bill, I urge my colleagues to support this bill and join our colleagues in the House by passing the Paycheck Fairness Act.

Mr. DURBIN. Mr. President, it is nearing 2 years since we passed the Lilly Ledbetter Fair Pay Act protecting the principle of equal pay for equal work by allowing workers to pursue pay discrimination cases beyond the arbitrary window established by the Supreme Court. Unfortunately, while the Lilly Ledbetter Act was an important step in eliminating pay discrimination, a sizable pay gap remains between working men and women.

The numbers are astounding. Nearly 50 years after the passage of the Equal Pay Act, a recent GAO report shows that managers who are women make 81 cents to every dollar of their male counterparts. According to the U.S. Census Bureau report, the gap grows even larger—77 cents to every dollar—when looking at the entire working population.

In Illinois, for a median income household, that is a difference of \$11,000 each year. This is a significant difference in compensation. Imagine, for a family where the woman is the primary or only wage-earner how much difference \$11,000 a year could make.

The Paycheck Fairness Act would help narrow this pay gap by amending the Equal Pay Act to reduce discrimination in the workplace. It would bar retaliation against workers for disclosing wages, so that workers can identify pay discrimination when it happens.

The bill would clarify what constitutes valid justification for pay differentials so that employers know what factors are lawful considerations. The law would clarify that gender difference alone is not adequate pay differential must be based on legitimate, job-related requirements. It would create incentives for good behavior by providing technical assistance and employer recognition awards.

Finally, the legislation would amend the Equal Pay Act to ensure that women facing discrimination have access to the same wage discrimination remedies as are available for racial or ethnic wage discrimination.

These commonsense solutions can help narrow the wage gap. Women cannot afford, quite literally, to wait for

this legislation any longer. We cannot ignore that the gender wage gap is unacceptably large and shrinking much too slowly. We owe working women of America and their families—more. I look forward to casting my vote to proceed to the Paycheck Fairness Act and urge my colleague to join me.

Mr. President, I yield the floor.

#### FOOD SAFETY

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, first, I thank Senator ENZI for allowing me a couple of seconds here as we move toward a cloture vote on S. 510. I am an original cosponsor of S. 510, the food safety bill. I certainly had hoped that we would be able to come together in a bipartisan way in support of that bill. Unfortunately, the bill, with the substitute that has now been filed, is not the same bill I originally cosponsored. I will speak more about this after the vote, but it is my intent to vote against cloture on this bill.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

#### PAYCHECK FAIRNESS ACT

Mr. ENZI. Mr. President, I want to talk about the paycheck unfairness bill that is before us. A better title for this bill should be the “jobs for trial lawyers act.”

I am confident that there is no Member of this Senate who would tolerate paying a woman less for the same work simply because she is a woman. As husbands, fathers, and mothers of working women, I believe we all recognize the gross inequity of discrimination in pay based on gender. Congress has put two laws on the books to combat such discrimination—Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. These are both good laws that have been well utilized to combat discrimination where it exists, and I support the full enforcement of these laws. Businesses that discriminate against a female employee because of her gender must be corrected and penalized.

But what the majority is trying to push through here today is of a very different nature. The so-called Paycheck Fairness Act is actually a “jobs for trial lawyers act.” The primary beneficiary of this legislation will be trial lawyers. They will be able to bring bigger class action lawsuits—which usually result in coupons for the people that were disadvantaged—without even getting the consent of the plaintiffs, and they will have the weapon of uncapped damages to force employers to settle lawsuits even when they know they have done nothing wrong. The litigation bonanza this bill would create would extend even to the smallest of small businesses, only further hampering our economic recovery.

There are a number of other concerning provisions of this legislation, such as authorizing government to require reporting of every employer’s wage data by sex, race, and national origin. Had this bill gone through committee markup under regular Senate order, we may have been able to address some of these concerns. But this bill—like so many other labor bills in the HELP Committee jurisdiction of this Congress—has circumvented regular order.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of letters from a total of 44 groups opposing this legislation and 4 newspaper op eds.

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

#### GROUPS OPPOSING PFA, 11/17/2010

1. Alliance for Worker Freedom; 2. American Bakers Association (coalition letter); 3. American Bankers Association (coalition letter); 4. American Hotel & Lodging Association (coalition letter); 5. Associated Builders and Contractors; 6. Associated General Contractors (coalition letter); 7. Associated Industries of Massachusetts; 8. Coalition of Franchisee Associations; 9. College and University Professional Association for Human Resources (coalition letter); 10. Concerned Women for America; 11. Food Marketing Institute; 12. HR Policy Association (coalition letter); 13. Independent Electrical Contractors; 14. Indiana Restaurant Association; 15. International Franchise Association; 16. International Foodservice Distributors Association (coalition letter); 17. International Public Management Association for Human Resources (coalition letter); 18. Louisiana Restaurant Association; 19. Maine Restaurant Association; 20. Montana Restaurant Association.

21. National Association of Manufacturers; 22. National Association of Wholesaler-Distributors (coalition letter); 23. National Council of Chain Restaurants (coalition letter); 24. National Council of Textile Organizations (coalition letter); 25. National Federation of Independent Business (coalition letter); 26. National Public Employer Labor Relations Association (coalition letter); 27. National Restaurant Association; 28. National Retail Federation; 29. National Roofing Contractors Association (coalition letter); 30. National Small Business Association; 31. National Stone, Sand and Gravel Association (coalition letter); 32. Nebraska Restaurant Association; 33. North Carolina Restaurant and Lodging Association; 34. Ohio Restaurant Association; 35. Printing Industries of America (coalition letter); 36. Retail Industry Leaders Association; 37. Small Business & Entrepreneurship Council (coalition letter); 38. Society for Human Resource Management (coalition letter); 39. Texas Restaurant Association; 40. U.S. Chamber of Commerce; 41. U.S. Commission on Civil Rights; 42. Virginia Hospitality and Travel Association; 43. West Virginia Hospitality & Travel Association; 44. World At Work (Requires clarification that legit ER practices not covered by PFA).

#### BILL TAKES ON DISTURBING PAY GAP—BUT OFFERS FLAWED REMEDIES

(November 17, 2010)

All eyes will likely be on U.S. Senator Scott Brown this week as he casts a decisive Senate vote on the Paycheck Fairness Act, a bill aimed at helping women fight for equal pay in the workplace. But while parts of the

bill would be useful, the measure as a whole is too broad a solution to a complex, nuanced problem.

The bill is meant to address a troublesome wage gap between women and men, which has decreased over time, but still persists; today, most women earn roughly 77 cents for every dollar earned by men in equivalent jobs. The reasons for this discrepancy are under dispute, and the Paycheck Fairness Act would take some steps to protect against blatant discrimination. Most notably, it would bar businesses from retaliating against employees who share information about their salaries with their coworkers. The bill would also provide funds to train businesses to improve their pay practices and train women to negotiate their salaries more effectively.

But the controversial meat of the bill is the changes it would make to the legal process, amending the Equal Pay Act of 1963. Where women today can only sue for back pay, the new bill would allow them to seek both compensatory damages and unlimited punitive damages. The bill would also make it easier for workers to join class-action suits. Most problematically, it would alter the burden on businesses, requiring them to prove that any difference in pay is the result of a business necessity, and to demonstrate why they didn’t adopt a plaintiff’s suggested “alternative remedy” that wouldn’t result in a pay gap.

But what if a company offers a higher salary for retail workers in a more dangerous location, and more men sign up? What if a male worker leverages a job offer into a higher salary? Should these be illegal acts? The bill would create too strong a presumption in favor of discrimination over other, equally plausible explanations for disparities in salaries. In addition, the threat of much higher damage awards by juries might lead businesses to make quick settlements for frivolous claims. (Today, about 60 percent of discrimination claims tracked by the Equal Employment Opportunity Commission are found to have no merit.)

Proponents of the bill note that today’s penalties for wage discrimination are so anemic that there’s no incentive for businesses that discriminate to change their ways. A narrower bill that would stiffen some penalties and ban retaliation would be helpful. But companies are right to be concerned that this bill, as written, is too deep an intrusion.

[From the Chicago Tribune, Nov. 12, 2010]

#### PAYCHECK FAIRNESS?

Equal pay for equal work stands as a cornerstone of the American workplace, and we support the principle wholeheartedly. But Congress is moving toward a fix that would be grossly intrusive on decision-making by private businesses.

At least one group would get a fatter paycheck from the Paycheck Fairness Act: trial lawyers.

The proposed law says that in cases where a pay disparity between men and women is challenged in court, an employer would have to prove there is some reason for the gap other than discrimination. The employer would also have to prove that the gap serves a necessary business purpose. And even then, the employer could be in trouble if a court determines that an “alternative employment practice” would serve the same purpose without skewing the salaries.

Those judgment calls go by another name: management decisions. The legislation would open businesses to wide second-guessing of decisions they made to hire and promote the most effective work force in a competitive environment. It would leave businesses with one eye on the competition and one eye on what a judge might decide in

hindsight is a preferable “alternative employment practice.”

Uncle Sam to the nation’s employers: We’ll tell you how to run your business.

Imagine a company that pays more to workers with greater experience. If women haven’t been on the job as long as men, they would likely earn less. The burden would be on the employer to prove that experience not only yielded a measurably better quantity and quality of work, but also that it was the best yardstick to use. “How are you going to prove that?” asks Camille Olson, an attorney at Chicago’s Seyfarth Shaw LLC who has testified against the legislation on behalf of the U.S. Chamber of Commerce. “It would be very, very difficult.”

Making matters worse, under the new law, damage awards would be uncapped, and class-action procedures loosened. Bring on the trial lawyers.

The nation already has strong legal protections for women in the workplace, even for cases of unintentional discrimination. Under the Equal Pay Act of 1963, employers can justify wage differentials only if they’re based on gender-neutral factors, such as education, experience, productivity and market conditions.

This bill has its heart in the right place. It even has some worthwhile, less-intrusive provisions, such as protection from company retaliation for workers who share information about wages.

It has been approved by the House and is slated to reach the Senate floor next week. It is a high priority for the Obama administration. But it is much too intrusive, and the Senate should reject it.

[From the New York Times, Sept. 21, 2010]

#### FAIR PAY ISN’T ALWAYS EQUAL PAY

(By Christina Hoff Sommers)

Among the top items left on the Senate’s to-do list before the November elections is a “paycheck fairness” bill, which would make it easier for women to file class-action, punitive-damages suits against employers they accuse of sex-based pay discrimination.

The bill’s passage is hardly certain, but it has received strong support from women’s rights groups, professional organizations and even President Obama, who has called it “a common-sense bill.”

But the bill isn’t as commonsensical as it might seem. It overlooks mountains of research showing that discrimination plays little role in pay disparities between men and women, and it threatens to impose onerous requirements on employers to correct gaps over which they have little control.

The bill is based on the premise that the 1963 Equal Pay Act, which bans sex discrimination in the workplace, has failed; for proof, proponents point out that for every dollar men earn, women earn just 77 cents.

But that wage gap isn’t necessarily the result of discrimination. On the contrary, there are lots of other reasons men might earn more than women, including differences in education, experience and job tenure.

When these factors are taken into account the gap narrows considerably—in some studies, to the point of vanishing. A recent survey found that young, childless, single urban women earn 8 percent more than their male counterparts, mostly because more of them earn college degrees.

Moreover, a 2009 analysis of wage-gap studies commissioned by the Labor Department evaluated more than 50 peer-reviewed papers and concluded that the aggregate wage gap “may be almost entirely the result of the individual choices being made by both male and female workers.”

In addition to differences in education and training, the review found that women are

more likely than men to leave the workforce to take care of children or older parents. They also tend to value family-friendly workplace policies more than men, and will often accept lower salaries in exchange for more benefits. In fact, there were so many differences in pay-related choices that the researchers were unable to specify a residual effect due to discrimination.

Some of the bill’s supporters admit that the pay gap is largely explained by women’s choices, but they argue that those choices are skewed by sexist stereotypes and social pressures. Those are interesting and important points, worthy of continued public debate.

The problem is that while the debate proceeds, the bill assumes the answer: it would hold employers liable for the “lingering effects of past discrimination”—“pay disparities” that have been “spread and perpetuated through commerce.” Under the bill, it’s not enough for an employer to guard against intentional discrimination; it also has to police potentially discriminatory assumptions behind market-driven wage disparities that have nothing to do with sexism.

Universities, for example, typically pay professors in their business schools more than they pay those in the school of social work, citing market forces as the justification. But according to the gender theory that informs this bill, sexist attitudes led society to place a higher value on male-centered fields like business than on female-centered fields like social work.

The bill’s language regarding these “lingering effects” is vague, but that’s the problem: it could prove a legal nightmare for even the best-intentioned employers. The theory will be elaborated in feminist expert testimony when cases go to trial, and it’s not hard to imagine a media firestorm developing from it. Faced with multimillion-dollar lawsuits and the attendant publicity, many innocent employers would choose to settle.

The Paycheck Fairness bill would set women against men, empower trial lawyers and activists, perpetuate falsehoods about the status of women in the workplace and create havoc in a precarious job market. It is 1970s-style gender-war feminism for a society that should be celebrating its success in substantially, if not yet completely, overcoming sex-based workplace discrimination.

[From the Washington Post, Sept. 28, 2010]

#### PAYCHECK FAIRNESS ACT: A FLAWED APPROACH TO JOB BIAS

There should be no tolerance for gender-based discrimination in the workplace, and the Paycheck Fairness Act contains sensible provisions on the issue, including protections against retaliation for employees who challenge pay schedules. But the proposal, which builds on the existing Equal Pay Act, would allow employees and courts to intrude too far into core business decisions.

The bill, which is pending in the Senate, would allow employers to defend against equal-pay lawsuits by proving that pay disparities between men and women were based on “bona fide” factors, such as experience or education, and that these factors are “consistent with business necessity.” This provision would codify the current state of the law as developed in the courts over the past 30 years. During that time, judges pressed employers to prove the need for educational requirements that had no nexus to advertised jobs. Such requirements were often used to deny employment to minority applicants.

But the bill does not stop there. It also mandates that the business necessity defense “shall not apply” when the employee “dem-

onstrates that an alternative employment practice exists that would serve the same business purpose without producing such differential and that the employer has refused to adopt such alternative practice.” But what if the employer has refused because it has concluded that the alternative is—contrary to the employee’s assertion—more costly or less efficient? What if the employee and employer disagree on what the business purpose is or should be?

This approach also could make employers vulnerable to attack for responding to market forces. Take an employer who gives a hefty raise to a valued male employee who has gotten a job offer from a competitor. Would a court agree that the raise advanced a legitimate business purpose or could the employer be slammed unless he also bumps up the salary of a similarly situated female employee?

Discrimination is abhorrent, but the Paycheck Fairness Act is not the right fix.

Mr. ENZI. Mr. President, the newspaper articles I have submitted for the RECORD were written by the editorial boards of the Boston Globe, the Chicago Tribune, and the Washington Post, while the other op ed, written by a guest columnist, appeared in the New York Times. I don’t think any of these would be considered to be conservative newspapers, but they have taken a strong stand in the same direction and position that I have been speaking here.

The bottom line is that this legislation will insert the Federal Government into workplace management decisions like never before. This intrusion will benefit trial lawyers and harm job growth and employment, which will affect both women and men.

Supporters of this bill cite wage data that the Bureau of Labor Statistics itself says “do not control for many factors that can be significant in explaining earning differences.” In fact, studies show that if you factor in observable choices, such as part-time work, seniority, and occupational choice, the pay gap stands between 5 to 7 percent. Let me repeat: Part-time work, seniority, and occupational choice reduces the pay gap to between 5 and 7 percent. Some of these choices are certainly personal prerogatives, and I would not question the choices anyone makes with regard to family obligations or job security and the quality of fringe benefits, such as health, retirement, and child care. But to a large extent, this remaining gap is due to occupational choice.

It is unfortunate that this Congress has not done more to foster a job growth environment and improve job training programs, such as the Workforce Investment Act, which could train 100,000 people to be hired in skilled jobs—sometimes in the non-traditional roles. So instead of being a waitress, they might be a brick mason. We have heard that example in hearings. Such training under the Workforce Investment Act produces significantly higher wages, and that would prepare more women to enter higher earning occupational fields. Surely this would be a more reasonable solution



than a trial lawyer bonanza sure to disadvantage all employers and depress job growth to the disadvantage of all employees, which results in disadvantaged employees getting coupons while the trial lawyers keep most of the money.

I urge my colleagues to oppose this cloture vote.

Mr. President, I yield the floor, and I ask unanimous consent that the time during the quorum be equally divided between the two sides.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### PAYCHECK FAIRNESS ACT— MOTION TO PROCEED

##### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 3772, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 561, S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 561, S. 3772, the Paycheck Fairness Act.

Harry Reid, Patrick J. Leahy, John F. Kerry, Carl Levin, Jack Reed, Bernard Sanders, Benjamin L. Cardin, Frank R. Lautenberg, Ron Wyden, Tom Harkin, Amy Klobuchar, Sherrod Brown, Kirsten E. Gillibrand, Christopher J. Dodd, Patty Murray, Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3772, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 58, nays 41, as follows:

[Rollcall Vote No. 249 Leg.]

##### YEAS—58

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Burr	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	Lincoln	Warner
Dodd	Manchin	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	
Feinstein	Mikulski	

##### NAYS—41

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	

##### NOT VOTING—1

Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mrs. BOXER. Mr. President, I am very disappointed that the Paycheck Fairness Act was filibustered today.

The Paycheck Fairness Act passed the House on January 9, 2009, by a vote of 256-163 and Senate passage is long overdue.

This critical legislation will strengthen the Equal Pay Act and close the loopholes that have allowed employers to avoid responsibility for discriminatory pay.

Although the wage gap between men and women has narrowed since the passage of the landmark Equal Pay Act in 1963, gender-based wage discrimination remains a problem for women in the workforce.

According to the U.S. Census Bureau, women only make 77 cents for every dollar earned by a man. The Institute of Women's Policy Research found that this wage disparity will cost women anywhere from \$400,000 to \$2 million over a lifetime in lost wages. Today an average college-educated woman working full time earns as much as \$15,000 less than a college-educated male.

Working families lose \$200 billion in income per year due to the wage gap between men and women.

Pay discrimination is hurting our middle class families and hurting our economy. Loopholes created by the courts and weak sanctions in the law have allowed many employers to avoid liability for engaging in gender-based pay discrimination.

That is why the Paycheck Fairness Act is so important.

The bill closes loopholes that have allowed employers to justify pay discrimination and prohibits employers from retaliating against employees who share salary information with their co-workers. It puts gender-based discrimination sanctions on equal footing with other forms of wage discrimination—such as race, disability or age—by allowing women to sue for compensatory and punitive damages. And it also requires the Department of Labor to enhance outreach and training efforts to work with employers in order to eliminate pay disparities.

One of the 111th Congress's most important achievements was passing the Lilly Ledbetter Equal Pay Restoration Act. That legislation, which is now law, ensures that women who have been the victims of pay discrimination get their day in court and can challenge employers that willingly pay them less for the same work.

The Equal Pay Restoration Act honors the legacy of Lilly Ledbetter, a supervisor at a Goodyear Tire Plant in Alabama, who after 19 years of service discovered she had earned 20 to 40 percent less than her male counterparts for doing the exact same job.

Today we had another important opportunity to honor the legacy of women like Lilly Ledbetter by passing this legislation.

But instead of standing up for equal economic opportunity for women, Republicans said no, and filibustered this important bill.

I am very disappointed by this outcome, but I want my colleagues to know that we will not give up this fight.

Mr. WHITEHOUSE. Mr. President, I rise today to express my disappointment in the failure of the Senate to invoke cloture on the Paycheck Fairness Act. After our triumph 2 years ago in advancing gender equality through the Lilly Ledbetter Act, the first piece of legislation signed by President Obama, the Paycheck Fairness Act would have been another step towards ending gender discrimination in the workplace.

Four decades after the Equal Pay Act was signed into law, women still earn only 77 cents for every dollar earned by their male counterparts. That equates to almost \$11,000 less per year. In Rhode Island, women on average make approximately \$36,500 where men make \$49,000. For full-time, college educated Rhode Island workers over 25 years old, women make an average of \$55,000, while men average \$70,000. This is simply unacceptable and shows that the

remedies provided by current law are not adequate. Those who dismiss the disparity as a consequence of women's "choice of work" ignore the fact that the wage gap exists even in highly skilled industries such as aerospace engineering and network systems and data communications analysis.

The Paycheck Fairness Act would have required employers seeking to pay women less money than their male counterparts to justify the difference with legitimate business factors. It would also have allowed women to compare their wages to those of their colleagues in the same county, not just their own office, providing a larger and fairer pool of comparative examples. And the bill would have allowed women to receive punitive and compensatory damages equal to those in cases of race-based discrimination. We owe it to the hard-working women of the United States, especially in these difficult economic times, when every penny of every paycheck counts, to continue to fight for equality.

I commend the bill's original sponsor, Secretary Clinton, as well as Senator DODD and Senator MIKULSKI, who have worked so hard to bring attention to the issue of gender discrimination in the workplace. I will continue to fight alongside my colleagues for the passage of the Paycheck Fairness Act.

#### FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED

##### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 247, S. 510, the FDA Food Safety Modernization Act.

Harry Reid, Tom Harkin, Richard Durbin, Jeff Bingaman, Max Baucus, Tom Udall, Jon Tester, Benjamin L. Cardin, Jeanne Shaheen, Frank R. Lautenberg, Herb Kohl, Robert P. Casey, Jr., Jack Reed, Thomas R. Carper, Bill Nelson, Kent Conrad, Carl Levin, Mary L. Landrieu.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 74, nays 25, as follows:

[Rollcall Vote No. 250 Leg.]

##### YEAS—74

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Grassley	Pryor
Begich	Gregg	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Boxer	Inouye	Sanders
Brown (MA)	Johanns	Schumer
Brown (OH)	Johnson	Shaheen
Burr	Kerry	Snowe
Burr	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Thune
Casey	Leahy	Udall (CO)
Collins	LeMieux	Udall (NM)
Conrad	Levin	Vitter
Coons	Lieberman	Voinovich
Corker	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Manchin	Whitehouse
Durbin	McCaskill	Wyden
Enzi	Menendez	

##### NAYS—25

Bennett	DeMint	McConnell
Bond	Ensign	Nelson (NE)
Brownback	Graham	Risch
Bunning	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Wicker
Cornyn	Kyl	
Crapo	McCain	

##### NOT VOTING—1

Murkowski

The PRESIDING OFFICER. On this vote, the yeas are 74, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. 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.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I am an original cosponsor of S. 510, the bill we just invoked cloture on, and as I said before the vote, I was going to actually have to vote against cloture and I would speak after the vote as to why because we were up against a timeline. I wish to take a minute to say I regret to have had to vote against cloture. Now that cloture has been invoked, I guess we will go to the bill, and, hopefully, we can make the necessary changes in it to improve this bill. But, frankly, the bill I originally cosponsored is not the bill that is coming to the floor today. It has been changed in some material ways. As late as this morning there were changes being made, and I understand there are discussions going on right now that may even change it again.

First, let me say that the issue of food safety is an issue that is of primary importance. We need to make sure the food that is put in the retail stores as well as in restaurants and every other location in America is absolutely the safest, highest quality food product anywhere in the world. That has always been our reputation.

But there are some gaps in the food safety inspection program in the United States today that have allowed some things to happen. We had a situation in Georgia 2 years ago where we found salmonella in some peanut butter in a location in south Georgia—a manufacturing location. And while FDA had the authority to go in and make an inspection, the way they actually inspected it was on a contract basis through the Georgia Department of Agriculture. They didn't have the resources to do the real oversight that needed to be done. Here we had a company that had found salmonella in peanut butter with their own inspections and their own product had been sent to their contractor and salmonella was found to be positive, and yet they didn't have to report that to FDA. That has been changed in this bill, but those are the types of gaps it is important to see changed.

What is a problem to me right now is a number of things, not the least of which is the definition of what is a small farmer. Small farmers have been granted an exemption, but that provision was changed as recently as this morning. I understand, also, that it is up for discussion again now. But the definition currently in the bill is that a small farmer is determined to be a farmer with gross receipts smaller than \$500,000. Well, unfortunately, or fortunately, in my part of the world, cotton today is selling at \$1.50 a pound. A bale is 500 pounds. It doesn't take many bales to reach \$500,000 in gross receipts from the sale of cotton, and that doesn't count peanuts and wheat and corn and whatever else may go along with it. So trying to put an arbitrary number such as that, and saying if you have gross receipts in excess of that number the FDA has the authority to come on your farm, but if you have less than that they do not have the authority, I think it is not the proper way to go.

Secondly, with respect to that issue, even if they are exempt as a small farmer, they still have a mandate of a huge amount of paperwork that has to go along with their production on an annual basis. So I don't know what is going to happen with respect to the amendment process. We have heard there may be a filling of the tree and there will be no amendments. I hope that is not the case. I hope we have the opportunity to have an unlimited amount of amendments and that we can get the bill corrected and can then make it, at the end of the day, a good bill that will generate a significant vote on this floor. We have also heard there may be no amendments that are

going to be allowed and, obviously, without a definite understanding on that, I had to be opposed to the bill.

Let me say one other issue that concerns me is an amendment that was filed by Senator TESTER. I know his heart is in the right place, but no less than about 30 national agricultural groups wrote a letter to Chairman HARKIN, as well as to Ranking Member ENZI, on Monday saying they were opposed to that amendment and, if it is included in the bill, they are going to be opposed to the bill. That again is one of these eleventh-hour issues that remains undecided.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter to which I just referred.

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

NOVEMBER 15, 2010.

Hon. TOM HARKIN,  
*Chairman—Health, Education, Labor and Pensions (HELP) Committee, Washington, DC.*

Hon. MICHAEL B. ENZI,  
*Ranking Member—Health, Education, Labor and Pensions (HELP) Committee, Washington, DC.*

DEAR CHAIRMAN HARKIN AND RANKING MEMBER ENZI: The safety of this nation's food supply is the highest priority for the food and agricultural organizations represented on this letter. As the Senate advances sound public policy to maximize public health and ensure consumer confidence in our food safety system, we understand the Senate may consider amendments to S. 510, the "Food Safety Modernization Act," that would exempt certain segments of the food industry from food safety requirements contained in this legislation. In particular, we understand that these amendments target exemptions based on the size of farms and type of marketing operation.

The undersigned organizations represent the vast majority of growers, producers, shippers, distributors, processors, packers, and wholesalers, and the vast majority of our members are small businesses. We believe an operation's size, the growing practices used, or its proximity to customers does not determine whether the food offered is safe. What matters is that the operation implements prudent product safety practices, whether the product is purchased at a roadside stand, a farmers' Market, or a large supermarket. We support FDA food safety programs developed through a scientific, risk-based approach and that benefit public health.

For the public to have confidence in the food safety system, Congress and federal regulators must bring all segments of the food production and processing system into compliance with national safety standards. We believe technical assistance, training, extended transition timeframes for compliance, and financial support are more appropriate ways to assist small businesses throughout the food distribution chain to comply with important food safety standards. We urge the Senate to incorporate these types of provisions into the final bill rather than provide blanket exemptions.

We urge the Senate to reject the notion of providing blanket exemptions for segments of the food industry based solely upon size, location, or type of operation. Consumers should be able to rely on a federal food safe-

ty framework that sets appropriate standards for all products in the marketplace.

Sincerely,

American Feed Industry Association; American Frozen Food Institute; American Fruit and Vegetable Processors and Growers Coalition; American Meat Institute; American Mushroom Institute; California Grape and Tree Fruit League; Corn Refiners Association; Florida Tomato Exchange; Fresh Produce Association of the Americas; Georgia Fruit and Vegetable Growers Association; Idaho Potato Commission; International Dairy Foods Association; National Council of Farmer Cooperatives; National Chicken Council; National Farmers Union; National Grain and Feed Association; National Meat Association; National Milk Producers Federation; National Oilseed Processors Association; National Pork Producers Council; National Potato Council; National Turkey Federation; National Watermelon Association; Pet Food Institute; Produce Marketing Association; Shelf-Stable Food Processors Association; Texas Produce Association; United Egg Producers; United Fresh Produce Association; U.S. Apple Association; Western Growers Association.

Mr. CHAMBLISS. Mr. President, I hope that at the end of the day amendments will be allowed; that we can come up with a bill that is positive and that closes these gaps we have in the food safety inspection program in this country.

Senator KLOBUCHAR and I have worked very hard on a provision that is included in the base bill that will improve the inspection process and make it easier and give more authority and, more importantly, more teeth to the folks who are charged with doing the inspections. If that is the case, and we can get the right amendments done, then perhaps we can get a true bipartisan bill passed and one we can all feel good about supporting.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

#### SECOND OPINION

Mr. BARRASSO. Mr. President, a couple of weeks ago, Americans voted. They voted for more jobs, for less spending and, of course, for smaller government. As you know, I have come to the Senate floor week after week to give a doctor's second opinion about the health care law. Polling shows that 58 percent of Americans voting on election day still want to repeal and replace the President's new health care law.

Americans have made it clear they oppose this new policy that put Washington between patients and their doctors. The day after the election, President Obama was asked about his health care law's impact on the election. He didn't seem to understand the message from the American people. It appears to me that the President continues to believe the American people liked his policy but just didn't like his sales pitch.

Well, in the President's first year alone, he participated in 42 press con-

ferences, gave 158 interviews—including 5 Sunday shows all in 1 day—held 23 townhall meetings and had 7 campaign rallies. In fact, there were only 21 days in that entire first year when the President had no public or press events. Clearly, the American people heard the President's sales pitch; they just didn't want to buy his product. Nevertheless, the President and this Congress proceeded to force this new health care law upon the American people, and they paid a heavy price in the 2010 elections when Americans voted for candidates who vowed to overturn the President's new law.

Republicans have listened to the American people and are committed to ensuring that America's health care system continues to remain the best in the world. As a physician, as well as a Member of the Senate, I listened carefully to the discussions and the debate during the entire campaign season. I listened to what candidates had to say on both sides of the aisle, I listened to what Americans had to say all over the country, and I put together something called United Against Obamacare. It is a compendium of comments and statements made by the 13 newly elected Republican Senators to this body who will take office within the next 2 months. Let me read sentences taken from statements each of them made about health care.

I view the health care bill as the single greatest assault to our freedom in my lifetime.

The thing that worries me the most about this bill, 2,000 pages of all kinds of mandates, huge new government control of health care, is that in time—and it won't be much time—the government is going to intervene between patients and their doctor.

That first sentence was by Senator-elect Johnson and the next sentence was from Senator-elect Toomey.

I don't want the government to tell me what is acceptable and unacceptable about my health care options. I want my doctor to tell me what's best for my care.

That statement was made by Senator-elect Boozman.

It is not supported by the American people. They do not want one size fits all health care.

A statement made by Senator-elect Coats.

Government control of health care will reduce competition, limit personal choices, and increase overall costs.

A statement made by Senator-elect Hoeven.

I think premiums will rise, and as people begin to deal with the penalties of Obamacare, we will have more loss of jobs.

That was Senator-elect Rand Paul. Next:

We're becoming less competitive every time government increases the cost of being in business—and if it's a problem for a large business, my small business men and women will have even greater struggles to overcome.

That was Senator-elect Moran. Next:

I do not think that 12 new taxes and cuts to Medicare are in the interest of the people.

That was Senator-elect Kirk.

It's going to bankrupt America, it adds \$2.5 trillion to our debt in the long term.

That is Senator-elect Rubio.

That's why it's important to keep the repeal effort alive. What we owe is not a Republican issue or a Democratic issue. It is an American issue.

Senator-elect Ayotte.

Every possible means must be applied within Congress as well as through the application of the Constitution and the law to stop full implementation of this legislation.

Senator-elect Lee.

I have proposed over a dozen health care solutions to help reduce the cost of health care.

Senator-elect Blunt. And in conclusion:

I can tell you at least one thing coming . . . When it comes time to vote to repeal health care, I vote yes.

Senator-elect Portman.

That is United Against Obamacare and statements made by the men and women who were recently elected to the Senate on the Republican side of the aisle.

We will fight to repeal the law and replace it with legislation that will help patients and providers and taxpayers.

During his recent press conference, President Obama also said that if Republicans have ideas for how to improve our health care system, he would now be happy to consider them. Well, it would have been nice if he had considered our ideas during the last 2 years but better late than never. Since the President was sworn in, Republicans have proposed a host of proposals that will improve health care in America. Today, I wish to walk through some of the Republican ideas that are strongly supported by a majority of the American people.

First, if Congress wanted to truly demonstrate that it got the message—if it truly wanted to demonstrate that it got the message—the House and the Senate would immediately repeal the President's new health care law. Senator DEMINT currently has a bill that would repeal the health care law in its entirety. By passing this law, we could ensure that the American people will get the reform they want.

It is unlikely that Democrats will vote for a straight up-or-down repeal bill, and even less likely that the President would sign it into law. So I wish to talk about other Republican proposals that would eliminate some of the most egregious portions of the President's new health care law.

Senator HATCH of Utah proposed the American Job Protection Act. It repeals the health care law's job-killing employer mandate. It strikes relevant sections in the health care law forcing employers to provide health insurance to their employees or face a penalty.

Senator HATCH has also introduced the American Liberty Restoration Act. It repeals the health care law's individual mandate—the mandate requiring all Americans to buy health insur-

ance. The Federal Government has never before forced the American people to purchase a product, a good, or a service they may not want. We should overturn this unconstitutional mandate.

Senator JOHANNIS introduced the Small Business Paperwork Elimination Act. It repeals section 9006 of the health care law. Section 9006 requires business owners to submit separate 1099 reporting forms for each business-to-business transaction totaling more than \$600 over the course of a year. Small business owners now, with this law, have to file 1099 forms for basic business expenses, such as phone service, Internet service, shipping costs, and office supplies. This only serves to increase the cost to own and to operate a business. Why? Because, according to the law, they will then be able to provide \$17 billion more in taxes to pay for this unwanted health care law.

Senator CORNYN introduced the Health Care Bureaucrats Elimination Act. It repeals the health care law's Independent Payment Advisory Board. This bill would remove the unelected, unaccountable bureaucrats from their position of making Medicare payment and reimbursement decisions.

Senator ENZI offered the grandfather regulation resolution of disapproval. This resolution overturns a new Obama administration health care law regulation. President Obama repeatedly promised: If you like what you have, you can keep it. This so-called grandfather regulation breaks that promise. The new regulation was supposed to spare businesses already providing health insurance to their workers many of the higher costs of new mandates imposed by the health care law. If businesses lose this so-called grandfathered status, then they will be required to comply with all the new insurance mandates in the law. This includes requirements to offer a Federal minimum benefit package and to waive copayments for certain services. This will force our small businesses to change plans and increase costs.

In fact, the regulation—and it is a regulation where they took two pages of the law and blew it into 121 pages of regulations—the regulation estimates that fully 80 percent of small businesses can expect to lose their grandfathered status based on the extensive regulations the administration wrote. This is a job-killing, wage-cutting regulation. Certainly, this is not the reform the American people were promised.

Also, just this week, Leader MCCONNELL is filing an amicus brief regarding the health care litigation that is currently pending in Florida's Federal court. His brief argues that the individual mandate is not authorized by Congress and that the Government cannot use the commerce clause to force citizens to buy a product.

This list of ideas represents only a fraction of the Republican ideas currently on the table. If the President is

serious about working with us, he will consider our constructive proposals. If not, he will continue to see the American people strongly speak out against his expensive, overreaching, and ideological agenda.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I know Senator BARRASSO is relatively new in Washington, House or Senate. I appreciate his words. I am not talking about him. But there are so many opponents of this health care legislation.

First of all, regarding some of the partisan opponents of this law—the American people do not want to see us relitigate and redebate the health care legislation. They want some focus on job growth. But what strikes me as a bit hypocritical—again, I am not singling out Senator BARRASSO because he has not been here very long—there are so many Members in the House of Representatives and in the Senate who have enjoyed government health care for a decade or two or three, where taxpayers paid for their health care. Those conservative Members did nothing, zero, to help those people without insurance, to help those people who had preexisting conditions, to help those people close the doughnut hole, help senior citizens to get help on their drug costs.

Now they want to repeal the health care bill. In other words, they want to keep their government insurance for themselves, but they don't seem to want to help anybody else out there. It just sickens me.

More important, I don't think the public wants us to continue debating health care. The public wants us to work on job growth, to focus on things like I did in Ohio Monday where I gathered 300 small businesses, people who make things, who want to sell to major aerospace manufacturers, in this case Airbus in my State, putting people to work—because that is what it is all about.

Mr. President, I want to speak for a moment about food safety. It is tempting to take the safety of our food supply as given, but it is actually more a goal, one that continues to elude us. Each year in the United States 76 million people contract a foodborne illness. Some get mildly sick, some get very sick, a few actually die. The Centers for Disease Control and Prevention estimates that more than a few, 5,000 people a year, die from foodborne illness. These are mostly not people in their thirties who are healthy. It is the very young, very old, those whose health may be frail, whose health may not be as strong as others'. Nonetheless, 5,000 people die a year.

Over the last few years we faced melamine in infant formula, harmful seafood from China, tainted peppers from Mexico, E. coli in spinach, Salmonella in peanuts. Sometimes it is international problems. Sometimes it is domestic problems. International problems mean we ought to be looking at

trade policy closer than we have, but that is a debate for another day.

A few months ago we had a nationwide recall of eggs due to *Salmonella* contamination. Just this week we saw a recall of smoked turkey breast products because of *Listeria* contamination. The safety of Americans is threatened by a regulatory structure that has failed to keep pace with modern changes in food production, processing, and marketing.

We have at our grocery stores a wonderful thing. We have all kinds of selections: fresh fruits and vegetables and fish and all kinds of foods we didn't have when I was growing up in the 1960s in Mansfield, OH. We did not have that kind of selection in food stores, especially in the winter months. Now we do. That is a great thing, but we don't do what we need to do to guarantee its safety.

It is time to fix this broken system once and for all. The time has come for Congress to pass legislation that will in fact improve our country's food safety system. America's families should be able to put food on the table without fearing any kind of contamination. We shouldn't worry that the food in the school cafeterias, ballparks, grocery stores, or local restaurants will send a child to the hospital and spread panic throughout the community.

That is why I am so pleased we are considering the Food Safety Modernization Act. This legislation will address—I will talk briefly about it and then yield to my colleague from Delaware, Senator CARPER—some of the problems with our current food safety system. It will require facilities to conduct an analysis of the most likely food safety hazards and design and implement risk-based controls to prevent them. It would increase the frequency of plant inspections. It would strengthen recordkeeping requirements and food traceability systems so we know where the food came from before it gets to the grocery store. It provides the FDA with the authority to mandate food recalls, something that is voluntary now.

Most companies step forward and do it. Some do not. Some delay before they do, imposing health risks. It would ensure further study by the FDA on enhanced safety and sanitary methods for the transportation of foods, and we must ensure this includes an examination of the pallets on which our food is shipped.

At home you don't use the same cutting board for chicken that you use for vegetables, or at least you should not, because of potential food safety problems. It is the same thing with these wooden pallets because they can collect—especially wooden pallets—way more bacteria than you can imagine. We require more extensive provisions for heightened security of imports which account for an increasing share of our fresh fruits and vegetables, an increasing share of U.S. food consumption.

This bill is here today because of the strong work especially of Senator DURBIN of Illinois and Representative JOHN DINGELL of Michigan. Also, I commend Ranking Member ENZI on the HELP Committee and Chairman HARKIN and Senators DODD, BURR, and GREGG for their work.

I also commend the Kroger Company based in Cincinnati, OH, for the work they and other grocery store chains and other food processing companies have done collectively to make sure this legislation works for them on the traceability issue. Many of them, many of these companies, have already set up good traceability provisions by themselves without government involvement. I think Kroger is especially to be commended for doing that. The best way to ensure the FDA can decisively respond to foodborne outbreaks is to authorize a comprehensive food tracing system, as I mentioned.

Earlier this year I introduced S. 425, the Food Safety and Tracing Improvement Act. It would improve the ability of Federal agencies to trace the origins of all contaminated food. I am very pleased that important components and goals of my legislation are included in the managers' amendment. With the addition of these stronger traceability provisions, the FDA will be tasked with establishing a tracing system for both unprocessed and processed food, such as peanut butter. The 2008–2009 peanut butter *Salmonella* outbreak which sickened more than 700 people and resulted in 9 deaths demonstrates exactly why the FDA needs expanded authority to trace foods.

One victim of the peanut butter *Salmonella* outbreak was Nellie Napier of Medina, OH. Ms. Napier was an 80-year-old mother of 6 children, 13 grandchildren, and 11 great-grandchildren. She got ill in January of 2009, almost 2 years ago, after eating a peanut butter product tainted with *Salmonella*. When she got sick, doctors told her family there was nothing they could do and she died shortly thereafter.

The FDA was able to identify the source of the outbreak in a short period of time, but it was incredibly difficult and time consuming for the FDA to determine where all the contaminated peanut butter ended up. The source company sold to 85 other companies. They sold to another 1,500 companies, and many of those companies sold to other companies. There were no trace-back provisions to be able to help and warn others of potential contamination.

Last year, the Inspector General released a report entitled "Traceability in the Food Supply Chain." This report identified significant and unacceptable difficulties in tracing food through the supply chain. The report attempted to trace 40 products through each stage of the food supply chain. They were able only to trace 5 of the 40. That is why we know how important this legislation is. We required the FDA to establish a product tracing system and de-

velop additional recordkeeping requirements for foods the FDA determines to be high risk. We require the Comptroller General to examine and provide recommendations regarding how to further improve the product tracing system. We don't know everything yet that we need to do. This gives the FDA and the Comptroller General guidance and leadership and the authority, in addition to what we have done, to do it in the right way.

I thank Senators HARKIN, ENZI, DURBIN, BURR, DODD, and GREGG for the work they have done, and Representative DIANA DEGETTE from Denver and Senators MERKLEY and FRANKEN, who have been particularly strong advocates working with me.

The goal is to make food safety a foregone conclusion. It is what Americans expect. It is what we have had through many years. We have moved away from that. This puts us right on course to do it right.

I thank the President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THANKING SENATOR BURRIS

Mr. CARPER. Mr. President, first, let me say I have had the pleasure any number of times, as I think have most all of our colleagues, to be recognized by the Presiding Officer. Many times it is you. I know you will be leaving us soon—2 days—but it has been a real pleasure to serve with you. I appreciate not only having the opportunity to work in the Senate with you but on our committees and subcommittees. You have been a great colleague. We are going to miss you.

#### HEALTH CARE

Senator BARRASSO was speaking earlier, talking about the health care legislation. One of the means of paying for part of the health care reform—you may recall the Congressional Budget Office has said health care reform is expected to actually reduce the budget deficit by about \$100 billion over the next 10 years and by about another \$1 trillion in the 10 years following that. Part of our challenge is to make sure we do that, that potential for deficit reduction is realized.

One of the provisions in the health care bill calls for businesses, large and small, to submit form 1099s when they make a purchase of a service or a good from some other business. That can be an administrative burden for businesses.

The reason it was put in the bill was because it is a big cash economy and there is a huge tax gap of money that is owed to the Treasury. Last time the IRS estimated, they said it was about \$300 billion in moneys owed to the Treasury not being paid, in many cases by businesses—in a lot of cases where they work on a for-cash basis. The IRS

has asked us forever to do something about that problem. We tried to do it in the context of health care reform and use it for part of the way to pay for the health care costs.

We are going to come back and fix that issue—particularly the concerns raised by smaller businesses that this is an administrative burden—to see if there is a way to make it a lot less burdensome but at the same time to see if there is a way to close the tax gap.

The idea that those of us paying our fair share of taxes know a number of folks and businesses are not is enough to make our blood boil. We have to fix that and at the same time not create an unneeded burden for businesses in complying.

We just had a hearing in the Finance Committee this morning. The hearing was one sought by Republicans but also looked forward to by Democrats. Our speaker was Dr. Donald Berwick, whom you may know is the new administrator appointed by the President—a recess appointment because he expected that we would have a very difficult time getting him confirmed. We still have holes in the current administration where we cannot get people confirmed on the floor, whether it is for Assistant Secretary or Under Secretary—all kinds of provisions. I call it administration Swiss Cheese, and it is hard to try to govern. The administration realized that early on in a place like CMS, which stands for Centers for Medicare and Medicaid Services.

In that position, we needed someone—we needed someone like yesterday—and it looked as if we would have a tough and probably a long confirmation fight with Dr. Berwick. We just went ahead and made the recess appointment when we were in recess. So he is on the job now.

I did not know what to expect in the hearing. Would it be vitriolic? Dr. Berwick did not ask to be a recess appointee. He said the President asked him to serve and he said he would serve. I think he hit the deck running and is doing a very nice job. I think the hearing today was more positive, more focused on issues and results than I had expected it would be.

When we passed health care reform earlier this year, for me, having worked on it with my colleagues on the Finance Committee for about, gosh, over a year, my focus at the time was, How do we get better results for less money? And we have a lot of people, as we know, who do not have health care coverage at all. We need to extend coverage to them or as many of them as we can. But unless we also figure out how to get better health care outcomes for less money, we are not going to be able to sustain extending coverage to people who do not have it. So we have to do both. And a good deal of what Dr. Berwick testified to today was, How do we provide better results for less money?

One of the aspects of the legislation he spoke to which is about to be imple-

mented in less than 2 months focuses on Medicare and it focuses on our senior citizens.

As many of us know, since 2006 there has been a Medicare prescription drug program. We call it Part D. Medicare has Parts A and B, which is doctor care and hospital care, it has Part C, which is Medicare Advantage, and it has Part D, which is the prescription drug program. In Part D, when we actually adopted it, we said that the first roughly \$3,000 of name-brand drugs Medicare recipients take in a year—Medicare pays roughly 75 percent of the first \$3,000. The individual pays the rest. Everything over \$6,000 in name-brand drugs that a person takes in a year in this program—Medicare covers about 95 percent of everything over \$6,000. For most people, everything between \$3,000 and \$6,000 in a year, Medicare pays zero. That is called the doughnut hole.

Come January 1, the doughnut hole is going to be about half filled, and we will find that instead of Medicare paying zero for name-brand drugs bought by Medicare recipients purchasing between \$3,000 and \$6,000 per year, Medicare will pay 50 percent. Over the next 10 years, Medicare will pay more each year. When we get to 2020, Medicare will be covering 75 percent of the cost of those name-brand drugs. That will accomplish a couple of things. One, you and I know, Mr. President, that there are people in Illinois, Delaware, and other States who stop taking their medicines. They stop taking their medicines in the Medicare prescription drug program because they fall in the doughnut hole and Medicare, for them, is providing zero. That is going to change. And a lot of people who don't take their medicines, unfortunately, get sick, they end up in hospitals, and it becomes very expensive for us to take care of them, instead of taking maybe a relatively inexpensive medicine. We are going to begin to address that in a very substantial way on January 1.

Who pays that 50 percent? The pharmaceutical companies. Not the taxpayers, not the Treasury, the pharmaceutical companies. And as we march from 50 percent up to 75 percent in 2020, the pharmaceutical companies have agreed to meet those costs. We are happy about that, grateful for that. They deserve some credit for that.

Another benefit Dr. Berwick talked about is annual physicals. Right now a person reaches age 65, they are eligible for Medicare, and they get a one-time-only welcome-to-Medicare physical. They can live to be 105 and they will never get another one.

Under the law, beginning in January, 2 months from now, Medicare recipients will be eligible for an annual physical for the rest of their lives. If they live to be 105, if they start at 65, they will get 40 of them. The idea is—and they include cognitive screening as well, the physical by their own doctors and nurses—the idea there is to catch

problems when they are small and can be fixed and cared for rather than when people get really sick and end up in hospitals, which costs, as we know, a boatload of money.

The third thing he mentioned to all of us, in addition to the doughnut hole and the annual physicals, is copays. In Medicare, there is a copay for a lot of preventive screening—colonoscopies, mammographies, those kinds of things—and a lot of the time these Medicare recipients do not have the money. They do not have the money to pay for the copays, so they do not get the colonoscopies or they do not get the mammographies, they do not get the preventive screening, and then they get very sick, and the rest of us pay the tab. That is not smart.

Starting in January, the copays for those preventive screenings go away. We want the people to get the mammographies, we want them to get the colonoscopies when they are due to get them. In doing that, we are going to save money in the long haul.

The last thing I wish to mention is that there is a lot of fraud in Medicare. There is a lot of fraud in Medicaid. There are great provisions in the legislation that will enable us to go after fraud in Medicare, in Parts A and B, which is doctor care and hospital care; Part C, which is Medicare Advantage; and in Part D.

We have been given a little start to this in working on Medicare fraud cost recovery in about five States for the last couple of years. Last year, I think we recovered about \$1 billion in five States. Next year, we are going to start doing Medicare cost recovery in all 50 States. We hire private contractors. Out of every dollar they collect from fraud, 90 cents goes back into the Medicare trust fund and the private company keeps 10 cents. That is how they get paid. We are going to be able to extend the life of Medicare a whole lot because of this.

Not only are we going to be going after waste, fraud, and abuse in a very smart way, recovering money in a very smart way, we are also going to do it in Medicaid. We are also doing the same kind of thing in Medicaid. We have asked senior citizens from across the country to sign up and be part of a posse almost and to go out and help us identify the fraud. As we do that, we will be able to recover more money still.

So that is a little bit of what Dr. Berwick talked about today. I thought it was a very good exchange and a very encouraging exchange as we go forward in health care reform.

Again, I appreciate the opportunity to make these remarks. It is a very special privilege to do it with you sitting in that seat today.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m. today.

Thereupon, the Senate, at 12:37 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

FDA FOOD SAFETY MODERNIZATION ACT—MOTION TO PROCEED—Continued

Mr. BOND. Mr. President, I ask unanimous consent to proceed as in morning business for up to 15 minutes, with the time to be charged against the debate postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE PERSPECTIVES

Mr. BOND. Mr. President, I have had the distinct privilege over the past 8 years of serving on the Senate Select Committee on Intelligence, serving as the committee's vice chairman for the past 4 years. In this role I have been privy to our Nation's deepest secrets, including great successes and some failures. Unfortunately, the failures usually get leaked to the media while most of the successes go unheralded. While I am not at liberty to discuss those successes here, I can witness to the fact that we have an outstanding fleet of intelligence personnel who selflessly sacrifice their time, and sometimes their lives, to protect our great Nation. Those professionals deserve our undying gratitude, and we all can be proud of their service. It has been a distinct privilege to me to oversee their work, and for their dedication to our Nation, I am ever grateful.

As I leave the Senate, having served in this privileged capacity as vice chair of the Intelligence Committee, I leave for my colleagues some thoughts, and recommendations on improvements that can be made on intelligence matters going forward, which I believe will enhance our national security.

First, let me start with the Congress. Members of Congress often like to criticize the executive branch, as is appropriate, but Congress needs to get its own house in order as well. I joined the Select Committee on Intelligence in 2003, and during the past 8 years the committee has had three chairmen: Senators ROBERTS, ROCKEFELLER, and FEINSTEIN; and two vice chairmen: Senator ROCKEFELLER and me. It has been a challenging time, and we have had our highs and our lows. After December 2004, the committee failed to pass an annual authorization bill that could become law for almost 6 years; this was due purely to politics in the Congress.

Although the committee was able to pass unanimously results from an investigation on pre-Iraq war intelligence failures, it was by and large hindered by political infighting for several years. In 2003, a memo was found written by a committee staffer that advocated attacking intelligence issues for political gain to damage the Republican administration and the Republican majorities. That memo was ultimately discredited by my friends on the other side of the aisle, but it

marked a low point in the committee's history, and it should never happen again. Chairman FEINSTEIN and I have worked hard to bring the committee back into bipartisan operation of intelligence oversight. We hope that the Intelligence Authorization Act that the President signed into law recently has helped in getting the committees back on track.

One area where I strongly believe the Congress has yet to heed the warnings of the 9/11 Commission and other study groups is in reforming its approach to appropriations for intelligence. That is why in 2008, the SSCI passed a resolution to establish an appropriations subcommittee on intelligence, something the full Senate had already passed in 2004. Yet the Appropriations Committee has failed to act. I continue to believe this is vital to improving oversight and funding of our Nation's intelligence, and I urge the Senate in the next Congress to make this happen.

The past 8 years have been groundbreaking years in Intelligence, particularly as the war on terrorism has played out in Afghanistan and Iraq. As I speak today, U.S. and coalition forces in Afghanistan continue to fight terrorists—al-Qaida, the Taliban, Haqqani, and others who threaten the stability and future of the region. They fight not only to bring stability to the region but to disrupt the sanctuaries and dismantle the organizations that can and do facilitate terrorist attacks against the United States at home, our troops in the field, and our allies abroad.

My profound respect and gratitude goes out to those serving in Iraq, Afghanistan, and across the globe. We have asked so much of them and their families. They have made enormous, in some cases ultimate, sacrifices, and our Nation is forever in their debt.

As we learned in Iraq, fighting the enemy is not enough. A comprehensive counterinsurgency strategy is required. It must combine kinetic power—military attacks against terrorists and insurgents—with “smart power”—the development of host nation capabilities and infrastructure, and a sensible mix of economic, development, educational, and diplomatic strategies. We know that understanding the complexities of the region and the forces at play puts additional burdens on the resources and capabilities of the intelligence community. But we also know that without a viable and appropriately resourced counter-insurgency strategy, we will not see success in Afghanistan, and the future of Pakistan will remain in doubt. Driving terrorist safe havens out of Afghanistan is crucial but insufficient if al-Qaida and Taliban militants continue to find sanctuary in the remote border regions of western Pakistan.

Eliminating the terrorist threat to the United States that emanates from terrorist sanctuaries in the region is our No. 1 goal. A U.S. withdrawal, in whole or in part, from Afghanistan in

the near term would be a tacit, yet unambiguous, approval for the return of Taliban control of Afghanistan. In turn, this would lead to the establishment of more safe havens for many of the world's most violent and feared terrorists.

But what happens when our forces eventually pull back? Replacing those sanctuaries with secure environments and stable governance is the key to ensuring that terrorists do not gain another foothold in the future.

As we have fought this war in Iraq and in Afghanistan, we have learned a lot about al-Qaida, terrorism, and our own intelligence capabilities. On July 9, 2004, the committee unanimously issued its phase I report on the prewar intelligence assessments on Iraq. I view this truly bipartisan effort as one of the committee's most successful oversight accomplishments.

The comprehensive 511-page Iraq WMD report identified numerous analytic and collection failures in the intelligence community's work on Iraq's WMD programs. These underlying failures caused most of the major key judgments in the Iraq WMD National Intelligence Estimate to be either overstated or not supported by the underlying intelligence reporting. In turn, American policymakers relied, in part, on these key judgments in deciding whether to support the war against Iraq.

The committee's Iraq WMD Report served as a valuable “lessons-learned” exercise. It has had a profound impact on the way the intelligence community does business and interacts with Congress and the White House. It also set the standard for future committee reviews. In my opinion, the committee members and staff who completed the project performed a great service to our Nation.

At the end of 2004, Congress passed the Intelligence Reform and Terrorism Prevention Act. The Governmental Affairs Committee had the lead on this bill, and the act implemented a number of recommendations of the 9/11 Commission, including the creation of the Office of the Director of National Intelligence.

After 6 years, the jury is still out on the ODNI. Some have argued the office is an unnecessary bureaucratic layer. Others have said the office is too big and needs to be downsized. Still others are concerned that the DNI's authority is being undermined by decisionmakers in the White House and the Department of Justice—a point with ample evidence over the past several years. While these observations have some merit, I believe the ODNI serves an important leadership function within the intelligence community and should not be abandoned.

There is, however, room for improvement, so I sponsored a number of legislative provisions that should enhance the DNI's authorities with respect to accountability reviews and major system acquisitions. While some of these

provisions were recently signed into law, more will need to be done to strengthen the effectiveness of the ODNI.

Turning to battlefield intelligence, the committee has spent a considerable amount of time conducting oversight of the CIA's detention and interrogation program. Intelligence from detainees has proven to be a most effective source of intelligence to protect the Nation. That is why we must capture the enemy if at all possible, instead of just killing them. I am concerned lately that due to our lack of effective detention and interrogation policies today our operators in the field feel compelled to kill vice capture. This is understandable, for unless you are in Iraq or Afghanistan, where would you detain enemy combatants to the United States? More troubling to me, we seem to be releasing a number of individuals whom we have already detained, only to see more than 20 percent of them take action against us on the battlefield again. I have a comprehensive approach to this issue that I have been working on with other members that will be introduced on the floor.

Regarding the CIA's interrogation program, I believe the program produced valuable intelligence information. My opinion is not a partisan one. Recently, we learned that the Obama Justice Department and Judge Kaplan, a U.S. district judge for the Southern District of New York, agree with my assessment. Judge Kaplan is presiding over the Federal trial of Ahmed Ghailani, an alleged member of al-Qaida indicted on charges of participating in the bombings of the U.S. embassies in East Africa. Last July, Judge Kaplan agreed with the Department of Justice and found that "on the record before the Court and as further explained in the [classified] Supplement, the CIA Program was effective in obtaining useful intelligence from Ghailani throughout his time in CIA custody."

In March 2009, the committee began a bipartisan review of the CIA's interrogation program, based upon carefully negotiated terms of reference. Unfortunately, later that year, the Attorney General decided to re-open criminal investigations of the CIA employees involved in the CIA's detention and interrogation program. I believed then that the Attorney General's decision would impede the committee's ability to conduct interviews of key witnesses, thereby diminishing the value of the review. As a result, I withdrew minority staff from the committee's review. The majority pressed ahead and has refused to comply with committee rules to keep the minority fully and currently informed, but it soon ran into the obstacles I foresaw, with CIA personnel declining to speak with them based on the advice of counsel. And who would blame them?

The majority has spent valuable time and resources on this matter, and the

CIA has conveyed that it had to pull personnel off current mission requirements to support their effort. I believe that limited committee and government resources would be better spent on topics of oversight interest on programs that are in operation today.

One of the most disturbing leaks that I have witnessed during my tenure on the committee occurred in December 2005, when the New York Times published a story describing the President's Terrorist Surveillance Program, or TSP. Some view the leakers as heroes. I do not share that view. In fact, intelligence operators in the field at the time told me that their ability to gain valuable information was reduced dramatically. Michael Hayden, then Director of the CIA, stated that we had begun to apply the Darwinian theory to terrorism because from then on we would only be catching the dumb ones. Frankly, I am amazed the Department of Justice has yet to prosecute Thomas Tamm, a DOJ attorney who openly bragged in a Newsweek article that he intentionally revealed information about this highly classified and compartmented program. Tamm and his fellow leakers are traitors who have done serious damage to our national security. Yet this administration refuses to prosecute this open and shut case. Why?

In order to ease concerns of critics, the President's TSP was submitted to and approved by the Foreign Intelligence Surveillance Court. Unfortunately, in May 2007, this new arrangement started to unravel when the FISA Court issued a ruling that caused significant gaps in our intelligence collection against foreign terrorists.

Although DNI Mike McConnell pleaded to Congress for help, the Congress failed to respond. Under the looming pressure of the August recess, Republican Leader MITCH MCCONNELL and I co-sponsored the Protect America Act which Congress passed in the first week of August 2007.

The act did exactly what it was intended to. It closed the intelligence gaps that threatened the security of our Nation and of our troops. But it was lacking in one important aspect. It did not provide civil liability protections from ongoing frivolous lawsuits to those private partners who assisted the intelligence community with the TSP.

Following the passage of the Protect America Act, I worked to come up with a bipartisan, permanent solution to modernize FISA and give those private partners needed civil liability protections. The committee worked closely for months with the DNI, the Department of Justice, and experts from the intelligence community to ensure that there would be no unintended operational consequences from any of the provisions included in our bipartisan product.

In February 2008, after many hearings, briefings, and much debate on the Senate floor, the Senate passed the

FISA Amendments Act by a strong, bipartisan vote of 68-29. The Senate's bill reflected the Intelligence Committee's conclusion that those electronic communications service providers who assisted with the TSP acted in good faith and deserved civil liability protection from frivolous lawsuits. The Senate bill also went further than any legislation in history in protecting the potential privacy interests of U.S. persons whose communications may be acquired through foreign targeting.

After months of protracted and difficult negotiations with the House, Congress finally passed the FISA Amendments Act on July 9, 2008, and the President signed it into law the very next day. The final law achieved the goals of the original Senate bill, albeit less elegantly. While the act is more burdensome than I would prefer, we did preserve the intelligence community's ability to keep us safe, and we protected the electronic communications service providers from those frivolous lawsuits.

I consider my involvement in the passage of the Protect America Act and the FISA Amendments Act to be two of the highlights of my legislative career. There is, however, still work to be done. A number of provisions in the FISA Amendments Act are set to sunset at the end of next year. Also, there are three additional FISA provisions related to roving wiretaps, business records court orders, and the lone wolf provision, that are set to expire on February 28, 2011. I urge Congress and the President to work closely together to ensure that the provisions are made permanent, without adding unnecessary requirements or limitations that will hamper our intelligence collection capabilities.

I mentioned earlier that recently the Intelligence Authorization Act of 2010 was signed into law. When I became vice chairman of the committee in 2007, my top priority was to get an intelligence authorization bill signed into law, and I am thankful that with the leadership of Senator FEINSTEIN, we finally met that goal. The 2010 intelligence authorization bill, while light on authorization, was heavy on legislative provisions. I am pleased that a number of good government provisions which I sponsored were included in the bill.

The law imposes new requirements on the intelligence community to manage better their major systems acquisitions. Too often, we have seen IC acquisitions of major systems, i.e., over \$500 million, balloon in cost and decrease in performance. These provisions will operate together to address the longstanding problem of out-of-control cost overruns in these acquisitions. Modeled on the successful Nunn-McCurdy provisions in title 10 of the United States Code, these provisions encourage greater involvement by the DNI in the acquisitions process and help the congressional intelligence committees perform more effective and timely oversight of cost increases.



Another good government provision established a requirement for the intelligence community to conduct vulnerability assessments of its major systems. A significant vulnerability in a major system can impede the operation of that system, waste taxpayer dollars, and create counterintelligence concerns. This provision requires the DNI to conduct initial and subsequent vulnerability assessments for any major system, and its items of supply, that is included in the National Intelligence Program. These assessments will ensure that any vulnerabilities or risks associated with a particular system are identified and resolved at the earliest possible stage.

A third good government provision gives the DNI the authority to conduct accountability reviews of intelligence community elements and personnel in relation to their significant failures or deficiencies. It also encourages IC elements to address internal failures or deficiencies, something they at times have been reluctant to do. In the event these elements are reluctant or unable to do so, this provision gives the DNI the authority he needs to conduct his own reviews.

Finally, my future budget projection provision requires the DNI to do what every American family does on a regular basis—map out a budget. The DNI, with the concurrence of the Office of Management and Budget, must provide congressional Intelligence Committees with a future year intelligence plan and a long-term budget projection for each fiscal year. These important planning tools will enable the DNI and the congressional intelligence communities to “look over the horizon” and resolve significant budgetary issues before they become problematic.

As I leave the Senate and contemplate what I have learned during my service in Congress and on the Intelligence Committee, I have a number of recommendations for future members and leaders of the committee.

One of the intelligence community’s greatest failures was its complete waste of billions of dollars spent to develop satellites that never took a single picture. Senator FEINSTEIN and I have strongly voiced our abiding concern to all four DNIs that the Intelligence Community is still spending far too much money on imagery satellites that are too big, too few, and too costly. We have put forth solid alternatives that would produce more satellites at far less cost, be less fragile, and perform as well or better than the unaffordable plan in the President’s budget.

Just this month, an independent analysis by some of the country’s very best astrophysicists confirmed that such an alternative, based on a combination of commercial and classified technologies, was essentially as capable, but about half as expensive as the administration’s program. Sadly, our ideas have met with “NIH” resistance—“not invented here.”

Even worse, it appears that this resistance has been based in part on the NRO’s unhealthy reliance upon, and apparent subordination to, the contractor that builds these incredibly expensive satellites. In spite of this resistance, Congress saw fit to appropriate over \$200 million to explore a better path forward, and I urge my colleagues in both Houses of Congress to sustain that effort. I also urge the new DNI, in the strongest terms, to reconsider this issue afresh, and with an open mind. Our committee recommended his confirmation on the hope and expectation that he would do so.

The committee has been following the cyber threat issue for a long time. Cyber attacks happen every day. Our government, businesses, citizens, and even social networking sites all have been hit.

In an ever increasing cyber age, where our financial system conducts trades via the Internet, families pay bills online, and the government uses computers to implement war strategies, successful cyber attacks can be devastating. Unless our private sector and government start down a better path to protect our information networks, serious damage to our economy and our national security will follow.

Senator HATCH and I introduced a legislative proposal that takes the first step by creating a solid infrastructure that is responsible and accountable for coordinating our government’s cyber efforts. The bill is built on three principles. First, we must be clear about where Congress should, and, more importantly, should not legislate. Second, there must be one person in charge—someone outside the Executive Office of the President who is unlikely to claim executive privilege, but who has real authority to coordinate our government cyber security efforts. Third, we need a voluntary public/private partnership to facilitate sharing cyber threat information, research, and technical support.

We believe that once this infrastructure is established, the assembled government and private sector experts will be able to provide guidance on the next steps—including any further legislation—needed to enhance our cyber safety.

In the aftermath of 9/11, we captured hundreds of al-Qaida terrorists and associates. Many of these could be called low-level fighters—of the same type as the 9/11 hijackers but no less dangerous to our security. Others, such as 9/11 mastermind Khalid Sheikh Mohammed and senior al-Qaida operative Abu Zubaydah, were identified as high-value detainees and placed in the CIA’s interrogation and detention program.

After details about the program were leaked in the Washington Post, the President announced, in September 2006, that these high-value detainees would be transferred to the detention facility at Guantanamo Bay. Since 2002, Gitmo has housed terrorists

picked up on the battlefield or suspected of terrorist activities. Today, 174 detainees remain at Gitmo.

In 2008, in a sharply divided opinion and despite clear language from Congress to the contrary, the Supreme Court gave Gitmo detainees the constitutional right to challenge their detention in our courts. Since then, 38 detainees have successfully challenged their detention.

With the recidivism rate for former Gitmo detainees at over 20 percent, Congress must step in once again and draw some boundaries. We cannot afford to let more potentially dangerous detainees go free. We need a clear, consistent framework for these habeas challenges with a standard of proof that takes into account the wartime conditions under which many of these detainees were captured. It is unreasonable to hold the government to the standards and evidentiary tests that apply in ordinary habeas cases. There is nothing ordinary about war and our habeas laws must reflect that.

Now that the President has abolished the CIA’s program and ordered the closure of Gitmo, we need clear policies for holding and questioning suspected terrorists, especially overseas. We must abandon the automatic impulse to Mirandize terrorists captured inside the United States. Prosecution can be a very effective response to terrorism, but it must never take precedence over getting potential lifesaving intelligence.

I have been working with several of my colleagues on legislation that would set clear lines for law of war detention and habeas challenges. Our Nation should not risk another Gitmo detainee rejoining the fight. We cannot risk losing more and timely intelligence because we have no system for detaining and interrogating terrorists. These are critical national security issues and Congress’s voice must be heard as soon as possible.

Last December, Umar Farouk Abdulmutallab attempted to blow up a Northwest Airlines flight as it headed to Detroit. Shortly after the failed attack, al-Qaida in the Arabian peninsula claimed responsibility. AQAP counts among its senior leadership and members former Gitmo detainees who have returned to their old ways. As the Christmas Day attack reminded us, rising recidivism rates for Gitmo detainees are more than just a statistic and claims that a 20-percent recidivism rate “isn’t that bad”—as one senior administration official put it—must be challenged.

As part of its goal to close Gitmo, the administration continues its efforts to persuade other countries to accept detainees. Whatever one’s views on closing Gitmo, we all have an interest in making sure that no former Gitmo detainee kills or harms us or our allies. As these transfers continue, the Intelligence Committee—and Congress—must pay close attention to these and earlier transfer decisions.

As part of the committee's oversight responsibilities, staff have been traveling to those countries that accepted detainees under the current and previous administrations. They have also been reviewing assessments prepared by the intelligence community and the Guantanamo Review Task Force and other documents. A lot of work has been done, but there is more to do.

Thus far, our review has raised some significant concerns. We all know that transfers to Yemen are a bad idea, but other countries may not have either the legal authority or capability to keep track of these detainees effectively. Still others simply view these former detainees as being free. If we do not know what these detainees are doing, we end up relying on luck that we will catch them before they act.

Having luck on your side is always a good thing, but it stinks as a counterterrorism policy. I urge my colleagues on both sides of the aisle to pay close attention to this issue. Unfortunately, it is one that I think will continue to be around for a very long time.

I hope these reflections, observations, and recommendations will be of use to the members of the next Congress. I have been deeply honored to serve on the Intelligence Committee with my distinguished and talented colleagues. I also salute the fine men and women of the intelligence community who have given so much for the safety of our country. I wish them all well in their future endeavors.

In addition, I wish to address an obvious problem—leaks. I have already made reference to some of the more disastrous leaks that occurred during my tenure, but unfortunately, these were just the tip of the iceberg. There are simply too many to list. I shudder to think about the sources and methods that have been disclosed, and the lives that will likely be lost, as a result of the obscene amount of classified information compromised by Wikileaks. Of course, to call this a leak case is gross mischaracterization; it is more like a tidal wave.

We are blessed with our open society and our many freedoms. However, our ability to protect these freedoms and preserve our national security depends upon our ability to keep our secrets safe.

This problem needs a multifaceted solution. We must first deter and neutralize the leakers. There should be significant criminal, civil, and administrative sanctions that can be imposed on leakers. Leakers should face significant jail time, pay heavy fines, forfeit any profits, lose their pensions, and be fired from their jobs. We should also not allow the first amendment to be used as a shield for criminal activity. It should be a crime to knowingly solicit a person to reveal classified information for an unauthorized purpose or to knowingly publish or possess such information. Leaks will not stop until a significant number of leakers have been appropriately punished.

Other steps may lessen the problem. Government agencies in possession of classified information should ensure that information is properly classified in the first instance and that their employees are thoroughly trained in security procedures. Also, we should explore technological solutions for tracking classified documents and establishing singular audit trails.

On a related issue, we also need to ensure that the security clearance process is repaired. An excellent interagency reform process has applied more resources and better processes to increase the efficiency of the system, eliminate backlogs, and in many cases, shorten the time required to process a security clearance. Although significant progress has been achieved in recent years, there is still a lot of room for improvement. We must continue to use technology to wring more efficiency from the security clearance system, and make it less of an obstacle to success for our intelligence and law enforcement agencies.

Just as importantly, we must modernize the security clearance system to make it a more useful measure of suitability for serving in sensitive government positions. The interagency security clearance reform process is studying a new process, called "continuous evaluation," which seeks to use automated records checks and other similar processes to assess risk in populations of cleared personnel on a regular basis, rather than waiting five years to conduct a reinvestigation, as we currently do.

The devil will be in the details, but I believe a "continuous evaluation" system could be much more effective than our current practices in detecting security threats in our agencies before they become a problem.

The use of biometrics—fingerprints, DNA, facial recognition scans, and the like—has yielded dramatic dividends on the battlefields of Iraq and Afghanistan, and is a vital tool for detecting terrorist threats before they arrive on our shores. Biometrics help us separate the good guys from the bad guys on the battlefield, and can ensure that we know that the foreign tourist, businessman, or student who wants to visit the United States is not actually a dangerous terrorist.

We have made significant progress in the collection and use of biometric data in the last decade, but there are still too many policy and procedural obstacles to sharing biometric data between U.S. Government agencies. Moreover, far too much of the funding for these important biometric efforts is contained in supplemental funding requests.

We need to continue breaking down the barriers to sharing biometric data. We need a roadmap in the base intelligence budget for the permanent sustainment of our biometric efforts in the decades to come. Biometrics must remain an important tool for dealing with national security threats well be-

yond the end of combat operations in Iraq and Afghanistan.

The committee spent much of 2005 and 2006 working on legislation related to the expiring provisions of the USA PATRIOT Act. We held numerous hearings and reported out a bill that contained a number of provisions that were ultimately included in the USA PATRIOT Improvement and Reauthorization Act.

Among other things, the act made permanent 14 of the 16 USA PATRIOT Act provisions that were set to expire at the end of 2006. It extended the sunsets of three FISA provisions—roving wiretaps; business record court orders; and lone wolf—until the end of 2009. Also, it created a new National Security Division within the Department of Justice, supervised by a new assistant attorney general, with the goal of ensuring that the information sharing walls that existed prior to 9/11 are never reconstructed.

Since the terrorist attacks of September 11, the size and budget of the intelligence community has nearly doubled, and much of that growth has been in the IC's analytic community. Even as we hire more and more analysts to focus on national intelligence priorities, most of them work on current and tactical missions—answering questions and giving briefings on near-term issues—without ever producing a deep understanding of longer term critical issues.

Furthermore, the intelligence community continues to operate as a loose confederation, with no universal standards for analytic training, tools, technology, and personnel policies. These issues, coupled with a lack of a federated communitywide analytic work plan, often result in redundant or conflicting analyses, and in some cases, a major gap in coverage or understanding of issues of significant concern. It is time for the ODNI to bring analytic direction and standards to the IC so that the analytic community can become a true community of analysts.

I have often voiced my concern about the abysmal state of the intelligence community's foreign language programs and the slow pace of progress in correcting deficiencies. The collection of intelligence depends heavily upon language, whether information is gathered in the field from a human source or from a technical collection system.

More than 9 years after 9/11, and more than a year after a major shift in focus in Afghanistan and Pakistan, the cadre of intelligence professionals capable of speaking, reading, or understanding critical regional languages such as Pashto, Dari, or Urdu remains in critically short supply. In spite of significant congressional interest and funding, progress has been disappointing.

Persistent critical shortages in some languages could contribute to the loss of intelligence information and affect the ability of the intelligence community to exploit what it does collect. I

encourage IC leaders to make foreign language learning and maintenance a priority mission and a “must fund” for resource allocation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COACH DAN CALLAHAN

Mr. DURBIN. Mr. President, I wish to say a few words about an extraordinary man, a friend of mine, who died this week in Carterville, IL. Dan Callahan was the head baseball coach at Southern Illinois University at Carbondale for the last 16 years. He died Monday at the age of 52.

Dan Callahan was not only a good coach, he was a great man. His conduct on and off the field inspired just about everybody who ever met him.

Dan died of neurotropic melanoma, a very rare and very serious form of skin cancer. His struggle with cancer began almost 5 years ago when he detected a little black spot on his lower lip. The spot was successfully removed, but the cancer remained and grew.

After receiving his diagnosis, Dan Callahan silently endured the rigors of his treatment while continuing to coach his baseball team. In the 2007, 2008 seasons there were times he probably should have stayed home because he was too weak to do much but sit in the dugout, but he came to work and he came to that ball yard every day. He didn't miss a single game.

The next season Dan endured more intense treatment, including a surgery that removed part of his right jaw. It was only then that he went public with his illness. Eventually, the cancer cost Dan not only his job but the sight in his right eye and the hearing in his right ear. But it didn't stop the coach. The losses damaged his depth perception and hearing. But if Dan Callahan, once a pitcher in his own right, wasn't able to throw a fastball with quite the same speed and control, he taught his players an even more important lesson: how to push through adversity.

The chemo and surgery forced him to miss all of his team's road trip games during the 2009 season, and that bothered him even more than the cancer. He believed a coach should be with his players. Somehow, this past season—his last season—Dan was able to be on the bench for nearly every game. He considered that a great victory, and it was.

The president of Southern Illinois University, Glen Poshard, a former Congressman, said about Danny Cal-

lahan: “As far as I'm concerned, he was the face of courage.”

The Missouri Valley Conference recognized that fact a year ago when it awarded Dan Callahan its “Most Courageous Award,” an award that honors those who have demonstrated unusual courage in the face of personal illness, adversity, or tragedy. In announcing Dan's selection, the Missouri Valley Conference Commissioner Doug Elgin said:

Dan Callahan personifies professionalism in the face of personal adversity, and he's been an inspiration to his baseball student-athletes, and really all those who know him. We feel honored to be able to recognize him.

Dan had a great sense of humor. He used to joke that he led the league in one category: surgeries. In fact, he leaves a rich record of athletic achievement. In 22 seasons as an NCAA Division I head coach, Dan Callahan compiled an impressive record of 595 wins and 695 losses, and 442 of those nearly 600 victories were at Southern Illinois, making him the second winningest coach in SIU's history.

Dan Callahan was one of just five coaches in Missouri Valley Conference history to win over 200 league games. In his time at Carbondale, he produced 23 Major League draft picks and 19 First-Team All-MVC selections.

Baseball was Dan's lifelong love and passion. As an athlete, he pitched two seasons at the University of New Orleans, two at Quincy College, from which he graduated. After college, he pitched professionally in both the San Diego Padres and Seattle Mariners' organizations.

His first coaching job was in my hometown at Springfield High School, his alma mater. He also coached at Eastern University for 5 years before heading down to Carbondale.

Last October, Dan began chemotherapy. His doctors prescribed a three-drug cocktail that includes Avastin, one of a new generation of anticancer drugs that works by preventing the growth of new blood vessels that support tumors. Avastin can buy time and a better quality of life for the people with advanced cancer, but it is very expensive. In Dan's case, it cost \$13,686 a treatment—about \$100,000 a year.

Unfortunately, Dan's health insurance company, the largest health insurer in America, a company that had paid for surgery to remove the initial spot from his lip and the second surgery to remove part of his jaw, refused to pay for the Avastin. The chemo drug was FDA-approved and something of a wonder drug in treating advanced colon, lung, breast, and other cancers. But the insurance company said its use to treat cancers like Dan's was experimental so they wouldn't cover it.

With the support of family and friends, Dan and his wife Stacy found \$27,000 to pay for the first two treatments. Washington University in St. Louis provided another \$50,000; that bought him four more treatments. Through all the chemo and radiation

treatments and all the painful surgeries, Dan Callahan never complained. He was never bitter and he never felt sorry for himself. But he worried about other people and other families who needed expensive drugs and couldn't afford them. Dan thought it was unfair that patients could be denied treatment that could extend and maybe even save their lives simply because of the drug's high price. We talked about that last year while the Senate was debating America's broken health care system. I thought about Dan Callahan when I voted for the Affordable Health Care Act.

In his prime, Dan Callahan stood 6 feet 4 and weighed 225 pounds. The cancer took its toll. The last couple of months were rough. He spent most of them at Barnes Hospital in St. Louis. A little more than a week ago, he told his doctors he needed to take a break so he could attend a Thanksgiving get-together with his team. He went home for hospice care and died 3 days later surrounded by the people he loved.

I offer my deepest condolences to Stacy, Dan's wife of 21 years, and their daughters Alexa and Carly, and his parents Ann and Gene. Gene and Ann are my closest friends and I have known Dan since he was 9 years old. I also wish to say to Sherry and Lynn, his sisters, he couldn't have come from a better family. My thoughts are also with the student-athletes whom Dan coached and inspired over the years. Dan's passing is a deep loss for so many people.

On Monday, Dan is going to have a send-off. It is going to be at the baseball diamond. Dan's family and his SIU family are hosting a celebration of his life at the SIU baseball diamond where he spent so many years. There will be a party afterwards with hot wings and beer. The invitation says, “Please dress casually. No suits. No ties.” That is exactly what Dan would have wanted.

Jim Ruppert, the sports editor for my hometown newspaper, the State Journal Register in Springfield, was also Dan Callahan's brother-in-law. In his column the day after Dan died he said:

When the official scorer in the sky makes his final ruling, he will say Dan Callahan lost his nearly 5-year battle with cancer Monday afternoon at his home in Carterville. But the 52-year-old Callahan was a baseball guy who went down swinging, battling the dreaded disease to the bottom of the ninth inning.

Dan Callahan coached the sport he loved, and it is a unique sport. It is one of the few team sports that has no timeclock. Baseball is only over when it is over, and that is the way life is too. At the end of his life, Dan Callahan still sits in that dugout and with a watchful coach's eye, he scans the field and sees hundreds of young men whose lives he touched, players and families who will never forget him. He taught them more than baseball. He taught them about life and courage, about themselves and their relationships with others.

I have known Dan all his life. I consider it a blessing to have counted him as a friend. Lou Gehrig, when he learned of his illness, said he was still the luckiest man on the face of the Earth. Dan Callahan felt the same way about himself and for the same reasons. Whether he was the luckiest man on Earth, I don't know, but I do know that all of us who had the good fortune to know Dan Callahan were lucky. We were inspired by his courage and his dignity and we will miss him.

CONGRATULATING STAN "THE MAN" MUSIAL

This is another baseball-themed speech which I didn't expect to give on the floor of the Senate, but today is a happy day for me.

I grew up in East Saint Louis, IL. I learned about God and church, but the only god I was sure of played for the St. Louis Cardinals and his name was Stan Musial. The first baseball glove I ever owned was a Rawlings leather glove that had Stan Musial's name written on the edge of it. I used to do what kids my age did. We would wrap rubberbands around the glove with the baseball in it to get that pocket just right and then we would pull that ball out and we would rub it with Glovolium, some kind of oil concoction that we thought made it supple and made it easier to catch the ball. I rubbed that oil on my glove so hard so many times I was the only one who would still read his name on that glove. I kept it forever until my wife said, What are you doing with this old thing, and I said it was my prized possession when I was about 10 years old, and it still is.

The good news is that my feelings for Stan Musial are shared by the President of the United States. He may be a Chicago White Sox fan, but he knows a great champion when he sees one. That is why the announcement today that Stan "The Man" Musial is going to receive the Presidential Medal of Freedom makes me feel so good.

The one thing about Stan that I found so interesting is here was one of the most public figures in baseball of his time and I never heard a negative word about him, not about his professional life or his public life. He served this country not only as a hero on the baseball diamond, but he left his team to serve in the military. He went back as the Presiding Officer did—to entertain the troops and serve as well. He cared about this country. He was a champion on and off the baseball field.

After playing 22 seasons in Major League Baseball for the St. Louis Cardinals from 1941 to 1963, Musial was elected to the Baseball Hall of Fame in 1969. Over that time, he compiled a lifetime batting average of .331—how about that—with 3,630 hits, 475 home runs, and 1,951 RBIs, appearing in 23 World Series games and 24 All-Star games. He is one of only three players to have run over 6,000 bases in his career, right behind Hank Aaron and Willie Mays.

A sign of his great sportsmanship, Stan was never once ejected during his

career spanning more than 3,000 games. Both in and out of a Cardinal uniform, Stan exemplifies the values of sportsmanship, discipline, hard work, grace, consistency, excellence, and humility. He is truly deserving of this Medal of Freedom.

Let me say a word about my colleague CLAIRE MCCASKILL. No one has worked harder to impress upon the White House how important this Presidential Medal of Freedom is, not only to Stan Musial but Cardinal fans alike and those of us who think he is one of the greatest Americans. I salute CLAIRE MCCASKILL's dogged determination to convince the White House the President is well served by awarding this man an honor for his life on the baseball diamond and off the diamond, and serving this country in so many ways.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARITY FOR HISPANIC FARMERS

Mr. MENENDEZ. Mr. President, I rise to speak of what I have addressed in the past about injustice. It is about the reality that it is no secret that decades of discrimination in lending practices at the United States Department of Agriculture have made it difficult, if not impossible, for minority farmers—specifically Hispanic and women farmers—to make a living at what they love to do, leaving many no choice but to lose their farms and ranches they have tended all their lives, in many cases from generation to generation. That is why I rise today in support of parity for Hispanic and women farmers. I rise so that all the victims of discrimination in this case are treated equally, fairly, and are adequately compensated for the damages they suffered regardless of their race or gender.

The Department of Justice's proposal to Hispanic and female victims is certainly a first step toward closing the entire book on the U.S. Department of Agriculture's discrimination. But, frankly, there appears to be some contradiction between the proposal given to these two groups and the declared objectives of providing parity among the different groups who suffered discrimination.

Here is the situation. African-American victims of discrimination are on a path to receive approximately \$2.25 billion to resolve their claims. Victims who filed on time were afforded the opportunity to choose from two different tracks. First, they could present substantial evidence of discrimination which, if valid, entitled the victim to a monetary settlement of \$50,000 plus relief in the form of loan forgiveness and offsets of tax liability or they could prove their claims using evidence which was reviewed by a third-party arbitrator who decided how much damages to award, if any.

This system took into account the fact that many if not most of the documents from this era were destroyed by the U.S. Department of Agriculture, making it extremely difficult for victims to prove their claims, while also giving claimants the opportunity to seek more than \$50,000 if their case was especially egregious and their losses were severe. There was not a cap on the amount of money awarded. There was not a cap on the number of claimants who could recover damages, which allowed the merits of each individual's claims to be the sole basis for determining what they received. That process appears to be right in line with the stated goal of determining the appropriate course of action for each claim based on the merits of the case and only on the merits. I certainly commend that approach.

However, when it comes to Hispanic and women farmers, the Justice Department has used legal maneuvers to prevent Hispanic and women farmers from achieving class status. Legal maneuvers should not be what the Department of Justice is all about; justice is what the Department should be all about.

Unfortunately, I do not believe the proposal which has been presented to the Hispanic and female victims meets that standard of justice, nor does it employ the fair method utilized in the Pigford I settlement or the equity that is needed. Instead, it puts a cap on the damages each victim could receive and on the total amount that can be awarded to all victims. This is not in parity with the Pigford I settlement and could potentially leave thousands of Hispanic and female victims with only a modicum of relief and far less justice than their counterparts.

Specifically, while Pigford I awarded a minimum of \$50,000 to victims, the proposals to Hispanics and females will only award victims up to that amount. What this means is that Hispanic and female victims, even if they suffered millions of dollars in damages, lost their farms, lost their families' heritage in the process, lost their livelihoods, will not receive more than \$50,000 and will not be made whole. Farmers who were denied a loan and, as a result, in the words of then-Secretary of Agriculture Glickman, "lost their family land, not because of a bad crop, not because of a flood, but because of the color of their skin," will never be able to rebuild their lives and recover the land with a fraction of \$50,000.

If that is not enough, the Department of Justice-imposed cap on the total amount of money that can be awarded to Hispanic and women victims could arbitrarily reduce each claimant's award far below the \$50,000 individual cap. You may ask why. Here is the reason: because there are likely to be far more claims filed by Hispanic and women farmers than were filed by African-American farmers. Yet the amount allocated for Hispanic and female

claims is almost \$1 billion less than provided to African-American claimants. This is despite the fact that, according to the Department of Agriculture census, in the years in question—from 1982 to 1997—Hispanic- and female-operated farms far outnumbered African-American-operated farms by almost 7 to 1.

If the Department of Justice estimates are correct and approximately 80,000 valid claims will be made by African Americans through Pigford I and Pigford II, it is safe to assume that at least this many and likely many more Hispanic and female farmers who were discriminated against will file valid claims. Even using the very conservative estimate of 80,000 valid claims for Hispanics and females, a \$1.3 billion overall cap will provide each claimant with about \$16,625. This amount will shrink even further if there are more than the 80,000 claimants and tax forgiveness funds are counted against the \$1.3 billion cap.

Think about this. Under this method, the amount each victim will receive will depend on how many other victims there were, not on the merits of each individual case. Not only is that not fair, but it is perverse because each victim will actually be punished the more the U.S. Department of Agriculture discriminated since the more valid claims there are, the less each victim will receive. A structure has been set up that, instead of pursuing justice and equity, actually works to the detriment of those who have already been discriminated against because the more that have been discriminated against and prove their case, the less each one will receive because of this cap.

Finally, the process proposed for administering Hispanic and female claims seems arbitrary and needlessly complicated. In contrast to Pigford claimants, Hispanic- and women-owned farms would not have the benefit of a court-approved notice or any of the procedural protections associated with a class action process.

The underlying facts of the claims made by African Americans, Hispanics, females, and Native Americans are nearly identical.

I commend the President and his administration for making some effort toward delivering justice to women and Hispanic farmers. That is why I urge the administration to guarantee that the relief to be provided to women and Hispanic farmers be just and consistent with that provided to African-American victims who filed on time. In the words of Timothy Pigford, the lead plaintiff in the Pigford case, Hispanics and females “suffered the same discrimination by the U.S. Department of Agriculture as African American farmers.” They suffered the same discrimination by the Department of Agriculture as African-American farmers.

Again quoting Mr. Pigford:

... class certification is a procedural matter that does not address the underlying discrimination that is in fact admitted.

It is, in fact, admitted. There is not a dispute about whether discrimination took place. It is, in fact, admitted. The indisputable fact remains that farmers and ranchers—particularly women, African Americans, Hispanics—were denied access to U.S. Department of Agriculture loans, to farm benefits and credit services due to their race, their ethnicity, their gender. They were not given proper opportunity for recourse. In the process of being denied those opportunities, they lost, in many cases, their land or sold parts of their land to keep a little piece of it. The only thing that could be worse than the original discrimination, ironically, is if it were to treat the victims of that discrimination differently based on their race, ethnicity, or gender.

Justice for one cannot masquerade as justice for all. I applaud the USDA for taking a big step toward universal justice in this case by recognizing the need to put aside technical questions about class certification and address the underlying valid claims of discrimination.

I understand that this administration inherited this problem, like so many others, and is now in the position of cleaning up the mess left by its predecessors. I applaud them for seeking to right an injustice. But I do not think, nor can I accept that you can dispense justice when you know that the facts are such that, in fact, there is no dispute as to the discrimination, that you can dispense justice piecemeal, or that you can treat victims similarly situated, almost identically situated and harmed, with justice for some and not for all. We need to make this right. We need to make the victims whole. We need to do it fairly, justly, and soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### THE SAN FRANCISCO GIANTS

Mrs. FEINSTEIN. Mr. President, I rise to speak on the bill before us. But before I do, one thing I was remiss in not doing, listening to Senator DURBIN speak about Stan Musial, is pointing out what has happened in San Francisco, and that is that the San Francisco Giants have won the World Series with a team that was just amazing. To see a team, I think, that were essentially outcasts—and some would say misfits—come together, play with teamwork, develop a world-class pitching staff, a defense where double and triple plays would happen, is really quite amazing. I had the pleasure of going to the playoff games during the recess, as well as the World Series games, and it was a very special treat. I wish to offer my commendation to that great team. It was quite wonderful.

Now down to business.

Mr. President, it appears that I will be blocked from offering an amendment on bisphenol A, to the food safety bill. So I come to the floor to express my disappointment and my very serious concern about the continued use of this chemical in children's products.

There is mounting scientific evidence that shows that BPA is linked to harmful health effects. Over 200 scientific studies show that even at low doses, BPA is linked to serious health problems, including cancer, diabetes, heart disease, early puberty, behavioral problems, and obesity. I know there is not yet consensus on the science and there is still research to be done. But I also know this chemical is so widespread—it has been found in 93 percent of Americans. I know BPA is thought to alter the way the body chemistry works. Babies and children are particularly at risk because when they are developing, any small change can cause dramatic consequences.

To put it simply, the fact that so many adverse health effects are linked to this chemical, the fact that this chemical is so present in our bodies, and the fact that babies are more at risk from its harmful effects leads me to believe there is no good reason to expose our children to this chemical.

My great concern for its continued use, particularly in children's products, is the reason Senator SCHUMER, my co-sponsor, and I, who introduced a bill a year and a half ago—why he and I have been willing to compromise, to be flexible, and to try to work out an agreement to move this forward. For 7 months, we have been negotiating with Senator ENZI, the distinguished ranking member handling this bill on the floor, hoping for a compromise that would enable this amendment on BPA to be placed in the food safety bill. It looks as if there will not be amendments; therefore, I have no opportunity to offer an amendment.

But last evening at about 6:15, Senator ENZI and I reached an agreement which would ban the use of BPA in baby bottles and sippy cups within 6 months of the enactment of this legislation. It would require that the FDA, the U.S. Food and Drug Administration, to issue a revised safety assessment on BPA by December 1, 2012—this is important because it would make certain the date that the FDA has to assess the safety of BPA. And third, it would include a savings clause to allow States to enact their own legislation.

I wish to thank the ranking member for his agreement. It meant a great deal to me. I thought, aha, we are really close to making a beginning step on this problem. Unfortunately, today it became clear that the American Chemistry Council has blocked and obstructed this agreement from being added to the food safety bill. Therefore, language cannot be in the bill. I regret that the chemical lobby puts a higher priority on selling chemicals than it does on the health of infants. I am stunned by this.

This agreement was but a small step forward, a simple movement to ban BPA in baby bottles and sippy cups, a simple move to protect children.

All it did was ban BPA in baby bottles and sippy cups until the FDA's safety assessment could be revised. The

chemical lobby came in at the 11th hour opposing this ban, which is something my colleagues on the other side of the aisle had agreed to.

Now, because of this, my colleagues on the other side of the aisle are pulling their support. My goodness. This is so simple. How can anybody put a priority on selling chemicals above the health of infants? Major manufacturers and retailers are already phasing out BPA from their food and beverage products for children. So why should this be stopped?

The products used to give food and drink to children all have safe alternative BPA packaging available. At least 14 manufacturers have already taken action against BPA. Here they are: Avent, Born Free, Disney First Years, Evenflo, Gerber, Dr. Brown's, Green to Grow, Klean Kanteen, Medala, Nuby Sippy Cups, Munchkin, Playtex, Thinkbaby, Weil Baby. All these manufacturers are taking BPA voluntarily out of their baby bottles and sippy cups, but we cannot get it into a simple bill.

Retailers are taking actions not to sell these products with BPA in them: CVS, Kmart, Kroger, Rite Aid, Safeway, Sears, Toys "R" Us and Babies "R" Us, Walmart, Wegmans, and Whole Foods have already taken this action.

I ask unanimous consent that the list be printed following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. At this point, seven States have moved to enact laws banning BPA from children's products: Connecticut, Maryland, Minnesota, New York, Vermont, Washington, Wisconsin. The city of Chicago also has a ban. These entities have already taken action. California is just a few votes short of taking this action and I hope will come back this next legislative session and take it.

Bills are also pending in Illinois, Maine, Massachusetts, Missouri, Pennsylvania, and Washington, DC, and numerous companies are marketing BPA-free products. Other countries are moving forward. Canada declared BPA toxic and banned it from all baby bottles and sippy cups. Denmark and France also have national bans on BPA in certain products.

So here is the point. The problem has been recognized, and steps are being taken by countries, States, companies, and retailers. Yet the chemical lobby in this country is keeping this amendment out of the food safety bill. Why? Only one reason. Because the chemical companies want to make money to the longest point they can by selling a chemical which is linked to all these harmful health effects.

Their resistance to accept this very small proposal is astounding. We have compromised in the negotiations with Senator ENZI. The bill Senator SCHUMER and I introduced was much more comprehensive. But we are down to

just the three things I mentioned earlier. This is a food safety issue, and it profoundly affects children's health.

But some in the industry are fighting tooth and nail to make sure BPA remains a staple in the American diet and even for children. Because of this opposition, it appears I have no option to move this amendment forward. Again, I tried for a year and a half, 7 months of negotiations. I can put a hold on the bill, stop it, and make a fuss, as some others have done over other issues, or I can wait to fight another day by allowing this food safety bill to go forward while continuing to build the case against BPA. That latter is what I intend to do beginning now.

This battle may be lost, but, rest assured, I do not intend to quit. I have a deep abiding concern regarding the presence of toxins and chemicals with no testing in all kinds of products and all kinds of solutions that build up in our bodies. There is no precautionary standard in this country when it comes to chemicals.

You have to prove that a chemical is harmful before that chemical can be banned. But the evidence against BPA is mounting and especially its harmful effects on babies and children who are still developing.

Here is the argument. Here is what BPA is. It is synthetic estrogen. It is a hormone disruptor. It interferes with how the hormones work in the body, and this chemical is used in thousands of consumer products. It is used to harden plastics, line tin cans, and even make CDs. It is even used to coat airline tickets and grocery store receipts. It is one of the most pervasive chemicals in modern life.

As with so many other chemicals in consumer products, BPA has been added to our products without knowing whether it is safe. Alternatives exist because concern has been growing about the harmful impact. The chemical industry has tried to quiet criticism by reassuring consumers that BPA is safe and that more research still needs to be done.

Well, that argument simply does not hold water. Over 200 studies show that exposure to BPA, particularly during prenatal development and early infancy, are linked to a wide range of adverse health effects in later life. Because of their smaller size and stage of development, babies and children are particularly at risk from these harmful impacts.

What do these include? Increased risk of breast and prostate cancer, genital abnormalities in males, infertility in men, sexual dysfunction, early puberty in girls, metabolic disorders such as insulin-resistant type 2 diabetes and obesity and behavioral problems such as attention deficit hyperactivity disorder, ADHD.

Industry continues to insist that BPA is not harmful. But one study shows us why we should be skeptical about research funded by the chemical industry. In 2006, the journal Environ-

mental Research published an article comparing the results of government-funded studies on BPA to BPA studies funded by industry. The difference is stark. Ninety-two percent of the government-funded studies found that exposure to BPA caused health problems. Overwhelmingly, government studies found harm.

None of the industry studies identified health problems as a result of BPA exposure—not one. That is 92 percent of the government studies and not one of the industry studies. So I ask: How can this be? Clearly, questions are raised about the validity of the chemical industry's studies.

The results also illustrate why our Nation's regulatory agencies should not and cannot rely solely on chemical companies to conduct research into their own products. Consumers are worried about BPA. They are pushing in States for restrictions and bans. Over 75 organizations that represent almost 40 million Americans, support getting BPA out of food packaging for children.

Support comes from national groups such as the BlueGreen Alliance, Consumers Union, Breast Cancer Fund, National WIC, and United Steelworkers of America. State groups such as Alaska Community Action on Toxics, California Environmental Rights Alliance, Environment Illinois, the Tennessee Environmental Council, and the Massachusetts Breast Cancer Coalition back this amendment.

The broad coalition of environmental and consumer advocates know BPA cannot be good for our babies. I wish to underscore the importance and the urgency of withdrawing BPA from baby products.

Well-known and respected organizations and Federal agencies have expressed concern about BPA. The President's Cancer Panel Annual Report released in April of this year concluded that there is growing evidence of a link between BPA and several diseases such as cancer. The panel recommended using BPA-free containers to limit chemical exposure.

A 2008 study by the American Medical Association suggested links between exposure to BPA and diabetes, heart disease, and liver problems in humans. The National Health and Nutrition Examination Survey, NHANES, linked BPA in high concentrations to cardiovascular disease and type 2 diabetes.

In addition to the over 200 scientific studies showing exposure to BPA is linked to adverse health effects, there are a number of studies that link BPA and other environmental toxins to early onset puberty and other hormonal changes. This is serious. This emphasizes how detrimental this chemical can be during development.

I would like to discuss three of these studies. The Endocrine Society, comprised of over 14,000 members from more than 100 countries, published a scientific statement in 2009, expressing

concern for the adverse health impacts of endocrine-disrupting chemicals such as BPA. The adverse health impacts included infertility, thyroid problems, obesity, and cancer. A study published in *Environmental Health Perspectives* studied 715 men, ages 20 to 74 years old, and found that men who had high levels of BPA in their bodies also had higher levels of testosterone. This study demonstrates that higher BPA levels in the body are associated with altered hormone levels.

A study in the *Journal of Pediatrics* in September 2010 demonstrated that puberty in girls is occurring even earlier, by ages 7 and 8. The researchers studied 1,239 girls in 2004 and 2008, so there was followup, in Cincinnati, East Harlem, and San Francisco. They found that at age 8, 18 percent of Caucasian girls, 43 percent of African-American girls, and 31 percent of Hispanic girls had signs of puberty. That is at 8 years old.

The researchers suspected that environmental chemicals such as BPA could influence the onset of puberty. Early puberty can cause a host of problems later on in life, such as increased rates of breast cancer, lower self-esteem, eating disorders, and certainly depression.

Given these conclusions, it is critical we act to protect just the most vulnerable, our infants and toddlers, from this chemical.

How are children benefitted by having a baby bottle or a cup that they sip from that is coated with BPA? How is that bottle any better? How is that cup any better? Fact: It isn't. Yet the American Chemistry Council puts their need to sell these chemicals above all of the existing studies, above all the science that is emerging, and would not even say: Just in case this is true, yes; we agree with you. We should protect our young and our youngest. They would not do even that.

Our original bill was much broader. BPA is not just in plastic bottles, it is also used in the epoxy resin that lines tin cans. I no longer buy tin cans because of it. My family, I have asked them not to buy things in tin cans. Buy them in glass. Then we don't have to worry about the BPA that is in the lining of the can.

This amendment doesn't ban BPA in the lining of cans. It doesn't ban BPA in all containers. It just bans BPA in baby bottles and sippy cups, just for infants, just for toddlers. The chemical industry says no. And I guess the other side of the aisle bows.

I am amazed. BPA has been linked to developmental disorders, cancer, cardiovascular complications, and diabetes by credible scientific bodies. The evidence that BPA is unacceptably dangerous is mounting. Yet it remains in thousands of household and food products. In an effort to reach a bipartisan compromise, which we did do last night, the amendment I wanted only restricted the use of BPA in baby bottles and sippy cups because, as the

science shows, babies and young children are the most susceptible to the harmful effects of this toxic chemical. This amendment would have ensured that all babies, in whatever State they happen to be or wherever they buy their baby bottles, are safe. We can't even do this in a food safety bill.

It would have ensured that parents no longer have to wonder whether the products they buy for their babies will harm them now or later in life. I have on my Blackberry a picture of a new grandchild born earlier today, a little boy by the name of Benjamin. So even if one is a grandparent like me, this is so relevant. If we can't take care of our babies, what can we take care of in this country?

Despite the loss of this amendment, the American people can still vote with their pocketbooks by refusing to buy products made with BPA. Ask the question in your grocery store. Go where they are not sold. Buy the products that do not use BPA. Public knowledge and awareness is important.

In 2008, as part of the Consumer Product Safety Improvement Act, Congress accepted my proposal to ban phthalates, and President Bush signed it. It banned phthalates, a plasticizing chemical, from children's toys. Like BPA, phthalates are linked to a variety of health problems in young children. I was proud to lead that fight and protect children from these chemicals.

I truly believe the unrestricted use of chemicals in products, whether it be makeup for women, lotions that go on bodies, coatings in cans, coverings of plastic, softeners and hardeners, chemicals that leach into food, are a problem. When we do a food safety bill, we ought to consider this. Well, not even this baby step to protect babies is going to be taken.

I very much regret it, but the battle is joined. Once I start, I do not stop. We will fight another day.

I thank the Chair and yield the floor.

#### EXHIBIT 1

##### LEADING RETAILERS & MANUFACTURERS PHASING OUT BISPHENOL A (BPA)

In response to growing scientific and public concern, over the past few years, leading U.S. retailers, baby bottle and water bottle manufacturers pledged to phase out bisphenol A (BPA) in favor of safer cost-effective alternatives. These include the following companies.

##### U.S. RETAILERS PHASING OUT BISPHENOL A BABY BOTTLES

CVS, Kmart, Kroger, Rite Aid, Safeway, Sears, Toys "R" Us and Babies "R" Us, Wal-Mart, Wegmans Foods, Whole Foods.

##### BABY BOTTLE & SIPPY CUP MANUFACTURERS PHASING OUT OR BPA FREE

Avent—offering some BPA-free alternatives, Born Free, Disney First Years, Dr. Brown's, Evenflo—offering some BPA-free alternatives, Gerber, Green to Grow, Klean Kanteen, Medela, Munchkin, Nuby Sippy cups, Playtex, Think Baby, Weil Baby.

##### WATER BOTTLE COMPANIES PHASING OUT BPA

ALADDIN/Pacific Market International, CamelBak, Klean Kanteen, Nalgene, Polar Bottle, Sigg.

##### FOOD PACKAGING COMPANIES EXPLORING BPA-FREE ALTERNATIVES

In 1999, the health foods company Eden Foods phased out the use of BPA in some of their canned foods. The company has eliminated BPA in cans for products such as beans, however they are still searching for alternatives for cans that hold tomatoes.

Gerber and Nestlé Nutrition have publicly stated they are committed to making all food and formula packaging BPA-free as soon as possible. In 2009, Abbott Labs announced that it achieved "BPA free" status in all of its Similac® brand powdered infant formula products and 91% of their total product line is BPA free. Nestlé-Gerber announced similarly in 2008 that there is no BPA in cans used to package the Nestlé GOOD START® Supreme Milk and Soy based powdered infant formulas, which account for more than 80 percent of the type of infant formula they sell.

In 2010, General Mills Muir Glen brand announced that they would be introducing a BPA-free metal can for their organic tomatoes.

Hain Celestial and Heinz are researching and testing alternatives to BPA and plan to phase out BPA in some products. Heinz is already using a substitute to BPA in some of its can linings. In June 2010, Heinz Australia said that they expect BPA-free cans for baby food to be available within 12 months with metal closures on glass jars to follow.

Trader Joes offers BPA-free cans for their seafood (tuna, salmon, herring, sardines, etc.), chicken, turkey & beef, beans and corn. Vital Choice transitioned to BPA-free containers for its canned seafood in 2009.

Tupperware Brand's reusable containers are 90% non-polycarbonate plastic; containers for children are all BPA-free.

##### CANADIAN RETAILERS PHASING OUT BPA

Home Depot Canada, Members of the Canadian Council of Grocery Distributors, Mountain Equipment Co-op, Rexall Pharmacies, Sears Canada, Wal-Mart Canada.

Mrs. FEINSTEIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent I be permitted to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SICKLE CELL DISEASE

Mr. CARDIN. Mr. President, I rise to talk about a very important health issue—sickle cell disease—that highlights the tremendous progress the scientific community has made over the years. This is a timely opportunity to bring up sickle cell disease because this month marks the 100th anniversary of its discovery.

On November 16 and 17, the National Institutes of Health will host a research symposium on sickle cell disease to commemorate the accomplishments of scientists and clinicians over the past century. The symposium, named after the scientist who discovered the gene, Dr. James B. Herrick, will bring to Maryland more than 30

experts from around the world to discuss sickle cell disease research and treatment.

Sickle cell disease is an inherited blood disorder in which red blood cells contain an abnormal type of hemoglobin and frequently take on a sickle, or crescent, shape. These defective blood cells can block small blood vessels, which can in turn lead to tissue damage or stroke. A common complication of this condition is severe pain in the limbs, chest, abdomen, and back. Other complications are anemia, jaundice, severe infection, and spleen, liver, and kidney damage.

The life expectancy for sickle cell patients is shortened, with studies reporting an average life expectancy of 42 years for males and 48 years for females. Sickle cell disease occurs most commonly in people of African descent, though individuals of Middle Eastern, Mediterranean, Central and South American, and Asian Indian heritage can inherit the disease as well. About 1 in 12 African Americans carries the gene for sickle cell disease, and 1 in 400 Americans has the full-blown disease. It is estimated that over 80,000 Americans have sickle cell disease, with about 2,000 babies born with the disease each year.

Sickle cell disease can result in tremendous personal difficulties. Natasha Thomas is a 36-year-old African-American woman from Baltimore, MD. She considers herself fortunate to have access to quality care. Despite some setbacks, she was able to complete middle school, high school, and college, and she has been working consistently for 15 years. She has had employers who have allowed her to take leave when she has had sickle cell pain crises. Natasha admits that most of the people she knows with sickle cell disease are not as fortunate as she is.

Even though she has access to specialized care, Natasha is hospitalized at least once a year with paralyzing pain from the occlusion of her blood vessels with sickle cells. In the hospital, she has to undergo IV therapy with fluids and narcotic pain medicine. Natasha is grateful for the Maryland medical assistance program, which has provided her with the necessary resources to get through difficult financial times when her condition flares up. She admits that if she did not have coverage for specialized care, she would have likely had many more pain flares and may have had to receive blood transfusions.

Sickle cell disease is not a new phenomenon. People have been living with the disease for literally thousands of years. But in the last century, there have been remarkable advancements in diagnosis and treatment of sickle cell disease.

In 1910, Dr. James B. Herrick, an attending physician at Presbyterian Hospital and professor of medicine at Rush Medical College in Chicago, published an article on the case of an anemic West Indian patient. Herrick's clinical and laboratory findings of the patient's

"peculiar elongated and sickle-shaped" red blood corpuscles represent the first description of sickle cell disease in Western medical literature.

Since the discovery of the mutation responsible for sickle cell disease in the 1950s, there has been a rapid expansion of technological and policy advances.

In 1975, the first statewide newborn screening was established in New York.

In 1986, penicillin was found to be effective as a preventive strategy against pneumococcal infection, a particularly dangerous infection for people with sickle cell disease.

In 1995, the first effective drug treatment for adults with severe sickle cell anemia was reported in a multicenter National Heart, Lung, and Blood Institute study, including a team led by physicians from Johns Hopkins. The anticancer drug hydroxyurea was found to reduce the frequency of painful crises, and patients taking the drug needed fewer blood transfusions.

In 1996, bone marrow transplantation was discovered to improve the course of sickle cell disease for select patients. A year later, blood transfusions were found to help prevent stroke in patients.

At the turn of the millennium, the introduction of pneumococcal vaccine revolutionized the prevention of lethal infections in children and adults with sickle cell disease.

And in 2001, the first mouse model was developed demonstrating the usefulness of genetic therapy for sickle cell disease.

More recently, in 2007, scientists from the University of Alabama Birmingham and the Massachusetts Institute of Technology developed an animal model for curing sickle cell disease. These scientists used skin stem cells to reprogram the bone marrow of mice to produce normal, healthy blood cells.

I am proud to say that other scientists from Maryland have played an important role in advancing sickle cell disease research. Dr. Morton Goldberg, former head of the Wilmer Eye Institute in Baltimore, is considered the world's foremost expert in the diagnosis and treatment of eye disease due to sickle cell disease. Drs. Jim Casella and Robert Brodsky, both from Johns Hopkins, have made great strides toward preventing strokes in young children and searching for cures through stem cell transplants, respectively.

Improvements in sickle cell disease treatments have led to an increase in life expectancy from 14 years in 1973 to the mid to late 40s now. Innovation continues. As of October 2010, there were 240 ongoing or recently completed NIH-funded trials exploring better diagnosis or treatment of the disease. Under the leadership of its Director, Dr. Francis Collins, the NIH is poised to continue to push the envelope of scientific innovations toward finding a cure for sickle cell disease.

Despite all of these technological advances, sickle cell disease remains a

significant problem. The annual cost of medical care for the nearly 80,000 individuals with sickle cell disease in the United States exceeds \$1.1 billion. The average cost of care per month per patient is nearly \$2,000. Studies show that for an average patient with sickle cell disease reaching age 45, the total health care costs are estimated to reach \$950,000. What is worrisome is that additional costs associated with reduced quality of life, uncompensated care, lost productivity, and premature mortality push the costs well beyond \$1 million per patient.

The enormous human and financial cost of this disease underscores the importance of finding a safe cure for sickle cell disease. A worrying finding in research is that conscious or unconscious racial bias adversely affects the availability of resources for research, delivery of care, and improvement of that care. I am particularly concerned because there is a significant gap in funding for more publicized but less prevalent diseases as compared to sickle cell disease.

This gap in funding was first addressed in 1970 by Dr. Robert Scott when he published landmark articles in the *New England Journal of Medicine* and the *Journal of the American Medical Association*. Dr. Scott's articles spurred congressional hearings that led to the passage of the first major legislation concerning sickle cell disease treatment, the National Sickle Cell Disease Control Act of 1972.

Since passage of that act, the number of research grants for sickle cell disease has risen by a factor of 10. Despite increased research dollars for sickle cell disease and major advances in treatment, important gaps still exist in the equity of Federal funding allocation and in the provision of highly qualified clinical care. The disparity in funding sickle cell disease in the private sector is even more pronounced than it is in the Federal Government.

But solely funding additional research is not enough. We need to be sure that the tools we develop for improving patients' lives are available to everyone who needs them. Unfortunately, that is not currently the case.

For example, there is a sixteenfold mortality rate difference between States with the highest and lowest death rates due to sickle cell disease. In other words, depending on where you live, you may be 16 times more likely to die from sickle cell disease in one State than another. I am proud to say that interventions such as mandatory newborn screening developed by Dr. Susan Panny at the Maryland Department of Health and Mental Hygiene have helped Maryland attain the lowest child mortality rate due to sickle cell disease in the Nation, with 1/10 the number of deaths compared to the national average.

Earlier, I mentioned Natasha Thomas. She is fortunate to have access to specialized treatment centers and rarely gets hospitalized for pain crises.



She's been able to maintain a job and says that she has a pretty good quality of life. She is a testament to the benefits of having access to necessary treatments in Baltimore.

Natasha has a friend who is not so lucky. He wished to remain anonymous. Natasha's friend can't keep a job because he is frequently absent from work due to hospitalizations from pain crises.

His condition is poorly controlled because he does not have access to specialized care as does Natasha. Like so many others with sickle cell disease, he is in catastrophic debt from medical bills due to his condition. The difference between Natasha and her friend does not have to be a matter of luck. High quality treatments for sickle cell disease exist. We just need to make sure they are available to everyone that requires them.

Besides our moral obligation to ensure that patients receive appropriate care, there is also an economic argument. Research showing the high proportion of sickle cell disease costs associated with inpatient hospitalization suggest that interventions that reduce complications such as pain crises could be cost-saving.

We have made significant progress toward broadening coverage for all Americans. But the U.S. Department of Health and Human Services must ensure that the implementation of health policy as it pertains to sickle cell disease is done with emphasis on high-quality, equitable care. We need to make sure the standard of care is available to all and that the guidelines permeate throughout the specialty and primary care centers caring for patients with sickle cell disease.

We need to make sure that patients like Natasha's friend can get the care they need. After all, of the nearly \$112 billion spent annually on hospitalization for sickle cell disease, a significant portion can be reduced by lowering the complications resulting from hospitalization if excellent care is uniformly provided.

With the recent codification of the Office of Minority Health at the Department of Health and Human Services, we can ensure that our investment in producing new knowledge is balanced by a similarly robust commitment to universal and equitable diffusion of this knowledge. This way, all patients will reap the full benefit of our investment in research. In addition to sickle cell disease, the Office of Minority Health will help us address many other issues pertaining to health disparities.

Health disparities in our health care delivery system are a huge issue. Health disparities are differences in health among social, economic, and racial or ethnic lines. Many disparities exist in our country. Let's look at disparity through the lens of life expectancy.

The life expectancy for African Americans is 5.3 years lower than

Whites. Education also affects life expectancy. Individuals with college education can expect to live on average 6 years longer than people who have never graduated from high school. The life expectancy of people over 400 percent of the Federal poverty level is on average 7 years longer than those at or below the Federal poverty level.

These differences are stark, and we need to have a strategy to deal with them. We need to know how we can reach out to the minority communities to deal with their special needs. In addition to codifying the Office of Minority Health, the recently enacted health care reform bill supports a network of minority health offices located within HHS, and it elevated the National Center on Minority Health and Health Disparities at NIH from a center to an institute. The Offices of Minority Health will be essential for addressing health disparities in America by monitoring health status, health care trends, and quality of care among minority patients and evaluating the success of minority health programs and initiatives.

Over the next year I plan to return to the Senate floor to highlight how we as a nation and the Office of Minority Health in particular can tackle health disparities. Through a series of presentations, I hope to raise awareness about the major health disparity issues in our country, and I hope to direct our attention to the proper implementation of the Affordable Care Act so the full potential of this legislation can be realized.

I am proud of the progress we have made with the health care reform legislation. I am proud of the creation of the Office of Minority Health, and on this 100th anniversary of the discovery of sickle cell disease, I commend the scientific and medical communities for their contributions to diagnosis and treatment of this important condition.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for perhaps 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CYBER SECURITY

Mr. WHITEHOUSE. Mr. President, I come to the floor to speak about the legislation that will be required in order to bolster our Nation's cyber defenses and to protect our Nation's intellectual property from piracy and from theft.

In the course of my work on the Intelligence and Judiciary Committees,

it has become all too clear that our laws have not kept pace with the amazing technological developments we have seen, many information technologies over the past 15 or 20 years. Earlier this year, I had the privilege of chairing the Intelligence Committee's bipartisan cyber task force, along with my distinguished colleagues, Senator SNOWE and Senator MIKULSKI, who made vital contributions and were great teammates in that effort. We spent 6 months conducting a thorough review of the threat and the posture of the United States for countering it.

Based on that review and my work on the Senate Judiciary Committee, I have identified six areas in which there are overarching problems with the current statutory framework for protecting our country. The first is a really basic one; that is, that current law does not adequately facilitate or encourage public awareness about cyber threats. The government keeps the damage we are sustaining from cyber attacks secret because it is classified. The private sector keeps the damage they are sustaining from cyber attacks secret so as not to look bad to customers, to regulators, and to investors. The net result of that is that the American public gets left in the dark.

We do not even have a good public understanding of how extensive and sophisticated the cyber forces arrayed against America are. Between the efforts of foreign governments and international organized crime, we are a long way from the problem of hackers in the basement. It is a big operation that has been mounted against us, and I would like to be able to describe it more fully, but it is both unhelpfully and unnecessarily classified, and so I can't even talk about that.

Americans are sadly uninformed about the extent of the risk and the extent of the capacity that is being used against us. If Americans understood the threat and the vital role they themselves can play in protecting themselves and the country, I think we would all be more likely to engage in the cyber equivalent of routine maintenance. People would understand and they would support legislative changes which we need to protect our intellectual property and our national infrastructure.

One of the principal findings of our cyber task force was that most cyber threats—literally the vast majority of cyber threats—can be countered readily if Americans simply allowed automatic updates to their computer software, ran up-to-date antivirus programs, and exercised reasonable vigilance when surfing the Web and opening e-mails. So we need far more reporting from the government and the private sector to let Americans know what is happening out there on the wild Web. Disclosures can be anonymized, where necessary, to safeguard national security or protect competitive business interests. But

basic facts, putting Americans on notice of the extent of the present danger and harm, need to be disclosed.

Second, we need, beyond just public information, to create a structure of rights and responsibilities where the public, consumers, technology companies, software manufacturers, and Internet service providers are all able to take appropriate roles for us to maintain those basic levels of cyber security. The notion that the Internet is an open highway with toll takers who have no responsibility for what comes down the highway, no responsibility no matter how menacing, no responsibility no matter how piratical, no responsibility no matter how dangerous can no longer be valid. We protect each other on our physical highways with basic rules of the road and we need a similar code for the information highway.

Australia's ISPs have negotiated a cyber security code of conduct, and ISPs in compliance with the code can display a trust mark. That is one idea worth exploring. But one way or the other, there needs to be a code of conduct for safe travel on the information highway just as there is on our geographic highways.

Third, we need to better empower our private sector to defend itself. When an industry comes together against cyber attackers to circle the wagons, to share information, and to engage in a common defense against those cyber attackers, we should help and not hinder that private sector effort. Legal barriers to broader information sharing among private sector entities and between the private sector and government must be lowered. I believe we can encourage cyber security in this way—common defense within the private sector—without undermining other areas of public policy. But it is not going to be a simple task, and we will have to work our way through it because those other areas of public policy are serious areas—antitrust protection, the safeguarding of intellectual property, protecting legal privileges, liability concerns, and even national security concerns in those areas where the government may be asked to share classified information.

Bear in mind that there are three levels of threat. As I have said, the vast majority of our cyber vulnerabilities can be cured by simple patches and off-the-shelf technology. That is the lowest level—just follow basic, simple procedures and we can rid ourselves of most of the attacking. The next is a more sophisticated set of threats that require the best efforts of the private sector to defend against. Those private sector efforts are becoming increasingly sophisticated and capable. As to those types of attacks, the private sector can handle them alone and particularly so if we have empowered the private sector, industry by industry, to engage in more effective common defense and information sharing. The most sophisticated threats and at-

tacks, however, will require action by our government. The notion that we can leave our Nation's cyber defense entirely to the private sector is no longer valid.

This brings us to a fourth question—the increasingly important issue of cyber 911. When the CIO of a local bank or electric utility is overwhelmed by a cyber attack, whom do they call and under what terms does the government respond? Right now, the answers to those questions are dangerously vague. The Electronic Communications Privacy Act—or ECPA—is a vitally important statute. In 1986, 25 years ago, Chairman PATRICK LEAHY worked hard to establish statutory privacy protections in a domain where constitutional privacy protections were weak.

It is an enduring legislative accomplishment and we must preserve its core principles. Since ECPA was enacted, however, the threat has dramatically changed. Imagine how technology has changed in 25 years. It is no longer true that private firms are capable of defending their networks from sophisticated thieves and spies on their own.

As we found in the Cyber Task Force, there is now a subset of threats that cannot be countered without bringing to bear the U.S. Government's unique authorities and capabilities. There always needs to be strong privacy protections for Americans against the government. But we do let firemen into our house when it is on fire and the police can come into our house when there is a burglar. A similar principle should apply to criminals and cyber attacks when private capabilities are overwhelmed.

There is one more step, and here is where it gets a little bit more tricky. You call 9-1-1 and the police or the ambulance rushes right over. But in cyber security, by the time you call cyber 9-1-1, it may be too late. Attacks in cyberspace happen at light speed, as fast as electrons flow. Not all the risks and harms that imperil Americans can be averted by action after the fact. Some attacks are actually already there, in our networks, lying in wait for the signal to activate.

We as a country are naked and vulnerable to some forms of attack if we have not predeployed our defenses. Because the viruses and cyber attack nodes can travel in the text portion of messages, we have to sort out a difficult question: whether, and if so how and when, the government can scan for dangerous viruses and attack signals.

In medieval times, communities protected their core infrastructure from raiders by locating the well, the granary, and the treasury inside castle walls. Not everything needs the same level of protection in cyberspace, but we need to sort out what does need that kind of protection, what the castle walls should look like, who gets allowed to reside inside the walls, and what the rules are.

That leads to the question of a dot-secure domain. I have mentioned this

before, but I would like to highlight it as an option for improving cyber security, particularly of the critical infrastructure of our country.

Recently, General Alexander, Director of the NSA and commander of U.S. Cyber Command, has echoed this as a possibility. His predecessor at NSA, and a former Director of National Intelligence, Admiral McConnell, is also an advocate of such a domain for critical infrastructure. This doesn't have to be complicated or even mandatory. The most important value of a dot-secure domain is that, like dot-gov and dot-mil, now we can satisfy consent under the fourth amendment search requirements for the government's defenses to do their work within that domain, their work of screening for attack signals, botnets, and viruses. Critical infrastructure sites could bid for permission to protect themselves with the dot-secure domain label and be allowed in if they could show that lives and safety for Americans would be protected by allowing them entry. Obviously, core elements of our electric grid, of our financial, transportation, and communications infrastructure would be obvious candidates. But we simply cannot leave that core infrastructure on which the life and death of Americans depends without better security.

Fifth, we must significantly strengthen law enforcement against cyber crooks. There is simply no better deterrent against cyber crime than a prospect of a long stretch in prison. We need to put more cyber crooks behind bars. It is not for want of ingenuity and commitment by our professionals that there are not more cyber crooks behind bars.

During my work on the Cyber Task Force, I received a number of briefings and intelligence reports on cyber crime. The FBI and the Department of Justice have some real success stories under their belts, such as the arrests of the alleged perpetrators behind the Mariposa botnet this summer, and our agencies are beginning to work together better and better over the lines of turf defense that separate them.

The problem is, the criminals are also ingenious and they are greedy and they are successful and they are astoundingly well funded. Again, we are not talking about hackers in the basement. We are talking about substantial criminal enterprise with enormous sums of money at their disposal and at stake.

Many enterprises appear to work hand-in-hand with foreign governments, which puts even greater assets for attack at their disposal. They have a big advantage. The architecture of the Internet favors offense over defense. Technologically, it is generally easier for savvy criminals to attack a network and to hide their trail than it is for savvy defenders to block an attack and trace it back to the criminals. We are not on a level playing field against cyber criminals. That is the

problem not easily overcome. What we can overcome, however, are the gaps, the weaknesses, the outdated strategies, and the inadequate resources in our own legal investigative processes.

One example: the most dangerous cyber criminals are usually located overseas. To identify, investigate, and ultimately prosecute those criminals under traditional law enforcement authorities, we have to rely on complex and cumbersome international processes and treaties established decades ago that are far too slow for the modern cyber crime environment.

We also need to resource and focus criminal investigation and prosecution at a level commensurate with the fact that we, America, are now on the losing end of what is probably the biggest transfer of wealth through theft and piracy in human history.

I will say that again: We are at the losing end of what is probably the biggest transfer of wealth through theft and piracy in human history.

I am pleased that in fiscal year 2010 the FBI received an additional 260 cyber security analysis and investigative positions. DOJ's Computer Crimes and Intellectual Property Section has not received new resources in 5 years. With the FBI poised to ramp up its investigatory actions against our cyber adversaries, I am concerned the DOJ may not have the resources to keep up.

Sixth, we need clear rules of engagement for our government to deal with foreign threats. That is, unfortunately, a discussion for another day since so much of this area is now deeply classified. But here is one example: Can we adapt traditional doctrines of deterrence to cyber attacks when we may not know for sure which country or nonstate actor carried out the attack? If we can't attribute, how can we deter?

With respect to any policy of deterrence, how can it stand on rules of engagement that the attacker does not know of? Not only do we need to establish clear rules of engagement, we need to establish and disclose clear rules of engagement if any policy of deterrence is to be effective in cyberspace.

Finally, as we go about these six tasks, the government must be as transparent as possible with the American people. I doubt very much that the Obama administration would abuse new authorities in cyberspace to violate Americans' civil liberties. But on principle, I firmly and strongly believe that maximum transparency to the public and rigorous congressional oversight are essential. We have to go about this right.

I look forward to working with my Senate colleagues and with the administration as the Congress moves toward comprehensive cyber security legislation to protect our country before a great cyber attack should befall us.

Let me close my remarks by saying the most somber question we need to face is resilience.

First, resilience of governance: How could we maintain command and con-

trol, run 9-1-1, operate FEMA, deploy local police and fire services, and activate and direct the National Guard if all of our systems are down?

Second, resilience of society: How do we make sure people have confidence during a prolonged attack that food, water, warmth, and shelter will remain available? Because the Internet supports so many interdependent systems, a massive or prolonged attack could cascade across sectors, compromising or taking over our communications systems, our financial systems, our utility grid, and the transportation and delivery of the basic necessities of American life.

Third, our American resilience as individuals: Think about it. Your power is out and has been for a week. Your phone is silent. Your laptop is dark. You have no access to your bank account. No store is accepting credit cards. Indeed, the corner store has closed its doors and the owner is sitting inside with a shotgun to protect against looters. Gasoline supply is rationed with National Guard soldiers keeping order at the pumps. Your children are cold and hungry and scared. How, then, do you behave?

I leave this last question, our resilience as a government, as a society, and as individuals to another day. But I mention it to highlight the potentially catastrophic nature of a concerted and prolonged cyber attack. Again, such an attack could cascade across multiple sectors and could interrupt all of the different necessities on which we rely.

When your power is down, it is an inconvenience but you can usually call somebody on the phone. Now the phone is out, so you can go to the laptop and try to e-mail somebody, but there is no signal on the laptop. You need cash. You go to the ATM. It is down. The bank is not open because a run would take place against its cash assets, given the fact that it can no longer reliably electronically let its customers know what their bank account balances are.

We are up against a very significant threat. I hope some of the guideposts I have laid out will be helpful in designing the necessary legislation we need to put in place to empower our country to successfully defend against these sorts of attacks.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. WHITEHOUSE. 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. WHITEHOUSE. 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.

#### TRIBUTE TO ROBERT FORBUSS

Mr. REID. Mr. President, I rise today to honor Mr. Robert "Bob" Forbuss for his service to the people of Nevada. Tomorrow evening, at its Annual Convention and Tradeshow in Las Vegas, the American Ambulance Association will honor Mr. Forbuss for his many years of work on behalf of ambulance services in Nevada and throughout the Nation. Today I am happy to call the attention of the Senate to the selfless service that my good friend has rendered to the State of Nevada.

Bob is a native Nevadan who has served this community for nearly four decades as an educator, elected official, businessman, and community advocate. After earning his degrees in political science and public administration from Long Beach State University, Bob returned to Las Vegas and began his professional career as a teacher at Bishop Gorman High School from 1972-1979. He then served on the Clark County School Board of Trustees for 8 years and was an influential advocate for education initiatives in Southern Nevada. For his many years of service to education in Nevada, Bob was eventually honored by the Clark County School District in the naming of the Robert L. Forbuss Elementary School. It is fitting that such a fine educator will forever have his name stamped on the hearts of the students that attend Forbuss Elementary School.

During his tenure at Bishop Gorman, Bob became an emergency medical technician, EMT, and worked during his summer breaks for Mercy Medical Services. He quickly worked his way through the managerial ranks of Mercy and eventually became an owner of the company. Mercy soon became a flagship and model operation in the United States for paramedic services and Bob became a recognized leader in EMS Services, winning numerous awards and becoming a popular speaker at national conferences.

One of his greatest achievements, and the one for which he is being recognized tomorrow evening, has been his work on behalf of the American Ambulance Association, AAA. The AAA was formed in response to the need for improvements in medical transportation and emergency medical services. Bob was an original founder of the AAA, and he later served as the organization's president. I have no doubt that throughout his presidency, and the subsequent years of service that followed, he has labored diligently to ensure that our Nation's ambulatory systems have the resources they need to serve our families, friends, and communities.

Today, I express my sincere thanks to my dear friend for the noble work that he has performed over the years.

Bob Forbuss has touched the lives of countless Nevadans and others throughout our Nation, and in so doing has established a legacy of service for all to follow.

#### THE RELEASE OF AUNG SAN SUU KYI

Mr. McCONNELL. Mr. President, this past weekend produced the first heartening news out of Burma in recent memory. Coming just days after the junta held its charade-like elections, this past Saturday Aung San Suu Kyi was released from house arrest where she had spent 15 of the past 21 years.

While fellow advocates of democracy in Burma rightly rejoice in her being freed, our feelings of joy and relief are tempered by several sobering concerns. First, there is the matter of her safety. We all remember the brutal attack against her in 2003. That must not be permitted to happen again. Second, we know Suu Kyi has been released in the past only to be later detained on trumped-up charges. We want her release to be permanent, not temporary. Third, although she was granted unconditional release, it remains to be seen whether the regime will tolerate her active participation in public affairs. And that is essential for Burma to undertake any meaningful progress toward democracy. Finally, while Suu Kyi has been released from detention, more than 2,000 other prisoners of conscience remain imprisoned in Burma. Only when all are unconditionally freed can the people of Burma truly begin the process of democratic reform and reconciliation.

Make no mistake, the release of Suu Kyi is a positive step forward in Burma. Yet it is only the first—and by no means the final—step that must take place in that beleaguered country.

#### REMEMBERING SENATOR TED STEVENS

Mr. DODD. Mr. President, I rise today to pay tribute to the life of a friend and former colleague, former Senator Ted Stevens, who passed away this August in a plane crash. I know that I speak for all of my colleagues when I say how difficult it was to receive news of Ted's passing this summer, and I would like to take this moment to convey my heartfelt condolences to everyone who knew, worked with, and enjoyed Ted during his life.

I believe that Ted will long be remembered as a man of the Senate. First appointed to his seat more than four decades ago, Ted Stevens became the longest-serving Republican in the history of this body in 2007. Throughout his tenure in Washington, Ted served in a number of key leadership positions, including as chairman of the Senate Appropriations Committee and as President pro tempore.

Over the years, I had the pleasure of being able to collaborate with Ted on a number of critically important issues,

including, perhaps most recently, legislation that I introduced during the 110th Congress to provide paid leave to workers under the auspices of the Family and Medical Leave Act. And while Ted and I did not substantively agree on much, he didn't shy away from reaching out across the partisan divide to get things done. In fact, it was his willingness to work with Democrats—to seek out common ground and compromise in areas of contention when necessary—that made him such a prolific, effective, and well-respected member of this body.

The incredibly strong bonds Ted forged with his colleagues over the years were in full display at his memorial service in Alaska over the summer. I made the trip up north to attend his funeral, and I found it incredibly moving to hear the words of Ted's longtime friend, my colleague Senator INOUE, who delivered Ted's eulogy, and our Vice President JOE BIDEN, who also made some remarks during the service. Clearly, this was a person who left not only an indelible mark on the Senate as a body, but on many of the individual Senators who had the opportunity to serve with him over the years.

That was certainly the case for me. Years ago, Ted Stevens and I participated in the U.S.-Canadian inter-parliamentary meeting together. It was one of the most enjoyable 4 days I spent in my 30 years in the Senate for one simple reason—in addition to all his substantive talents, Ted Stevens was great fun—he loved his family, Alaska, his country and his friends.

And on that last point, while it is true that Ted was a creature of the Senate, I believe Ted Stevens will be remembered far into the future first and foremost as a man of Alaska. Ted truly loved his home State, and over the years, he cultivated a strong reputation as one of its greatest champions.

Indeed, Ted's own life was inextricably linked to many of the major events and advancements that occurred in Alaska's history over the past half century. Having served with distinction in World War II as a pilot for the U.S. Army Air Corps in Asia, Ted graduated from Harvard Law School in 1950 and moved to Fairbanks to practice law. Several years later, Ted was brought on to work for the Interior Department under President Eisenhower. In that capacity, Ted advocated very persistently for Alaskan statehood, finally helping make that goal a reality in 1959. Later on, as a Senator, Ted once again worked hard on behalf of his State, its people and interests, fighting to direct federal resources to that vast, sparsely populated, and incredibly beautiful corner of our country.

Ted viewed himself as Alaska's chief advocate here in Washington, and throughout his four decades in the Senate, he never deviated from that mission. Known by many of the Alaskans he helped over the years simply as

"Uncle Ted," Ted Stevens was singularly devoted to serving his constituents and ensuring their needs and concerns were given a voice on Capitol Hill. And it is that level of dedication to the people who sent him here to represent their interests that will ultimately be Ted Stevens' greatest legacy.

Once again, I would like to express my sincere condolences to Ted's wife Catherine; his children Susan, Elizabeth, Walter, Theodore, Ben, and Lily; and his 11 grandchildren. And I would also like to take this opportunity to thank Ted for his years of tireless and selfless service on behalf of his State and country.

Mr. CORNYN. Mr. President, this past summer the people of Alaska lost one of its favorite sons, and many of us in the U.S. Senate lost one of our mentors and friends. His name was Senator Ted Stevens.

By the time I took my seat in this Chamber, Senator Stevens had already held his for more than three decades. He chaired numerous committees, served as President pro tempore, and was widely regarded as one of the most gifted parliamentarians on our side of the aisle. His forty years of service is the longest tenure of any Republican in the history of the United States Senate.

Senator Stevens championed landmark legislation that has transformed Alaska, America, and the world. He helped settle land claims of Native Americans, guard fisheries and protect natural wonders of his home State. He helped guide the Trans-Alaska Pipeline Act into law, which has dramatically improved our Nation's energy security. He helped strengthen our Armed Forces to defend America's interests and values. He helped reform the United States Olympic Committee, and has given generations of American athletes the chance to succeed at the highest levels of international competition.

Ted Stevens' devotion to his adopted home State extended well beyond his service in Washington. After earning a Distinguished Flying Cross in World War II and graduating from Harvard Law School, he served as U.S. attorney in Fairbanks. In 1958, as legislative counsel for the Department of the Interior here in Washington, he helped shepherd Alaska's Statehood Act into law. In 1999, his State's legislature named him the "Alaskan of the Century." As one of his family members put it, the legacy of Ted Stevens is the 49th star on the American flag.

Four other individuals perished in the plane crash that claimed the life of Senator Ted Stevens on August 9, and we pray for all those who lost loved ones on that night. Sandy and I especially keep in our hearts those whom Ted Stevens loved most: his wife Catherine, his 6 children, his 11 grandchildren, and the nearly 700,000 Alaskans who cherish the memory of "Uncle Ted."

## HONORING OUR ARMED FORCES

STAFF SERGEANT INGLÉS DOSREIS

Mr. LAUTENBERG. Mr. President, I rise today to honor the life of SSG Inglés DosReis, who was tragically killed on August 28, 2009, while serving at Aviano Air Base in Italy.

Staff Sergeant DosReis enlisted in the Air Force in February 2005, immediately following his graduation from high school. He was a member of the 51st Security Forces Squadron stationed out of Osan Air Base in South Korea from August 2005 until August 2006. He was subsequently transferred to the 31st Security Forces Squadron at Aviano Air Base, where he started as an installation entry controller. He deployed to Iraq in August 2007 and received the Army Achievement Medal for his service. Staff Sergeant DosReis served in Iraq until February 2008 and upon his return he became a certified desk sergeant at Aviano Air Base. He was posthumously promoted by the Air Force to the permanent grade of staff sergeant in August 2009.

Staff Sergeant DosReis' family fondly remembers him as an intelligent and kindhearted man and a loving husband to his wife Katherine and father to his son Christian. A great athlete, Staff Sergeant DosReis spent much of his childhood playing basketball and had a passion for sports. He was also a natural student, earning honors in high school and later going on to take classes at the Community College of the Air Force with a major in political science.

Over a year has passed since SSG Inglés DosReis was tragically taken from those who love him. Today, I join Staff Sergeant DosReis' family and friends in commemorating his life by entering his name in the RECORD. As a member of the Air Force, he showed his loyalty and commitment to freedom and peace and today we honor his service and sacrifice for our country.

LANCE CORPORAL IRVIN M. CENICEROS

Mrs. LINCOLN. Mr. President, today I honor of LCpl Irvin M. Cenicerros, 21, of Clarksville, who died on October 14, 2010, while supporting combat operations in Helmand Province, Afghanistan.

My heart goes out to the family of Lance Corporal Cenicerros, who made the ultimate sacrifice on behalf of our Nation. Along with all Arkansans, I am grateful for his service and for the sacrifice he and his family have made. I am committed to ensuring that all of our veterans always have the full support they need and deserve, and I can assure our brave soldiers and their families that our grateful Nation will not forget them when their military service is complete.

More than 11,000 Arkansans on active duty and more than 10,000 Arkansas Reservists have served in Iraq or Afghanistan since September 11, 2001. These men and women have shown tremendous courage and perseverance through the most difficult of times. As neighbors, as Arkansans, and as Ameri-

cans, it is incumbent upon us to do everything we can to honor their service and to provide for them and their families, not only when they are in harm's way but also when they return home. It is the least we can do for those whom we owe so much.

Lance Corporal Cenicerros was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

STAFF SERGEANT CARLOS A. BENITEZ

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Carlos A. Benitez. Staff Sergeant Benitez, who was assigned to the 10th Cavalry Regiment, 4th Infantry Division, in Fort Carson, CO, died on October 14, 2010, from injuries sustained when an improvised explosive device detonated near his vehicle. Staff Sergeant Benitez was serving in support of Operation Enduring Freedom in Afghanistan. He was 24 years old.

A native of Carrollton, TX, Staff Sergeant Benitez graduated from Creekview High School and joined the Army in October 2004. He served three tours of duty: two in Iraq and one in Afghanistan—all with decoration. His wife and young daughter and son moved to Colorado for Staff Sergeant Benitez's most recent assignment.

During 5 years of service, Staff Sergeant Benitez distinguished himself through his courage, dedication to duty, and willingness to take on any job. He was awarded numerous awards and medals, including two Army Commendation Medals, the Valorous Unit Award, the Army Good Conduct Medal, the Afghanistan Campaign Medal with Campaign Star, and the Iraq Campaign Medal with four Campaign Stars.

Staff Sergeant Benitez worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. Friends and loved ones remember his commitment to his wife. His mother, Imelda, remembers how her son wanted to enlist in the Army when he was just 17. She made him wait an extra year.

Mark Twain once said, "The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time." Staff Sergeant Benitez's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

At substantial personal risk, he braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Staff Sergeant Benitez will forever be remembered as one of our country's bravest.

To Staff Sergeant Benitez's wife, their children, and his entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Carlos's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

## REQUEST FOR CONSULTATION

Mr. COBURN. I ask unanimous consent that the following letter be 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, November 16, 2010.

Hon. MITCH MCCONNELL,  
Senate Minority Leader,  
Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding S. 2925, Domestic Minor Sex Trafficking Deterrence and Victims Support Act of 2010.

I support the goals of this legislation and believe slavery, in any form, is morally reprehensible. Sex trafficking is a global epidemic, and we should endeavor to eliminate this industry, especially due to its effects on minors who are victims of this practice. However, I believe we can and must do so in a fiscally responsible manner that upholds the Constitution. My concerns are included in, but not limited to, those outlined in this letter.

While the Judiciary Committee considered and amended this bill in its Executive Business Meeting, making some positive changes, I still have several concerns with the committee-reported language. First, although the new grant program created by this legislation will be inserted into existing trafficking law, the bill extends the current funding authorization period. The Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) established the current law regarding trafficking, but its funding authorizations expire in 2011. However, in combining this bill's new grant program with existing TVPRA grants, it also extends the grant's authorization through 2014. Thus, the bill authorizes new spending of \$15 million per year from 2012-2014, totaling \$45 million that is not offset by reductions in real spending elsewhere in the federal government.

It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over \$13 trillion. That means over \$43,000 in debt for each man, woman and child in the United States. A year ago, the national debt was \$10.2 trillion. Despite pledges to control spending, Washington added \$4.6 billion to the national debt every single day last year—that is \$3.2 million every single minute.

Second, the Sex Trafficking Block Grants in S. 2925 go beyond the responsibility of the federal government by allowing grantees to use grant money for activities that are rightly the responsibility of individual states. The grants may be used to provide clothing, daily necessities, counseling and legal services to trafficking victims. They may also be used to provide training for state and local law enforcement officers and social service providers. Finally, the grants may be used to fund salaries for state and local law enforcement officers and prosecutors, as well as investigation expenses for

minor sex trafficking cases prosecuted by the state. All of these expenses can and should be provided by the states, not the federal government.

I agree the problem of sex trafficking, particularly when the victims are children, is an important issue both state and federal governments should address. As ranking member of the Human Rights and the Law Subcommittee, I have seen the effects of the sex trade industry both internationally and domestically. As it pertains to domestic child sex trafficking victims, however, I believe the federal government should not be the primary provider of services for these victims.

Most cases involving child sex trafficking are prosecuted at the state level, while the federal government typically only joins cases involving large sex trafficking rings that often include other federal criminal activity. As a result, I have concerns that this legislation places too great of a burden on the federal government to provide funding for trafficking victims' services. In addition, the bill allows grant funds to be used in many ways beyond basic services that I believe both detract from the goal of assisting victims and duplicates funding already provided by other federal grant programs.

Third, only 50% of the grant funds are required to go toward actual victims' services. The other 50% can be used for salaries for state law enforcement officers and prosecutors, as well as state trial and investigation expenses. While I do not support the federal funding of food, clothing and other daily necessities for these victims, by refusing to require a higher percentage of the grant to go toward these types of direct victims' services, the bill does not fulfill its goal.

Finally, while I was encouraged by some of the compromise language that was included in the bill the Judiciary Committee ultimately passed, such as inserting the bill's grant program into an existing federal program to avoid some of the overlap and direct duplication it initially created, there remain several broad Justice Department grant programs that can be used for the purposes outlined in this bill's grant program. All of the Edward Byrne Grant programs, including the Discretionary Grants or earmarks, the Community Oriented Policing Service (COPS) grants and multiple juvenile justice grants offered through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) contain broad language that would allow these grants to be used for the purposes outlined in S. 2925.

While there is no question that the sex trafficking industry has lifelong, horrific effects on its victims, particularly minors, both federal and state governments bear the burden of addressing this issue. It is the states who should provide funding for the permissible purposes under this bill's grant program, as it is state and local agencies which have the responsibility to carry out these services. Furthermore, the federal government already provides funding to address trafficking issues, and grant programs are available to state and local governments that can be used to help sex trafficking victims. Congress should, like many American individuals and companies do with their own resources, evaluate current programs, determine any needs that may exist and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse and duplication.

Sincerely,

TOM A. COBURN, M.D.,  
U.S. Senator.

## NATIONAL CYBER INFRASTRUCTURE PROTECTION ACT

Mr. BOND. Mr. President, last June, Senator HATCH and I introduced S. 3538, the National Cyber Infrastructure Protection Act. This bill responds to the concern expressed by former Director of National Intelligence Mike McConnell that "[i]f we were in a cyber war today, the United States would lose."

The bill is built on three principles. First, we must be clear about where Congress should, and, more importantly, should not legislate. Second, there must be one person in charge—someone outside the Executive Office of the President who is unlikely to claim executive privilege, but who has real authority to coordinate our government cyber security efforts. Third, we need a voluntary public-private partnership to facilitate sharing cyber threat information, research, and technical support.

Since filing the bill, we have continued to work with government, industry, and privacy experts in making sure that the solutions identified in this bill are effective. There are many different opinions out there on how best to tackle the cyber security problems we face, and so we remain open to looking at ideas for improving the bill. Earlier today, we filed a substitute amendment to S. 3538 that incorporates a number of these suggested improvements. It has been referred to committee.

The original bill would have housed the National Cyber Center administratively in the Department of Defense so as to reduce start-up costs and logistics. We appreciate the concerns some may have with the appearance we are militarizing cyber security, so our substitute creates the center as a stand-alone entity, like the Office of the Director of National Intelligence. In this way, it will be clear we are not militarizing cyber security and one department does not have the inside track over any other when it comes to securing our government networks. In order to make sure there is appropriate input from DOD and DHS, we are also creating two deputy directors, instead of one, with each appointed by the respective Secretaries with the concurrence of the Director of the National Cyber Center.

Second, the Cyber Defense Alliance is a pivotal component for encouraging government and the private sector to collaborate and share information on cyber-related matters. We recognize that the private sector is often on the front lines of cyber attacks, so any information they can provide to increase government awareness of the source and nature of cyber threats will make both government and the private sector stronger. The corollary to this is that the government must share its own cyber threat information, including classified or declassified intelligence, with the private sector.

All of this sharing can raise significant privacy concerns. So, in response

to suggestions we have heard, our substitute bill adds language to clarify that at least one of the private sector members of the board of directors must have experience in civil liberties matters. We believe this will ensure that privacy concerns are taken seriously at the very top levels of the Alliance. We all have an interest in making sure that threat information is shared, but we also have an interest in making sure that no one's privacy rights are violated.

The next Congress needs to focus on passing effective cyber legislation. I believe that S. 3538, as amended, provides a solid starting point for that effort. The bill addresses the most pressing needs: it puts someone outside the White House in charge of cyber policy and the Federal cyber budget; it provides a national cyber center that can oversee and coordinate cybersecurity for dot.gov and dot.mil; and it creates a public-private partnership that will harness the creativity of the private sector to better protect our dot.com networks.

Congress should avoid the temptation to overlegislate in this area. We need to walk before we can run. Once this basic cyber infrastructure is established, it will bring the leading public and private cyber experts together to shape cyber activities and policies. These experts will then be in an ideal position to advise Congress and the administration on the need for any additional steps to ensure our cybersecurity.

I thank my good friend Senator HATCH for his close collaboration on this legislation. I know he will be an effective advocate for this approach when the bill is filed in the next Congress.

## JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, recently I spoke to the Senate on the occasion of the consideration of the nomination of Jane Branstetter Stranch of Tennessee to the Sixth Circuit. It was nearly 10 months after her nomination was favorably reported by the Senate Judiciary Committee that Senate Republicans finally consented to a time agreement and vote, despite the support of the senior Senator from Tennessee, a member of the Republican leadership. Nevertheless, I said then that if consideration of the Stranch nomination, after months of needless delay, represented a bipartisan willingness to return to the Senate's tradition of offering advice and consent without extensive delays, I welcomed it. I urged the Senate to consider the other 16 judicial nominations then on the Senate Executive Calendar favorably reported by the Judiciary Committee without further delay.

Regrettably, since Judge Stranch was approved by a bipartisan majority on September 13, the Senate has not considered a single additional judicial nomination, although some were reported as long ago as January. Indeed,

during the rest of this work period the list of judicial nominations stalled on the calendar has grown to 23, including 16 that were reported by the committee unanimously. Meanwhile judicial vacancies around the country continue to rise and now number 104. These include 48 vacancies that the Judicial Conference has designated as judicial emergencies.

The Senate is well behind the pace set by a Democratic majority in the Senate considering President Bush's nominations during his first 2 years in office. Republicans have allowed the Senate to consider and confirm only 41 of President Obama's circuit and district court nominations over the last 2 years. In stark contrast, by this date in President Bush's second year in office, the Senate with a Democratic majority had confirmed 78 of his Federal circuit and district court nominations. That number reached 100 by the end of 2002, all considered and confirmed during the 17 months I chaired the Senate Judiciary Committee.

During those 17 months, I scheduled 26 hearings for the judicial nominees of a Republican President and the Judiciary Committee worked diligently to consider them. During the 2 years of the Obama administration, I have tried to maintain that same approach, and the committee has held 25 hearings for President Obama's Federal circuit and district court nominees. I have not altered my approach and neither have the Senate Democrats.

One thing that has changed is that we have been able to hold hearings for nominees more regularly because we now receive the paperwork on the nominations, the nominee's completed questionnaire, the confidential background investigation and the America Bar Association, ABA, peer review almost immediately after a nomination is made, allowing us to proceed. During 2001 and 2002, President Bush abandoned the procedure that President Eisenhower had adopted and that had been used by President George H.W. Bush, President Reagan and all Presidents for more than 50 years. Instead, President George W. Bush delayed the start of the ABA peer review process until after the nomination was sent to the Senate. That added weeks and months to the timeline in which hearings were able to be scheduled on nominations.

When I became chairman of the Judiciary Committee midway through President Bush's first tumultuous year in office, I worked very hard to make sure Senate Democrats did not perpetuate the "judge wars" as tit-for-tat. Despite that fact that Senate Republicans pocket filibustered more than 60 of President Clinton's judicial nominations and refused to proceed on them while judicial vacancies skyrocketed during the Clinton administration to more than 110, in 2001 and 2002, during the 17 months I chaired the committee during President Bush's first 2 years in office, the Senate proceeded to confirm 100 of his judicial nominees.

By refusing to proceed on President Clinton's nominations while judicial vacancies skyrocketed during the 6 years they controlled the pace of nominations, Senate Republicans allowed vacancies to rise to more than 110 by the end of the Clinton administration. As a result of their strategy, Federal circuit court vacancies doubled. When Democrats regained the Senate majority halfway into President Bush's first year in office, we turned away from these bad practices. As a result, overall judicial vacancies were reduced during the Bush years from more than 10 percent to less than four percent. During the Bush years, the Federal court vacancies were reduced from 110 to 34 and Federal circuit court vacancies were reduced from a high of 32 down to single digits.

This progress has not continued with a Democratic President back in office. Instead, Senate Republicans have returned to the strategy they used during the Clinton administration of blocking the nominations of a Democratic President, again leading to skyrocketing vacancies. Last year the Senate confirmed only 12 Federal circuit and district court judges, the lowest total in 50 years. This year we have yet to confirm 30 Federal circuit and district judges. We are not even keeping up with retirements and attrition. As a result, judicial vacancies are, again, over 100 and, again, more than 10 percent.

This trend should alarm the American people who expect justice from the Federal courts. I will ask consent to have printed in the RECORD at the conclusion of my statement a recent column by Attorney General Eric Holder about the cost to the American system of justice. He writes:

The federal judicial system that has been a rightful source of pride for the United States—the system on which we all depend for a prompt and fair hearing of our cases when we need to call on the law—is stressed to the breaking point.

Last year, 259,000 civil cases and 75,000 criminal cases were filed in the federal courts, enough to tax the abilities of the judiciary even when it is fully staffed. But today there are 103 judicial vacancies—nearly one in eight seats on the bench. Men and women who need their day in court must stand in longer and longer lines.

I will also ask consent to have printed in the RECORD at the conclusion of my statement a recent article that appeared on Slate by Dahlia Lithwick and Professor Carl Tobias, pointing out that thousands of hard-working Americans seeking justice in our courts bear the cost of justice delayed and denied as a result of vacant courtrooms and overburdened judges. Many senior and retired judges continue to try to carry the workload, but we fall farther behind. They write:

It stands to reason that if you can't get into a courtroom, if the docket is too packed for your case to be heard promptly, or if the judge lacks sufficient time to address the issues raised, justice suffers. This will directly affect thousands of ordinary Americans plaintiffs and defendants whose liberty, safety, or job may be at stake and for whom

justice may arrive too late, if at all. In some jurisdictions, civil litigants may well wait two to three years before going to trial. In jurisdictions with the most vacancies, it will often take far longer for published opinions to be issued, or courts will come to rely on more unpublished opinions. More worrisome still, because the Speedy Trial Act requires that courts give precedence to criminal cases, some backlogged courts have had to stop hearing civil cases altogether.

Earlier this month, I spoke to the Senate about the serious warning issued by Justice Anthony Kennedy at the Ninth Circuit Conference about skyrocketing judicial vacancies in California and throughout the country. He said, "It's important for the public to understand that the excellence of the federal judiciary is at risk." He noted that "if judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled." A recent editorial in the Los Angeles Times focuses on the acute problems in the Ninth Circuit and urges the Senate to act on three nominations to fill vacancies in Federal courts in California.

President Obama has not made nominations opposed by home State Senators but has, instead, reached out and worked with home State Senators from both parties. Likewise, I have respected the minority. We have tried to develop and improve the cooperation between parties and branches. It is disappointing to see others take the opposite approach. We could help to address this vacancies crisis just by acting on the judicial nominations ready for action but which remain stalled on the Executive Calendar.

I have worked closely with the ranking Republicans on the Judiciary Committee while serving as its chairman. I have enjoyed my relationship with the current Ranking Republican, and I have often thanked Senator SESSIONS for his cooperation in working with me to hold hearings and consider nominations in committee. I was disappointed by his statement to the Senate last week, however. He is entitled to his own perspective on these matters, of course. I feel very strongly that Democrats in the Senate treated President Bush's judicial nominations better and more fairly than Republicans had those of President Clinton, and certainly better than President Obama's nominees are currently being treated. The comparison of vacancy rates and the number of judges confirmed in President Bush's first 2 years with a Democratic majority—100, including 17 circuit court nominations—bear that out. I also believe that there was a clear difference in the smaller number of judicial nominees opposed by Democratic Senators and the open manner in which Democrats made clear the basis of their opposition in contrast to the secret holds and across the board nature of the Republican opposition. Another indisputable fact is the judicial vacancy crisis during the Clinton administration that has been recreated since President Obama was elected. By contrast, during the Bush administration

Senate Democrats worked to reduce vacancies and the result was that we did so dramatically.

Indeed, much of Senator SESSIONS' statement last Wednesday reads like an attempted justification for some sort of payback. He does concede that we proceeded promptly to confirm President Bush's district court nominations, but unfortunately attributes a sinister cast even to those actions. Sometimes the statement does not merely attribute the wrong motive or mischaracterize what happened, but is a misstatement of the facts. For example, the Senator suggested that the Senate confirmed only 6 of President Bush's 25 circuit court nominees. In fact, we worked hard to confirm 17 circuit court nominees in the 17 months that I chaired the committee during 2001 and 2002.

By contrast, only 11 of President Obama's circuit court nominees have been confirmed these 2 years—this, despite the fact that 17 have, so far, been reported by the Judiciary Committee. Five of the six circuit court nominations stalled and still being prevented from being considered were reported unanimously, one as long ago as January. This is another good illustration of the difference in how Republican and Democratic Senators have treated judicial nominations by the President of the other party.

Democratic Senators did not stall such consensus nominations for spite or payback. And when we opposed nominations we said why. Unlike President Bush, President Obama has not made a series of judicial nominees designed to pack the courts with ideologues. Instead, he has worked with home State Senators and selected highly qualified, predominately moderate nominees.

Nor have we sought to force through nominations by ignoring the rules and traditions of the Senate or the committee, as Republicans did. Those practices are detailed in my contemporaneous statements at the time but ignored in the statement made last Wednesday. For example, when I became chairman in 2001, I made home State Senators' "blue slips" public for the first time, preventing Senators from anonymously blocking committee action on judicial nominees. That was a bad practice that led to the pocket filibusters of more than 60 of President Clinton's judicial nominees. Also ignored in last Wednesday's statement was the history of earlier filibusters, such as that of the Supreme Court nomination of Abe Fortas to be the Chief Justice and of President Clinton's nominations to the Ninth Circuit.

The statement was in many regards ahistorical or anti-historical. In complaining about a handful of Fourth Circuit nominees in the last 2 years of President Bush's administration, the statement ignored the fact that we had broken the logjam caused by 8 years of Republican obstruction of President Clinton's nominations to that circuit

and that the examples cited were after vacancies had been reduced and in light of opposition from home State Senators to some of the nominees. Indeed, we might have made even more progress had President Bush not proceeded for years to make several extreme nominations. The statement also seems unaware of the work we did to resolve the impasse in the Sixth Circuit, resulting in every single vacancy in the circuit being filled by President Bush.

Regrettably, the Senate this year is not being allowed to consider the consensus, mainstream judicial nominees favorably reported from the Judiciary Committee. It has taken nearly five times as long to consider President Obama's judicial nominations as it did to consider President Bush's during his first 2 years in office. During the first 2 years of the Bush administration, the 100 judges confirmed were considered by the Senate an average of 25 days from being reported by the Judiciary Committee. The average time for confirmed circuit court nominees was 26 days. By contrast, the average time for the 41 Federal circuit and district and circuit court judges confirmed since President Obama took office is 90 days and the average time for circuit nominees is 148 days—and that disparity is increasing.

Senate Republicans have refused to allow prompt consideration even to those consensus nominations that are reported unanimously and without opposition by the Judiciary Committee. There is no good reason to hold up consideration for weeks and months of nominees reported without opposition from the Judiciary Committee. I have been urging since last year that these consensus nominees be considered promptly and confirmed.

In 2001 and 2002, the first 2 years of the Bush administration, the Senate with a Democratic majority confirmed 100 judicial nominees. We obviously will not reach that level or reduce judicial vacancies as effectively as we did in those 2 years. What we can do is consider the 23 judicial nominations already on the calendar. That could bring us to 64 Federal circuit and district court confirmations. If we also completed action on the 11 additional judicial nominees who participated in September hearings, that could bring us to a respectable total of 75 circuit and district court confirmations. That would be in the range of judicial confirmations during President Reagan's first 2 years (88) and President George H.W. Bush's, 72, but pale in comparison to the 100 confirmed in the first 2 years of the George W. Bush administration or those confirmed during President Clinton's first 2 years, 126.

Mr. President, I ask unanimous consent to have printed in the RECORD those materials to which I referred.

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

[From The Washington Post, Sep. 28, 2010]  
NOW VACANT: A CONFIRMATION CRISIS IN OUR COURTS

(By Eric H. Holder, Jr.)

More than a year ago, President Obama nominated Jane Stranch, a respected Nashville labor lawyer, to a seat on the U.S. Court of Appeals for the 6th Circuit. That vacancy had been declared a "judicial emergency" because the Sixth Circuit does not have enough judges to promptly or effectively handle the court's caseload, leading to serious delays in the administration of justice to people in Tennessee and other parts of the 6th Circuit. Yet despite the fact that Judge Stranch enjoyed the support of both of her Republican home-state senators and bipartisan support in the Senate Judiciary Committee, she was forced to wait almost 300 days for an up-or-down vote by the full Senate. When she finally received that vote earlier this month, she was confirmed overwhelmingly.

Unfortunately, her story is all too typical. Nominee after nominee has languished in the Senate for many months, only to be confirmed by wide bipartisan margins when they finally do receive a vote. As Congress finishes its last week in session before the November elections, our judicial system desperately needs the Senate to act.

Today, 23 judicial nominees—honest and qualified men and women eager to serve the cause of justice—are enduring long delays while awaiting up-or-down votes, even though 16 of them received unanimous bipartisan approval in the Judiciary Committee. The confirmation process is so twisted in knots that we are losing ground—there are more vacancies today than when President Obama took office. The men and women whose confirmations have been delayed have received high marks from the nonpartisan American Bar Association, have the support of their home-state senators (including Republicans), and have received little or no opposition in committee. These outstanding lawyers and jurists deserve better, as do litigants who bring cases to increasingly understaffed courts.

In the Eastern District of California, in Sacramento, there are 1,097 cases filed per judge annually. Six months ago, the president nominated California Judge Kimberly Mueller to help relieve that workload. Judge Mueller is a distinguished jurist with seven years' experience as a magistrate judge, a unanimous rating of well qualified from the American Bar Association and the unanimous backing of the Senate Judiciary Committee. Yet she has still not been confirmed.

For the 4th Circuit, the president nominated Albert Diaz, an experienced state court judge and former Marine and officer in the Navy's Judge Advocate General Corps, to a seat on the U.S. Court of Appeals that has been vacant for more than three years. He was approved unanimously by the Senate Judiciary Committee in January and is strongly backed by both of North Carolina's senators. Yet Judge Diaz has waited 242 days for a vote by the full Senate.

In the rotunda outside my Justice Department office, it is inscribed that "The United States wins its point whenever justice is done its citizens in the courts." As attorney general, I have the privilege of leading a strong department in which public servants seek justice every day. But the quotation that has greeted attorneys general for the past 70 years serves as a reminder that justice depends on effective courts. The federal judicial system that has been a rightful source of pride for the United States—the system on which we all depend for a prompt and fair hearing of our cases when we need to call on the law—is stressed to the breaking point.



Last year, 259,000 civil cases and 75,000 criminal cases were filed in the federal courts, enough to tax the abilities of the judiciary even when it is fully staffed. But today there are 103 judicial vacancies—nearly one in eight seats on the bench. Men and women who need their day in court must stand in longer and longer lines.

The problem is about to get worse. Because of projected retirements and other demographic changes, the number of annual new vacancies in the next decade will be 33 percent greater than in the past three decades. If the historic pace of Senate confirmations continues, one third of the federal judiciary will be vacant by 2020. If we stay on the pace that the Senate has set in the past two years—the slowest pace of confirmations in history—fully half the federal judiciary will be vacant by 2020.

As Justice Anthony Kennedy recently noted, the “rule of law is imperiled” if these important judicial vacancies remain unfilled. In 2005, Senate Republican leader Mitch McConnell called on Congress to return to the way the Senate operated for over 200 years, and give nominees who have majority support in the Senate an up-or-down floor vote.

I agree. It's time to address the crisis in our courts. It's time to confirm these judges.

[From Slate.com, Sep. 27, 2010]

VACANT STARES—WHY DON'T AMERICANS WORRY ABOUT HOW AN UNDERSTAFFED FEDERAL BENCH IS HAZARDOUS TO THEIR HEALTH?

(By Dahlia Lithwick and Carl Tobias)

The prospect of a federal bench with nearly one out of every eight judicial seats vacant should scare the pants off every American. Yet few Americans are as worked up about it as those of us who think and worry about it a lot. Our argument was already a tough sell before the threat of global terrorism and a collapsed economy ate up every moment of the national political conversation. Now a 10 percent judicial vacancy rate seems like a Code Beige emergency in a Code Red world.

Part of the problem is politics: It has often seemed that the only people screaming for speedy judicial confirmations are panicked because it's their judges being blocked. The party not currently in control of the White House and Senate often sees less crisis than opportunity in a dwindling bench. Moreover, when the entire judicial selection process has been as fiercely politicized as it is has become lately, most Americans may suspect that empty benches might be better for democracy than full ones. But judicial vacancies are disastrous for Americans, all Americans, and not merely for partisan reasons, but also for practical ones. That's why in a recent speech, Justice Anthony Kennedy warned: “[I]t's important for the public to understand that the excellence of the federal judiciary is at risk. If judicial excellence is cast upon a sea of congressional indifference, the rule of law is imperiled.”

Yet this issue, which seems to light up editorial writers and Brookings scholars with such ease, appears to leave the rest of you cold. So here we are taking one last crack at scaring your pants off with some strictly nonpartisan facts about the dangers of judicial vacancies.

Justice delayed truly is justice denied. There are approximately 850 lower-court federal judgeships, of which more than 100 are currently vacant, while 49 openings in 22 states are classified “judicial emergencies.” Eighty-three of these are on the district courts—the trial courts that decide every important federal question in the country, on issues ranging from civil rights to environmental, economic, privacy, and basic

freedoms. Whereas judicial obstruction once reached no further than the federal appeals courts, for the first time even noncontroversial district court nominees are being stalled by arcane Senate reindeer games. It stands to reason that if you can't get into a courtroom, if the docket is too packed for your case to be heard promptly, or if the judge lacks sufficient time to address the issues raised, justice suffers. This will directly affect thousands of ordinary Americans—plaintiffs and defendants—whose liberty, safety, or job may be at stake and for whom justice may arrive too late, if at all. In some jurisdictions, civil litigants may well wait two to three years before going to trial. In jurisdictions with the most vacancies, it will often take far longer for published opinions to be issued, or courts will come to rely on more unpublished opinions. More worrisome still, because the Speedy Trial Act requires that courts give precedence to criminal cases, some backlogged courts have had to stop hearing civil cases altogether.

Overtaxed federal judges can't do justice at some point. Take, for instance, the federal court based in Denver, where five active judges are doing the work that ought to be done by seven. The Judicial Conference of the United States suggests the court needs another judgeship and has labeled the two vacancies a “judicial emergency” because the judges there each carry 593 instead of the 430 cases deemed optimal. Alliance for Justice today put out a new report on the jurisdictions designated as judicial emergencies. Among their findings: Judicial emergencies have more than doubled over the first 20 months of the Obama administration, and judicial emergencies now exist in 30 states. In many jurisdictions, judges who should have retired years ago are still actively hearing cases on courts that can't afford to lose even one more judge. This places unfair, undue pressure on every federal judge now sitting. Most judges have been stoic in the face of mounting work and caseloads. Few openly complain, lest they appear to be taking sides in the confirmation wars. Still the crisis is so urgent that some judges have begun to speak out: In May, Chief Judge Wiley Daniel of the U.S. District Court in Denver wrote to the majority and minority leaders in the Senate urging prompt confirmation and explaining that lingering vacancies impede public access to justice. Six highly regarded retired federal judges at the same time wrote to the senators that the current gridlock is not tenable for a nation “that believes in the rule of law.” In 1997 and again in 2001, Chief Justice William Rehnquist admonished the White House and Senate, then in control of opposite parties, to fill the many vacancies for the good of the nation. Imagine how you would feel if your heart surgeon had to perform thousands of surgeries each day. That's how worried you should be about federal judges forced to manage ever-expanding caseloads.

Potential judges won't agree to be nominated. Depending on who's doing the calculations, the average length of time between being nominated and confirmed has more than quadrupled in the Obama administration. As a result of procedural shenanigans in the Senate, nominees may remain in limbo for months, with careers and law practices stuck on hold as they await a vote that may never come. Indeed, 6th Circuit Judge Jane Stranch waited 13 months for a 71-21 vote, while Judge Albert Diaz, a 4th Circuit nominee, has waited nearly 11. As the wait for confirmation drags on ever longer, the best nominees will be inclined to start to wonder whether it's worth the bother. Many excellent potential nominees may not even entertain the prospect of judicial service anymore. As President Stephen Zack, presi-

dent of the American Bar Association, recently put it: “The current gridlock discourages anyone from subjecting themselves to the judicial nomination process.”

The more seats remain vacant, the greater the incentive to politicize the process. In the George W. Bush administration, the judicial-vacancy rate dropped to 4 percent. Now it's up to 10 percent again. The stakes become higher and higher as the opportunity to significantly reshape the federal bench becomes more real. The incentive for a Senate minority to obstruct nominees also grows with the vacancy rate. The party not in control of the White House invariably believes it will recapture the presidency in the next election and thus has the opportunity to appoint judges more to its liking. Accordingly, each nominee obstructed now is another vacancy reserved for the out-of-power party's president. These dynamics are evident with the midterm elections approaching: The process has now essentially shut down. That's why only one appellate nominee even received floor consideration between April 23 and Sept. 12 of this year.

The rampant politicization of the selection process is undermining public respect for the co-equal branches of government. President George W. Bush's use of the White House for a ceremony introducing his first 11 appellate nominees and his promotion of his judicial nominees exacerbated the sense that federal judgeships were a political prize for the winning party. Obama has attempted to depoliticize the confirmation process by naming judges generally regarded as centrist and moderate—much to the dismay of many liberals. But it has changed nothing. When the Senate confirmation process degenerates into cartoonish charges of judicial unfitnes, name-calling, recriminations, and endless paybacks, the consequences go far beyond the legitimacy of Congress, to the legitimacy of the courts themselves. As courts are batted around for partisan political purposes, nominees and judges appear to be purely political actors—no different than members of Congress or the president. That doesn't just hurt judges. It hurts those of us who rely on judges to deliver just outcomes.

Americans watching the confirmation wars won't ultimately recall which president named which judge or what the final vote was. But they may begin to accept as normal an inaccurate and deeply politicized vision of judges as a bunch of alternating partisan hacks and a federal bench that is limping, rather than racing, to do justice.

#### NATIONAL HOME CARE AND HOSPICE MONTH

Mr. WYDEN. Mr. President, our country strives to provide exceptional support for the sick, elderly and terminally ill in home and hospice settings. These vulnerable individuals, as well as their family caregivers, are indebted to the many professionals and volunteers who have made it their life's work to serve those in greatest need. Nearly 83,000 hospice professionals, 46,000 hospice volunteers and 1 million home health providers, nationally, contribute significantly to our health care system through their compassion and commitment.

Hospice care provides humane and comforting support for over 744,000 terminally ill patients and their families each year. These services include pain control, palliative medical care and social, emotional and spiritual services.

Hospice supports the basic human needs for feeling comfortable, in a familiar environment, surrounded by loving caregivers and family during the later stages of life. Hospice care is an effective model for the interaction of interdisciplinary teams of health professionals, family members and volunteers in providing care for those needing care in our communities.

The movement to provide health care and supportive services in the home environment has evolved rapidly over the past few decades. Home care services typically bring the expertise and compassion of providers in numerous disciplines into the setting where most sick patients prefer to reside—the home. More than 11 million Americans benefit each year from this approach.

We have made great strides in advancing care for all Americans through the recently enacted Affordable Care Act. A key provision in this effort is the establishment of a Medicare hospice concurrent care demonstration program, which would allow patients who are eligible for hospice care to also receive all other Medicare covered services during the same period of time. Following establishment of this program, I am hopeful that this country will move in a direction where individuals and families do not have to make the difficult choice between hospice and curative care in the Medicare Program.

On behalf of Oregon home health and hospice providers celebrating November as home care and hospice month, I thank the thousands of everyday heroes such as home health nurses, therapists, and aides, who work tirelessly to provide professional health and palliative care and support to millions of Americans in need of quality health services. Their efforts allow families to stay together, and provide greater comfort and dignity to those in our communities.

#### THE JOHN HANSON NATIONAL MEMORIAL ASSOCIATION

Mr. CARDIN. Mr. President, I wish to recognize a fellow Marylander, John Hanson, whose statue graces Statuary Hall here in the U.S. Capitol. George Washington is properly revered as the “Father of our Country” and the Nation’s first President. But we mustn’t overlook John Hanson’s seminal contributions to the birth of the United States. In October 1781, the British surrendered at Yorktown, VA, and the American Revolution was over. A month later, Hanson became the first elected President of the Continental Congress established under the Articles of Confederation. He was unanimously elected and served one term, from November 5, 1781 to November 3, 1782.

John Hanson’s administration began the task of creating the governmental infrastructure to meet the needs of a growing, diverse nation. Under his leadership, the Nation’s first central bank was created, along with the post

office, the departments of State, War and Treasury, the diplomatic corps, the national seal, and the annual observance of Thanksgiving Day. As the first elected President of our independent Nation, President Hanson began the task of unifying the former colonies and providing for their common defense, communication, and economic growth.

The John Hanson National Memorial Association now seeks to memorialize John Hanson and recognize his contributions to our Nation. The association proposes to create a national memorial on the Frederick County Courthouse courtyard, overlooking the site of the John Hanson House in Frederick, MD. Funds also will be raised to establish a public education program regarding President Hanson’s contributions to our democracy. Funding also will be used to support the John Hanson Institute, which would restore and preserve President Hanson’s first home, Mulberry Grove, on the banks of Port Tobacco River in Charles County, MD.

I ask my colleagues to join me in saluting the efforts of the association to recognize our first elected President, John Hanson of Maryland.

#### RECOGNIZING EUHOFA

Mr. REED. Mr. President, today I recognize and congratulate EUHOFA, an international association of hotel and hospitality schools, on the occasion of its 49th Congress, which was held in Providence, RI, from November 7 through November 12, 2010.

EUHOFA International was founded in Europe in 1955 with the mission of enhancing the quality of the training for the tourism industry throughout the world. Its members represent the world’s top hotel and hospitality colleges and universities in 45 countries. Representatives from 19 of these countries attended this year’s congress in Providence.

The 2010 EUHOFA Congress marks only the second time this event has taken place in the United States. This year, as in 1994, the EUHOFA Congress was hosted by Johnson & Wales University in Providence, which is home to one of our Nation’s premier hospitality schools.

The tourism industry is a vital part of my State and our Nation’s economy. Many people associate tourism solely with vacations. But at its heart, tourism provides an important bridge between countries and cultures, and at a time of great change, this kind of understanding is essential for our national security and economic recovery.

I am very proud that Rhode Island and Johnson & Wales University are hosting this great event. On behalf of the U.S. Senate, it is my pleasure to congratulate the 49th EUHOFA International World Congress.

#### TRIBUTE TO MARGOT ALLEN

Mr. ENSIGN. Mr. President, I am honored to rise today to pay tribute to Margot Allen, an exceptional employee, a dedicated patriot, an extraordinary woman, and a treasured friend, in celebration of her 70th birthday. Margot has been an invaluable part of my congressional team since our first campaign in 1994.

Raised in Alabama, Margot has the charm and grace of a true southern belle. Add to that her demand for precision and professionalism and her quick wit, and it explains why she has been known to elicit a, “Why, thank you!” from an obtuse obstructionist who has quite politely been told to “take a long walk off a short pier” in that captivating southern drawl.

Margot’s work on behalf of veterans and seniors in Nevada has earned her a stellar reputation as the authority among her peers and a miracle worker among those constituents who have benefited from her tenacious advocacy. She has gained the respect and admiration of those both in and out of government agencies with whom she collaborates. As a Regional Representative in my Las Vegas office, Margot has been a champion for Nevada’s servicemen and women, working tirelessly to resolve problems arising from bureaucracy or errors—often times being able to bring relief and hope to battle weary constituents. Her association with active duty and retirees from all branches of service coupled with her deep appreciation for the “Tradition of Honor and Legacy of Valor” has earned her profound admiration from privates and generals alike. At Nellis Air Force Base in Las Vegas, NV, the Commanding Officer of the 99th Airbase Wing is often referred to as the “Mayor of Nellis.” However, anybody who has been stationed at Nellis will definitely concede that it is Margot who is the mayor. She knows everybody and everybody knows her.

Her passion for accuracy in grammar and written composition took her to the University of Alabama where she worked as a professor. Margot also taught English language skills to Panamanians while she and her beloved husband Leonard were living in Panama where he worked for the Department of Defense. Her love of the English language and her commitment to scholarship has not only served her well over the years but also become an unequalled resource for my staff and me. Margot provides the final inspection for every document that is sent from any of my offices. She calmly, methodically, and repeatedly teaches the placement of commas, patiently explains when healthcare is one word or two, and has been known to ask staff on more than one occasion, “Honey, why don’t you just tell me what you meant to say.”

I am very privileged as a United States Senator to work with a team of highly skilled, capable, and dedicated staff members who are committed to

this great country and the people of Nevada, and any measure of excellence that we achieve will bear the distinct handprint of Margot Allen.

It is truly my pleasure and my honor to recognize the outstanding contribution Margot Allen has made to my organization and to the people of Nevada in the years she has been part of my congressional team and to wish her a very blessed and happy birthday.

#### NOMINATION OF JANET YELLEN

Mr. BUNNING. Mr. President, I want to briefly explain for the record my votes on the nomination of Janet Yellen to be a member of the Board of Governors of the Federal Reserve System and to be Vice-Chairman of the Board of Governors of the Federal Reserve System.

Dr. Yellen is qualified to sit on the Board of Governors. She has already been a member of the Board, and is currently the president of a regional Fed—the Federal Reserve Bank of San Francisco. She has more monetary policy experience than most recent nominees and certainly understands what the job requires.

However, I have serious concerns about her views on monetary policy and her actions during the credit and housing bubble. In reviewing Federal Open Market Committee, FOMC, meeting minutes and transcripts, it is clear to me that Dr. Yellen will support easy money policies and I am afraid she will not take inflation seriously. I do not believe she will stand up to Chairman Bernanke or break the groupthink that exists at the Fed. The FOMC transcripts and minutes I reviewed only strengthen my concerns. I am also concerned that as president of the San Francisco Fed she did not spot or take action to address the housing and credit bubble while overseeing one of the most affected regions of the country. These reasons are why I oppose Dr. Yellen's nomination to be Vice-Chairman and will vote against her for that position when the vote is called.

The RECORD will thus reflect my vote against Dr. Yellen to be Vice-Chairman of the Board of Governors of the Federal Reserve System.

#### NATIONAL PREMATURITY AWARENESS DAY

Mr. ALEXANDER. Mr. President, I would like to speak about the issue of babies born prematurely, an area Senator DODD and I have been working on together for many years. November is Prematurity Awareness Month and today, November 17, is Prematurity Awareness Day. This year, in the U.S., approximately 28,000 babies will die before their first birthday. In Tennessee, 236 babies are born preterm per week on average, and, in 2007, 12,256 babies or 14.2 percent of all live births were premature.

According to the CDC, babies who died from preterm birth-related causes

accounted for more than 36 percent of infant deaths in 2006. In addition to being the leading cause of newborn death, prematurity can cause those who do survive a lifetime of health challenges and intellectual disabilities. Even infants born just a few weeks early have higher rates of hospitalization and illness than full-term infants. The last few weeks of pregnancy are critical to a baby's health because many important organs, including the brain and lungs, are not completely developed until then.

We are making incredible advances in how we treat these children, but we need to do a lot more. This is a critically important issue. It is the kind of issue that deserves more attention. I am pleased to be joined by Senator DODD in introducing the PREEMIE Act, which reauthorizes and builds upon our legislation from 2006. It is supported by the March of Dimes, American Academy of Pediatrics, American Congress of Obstetricians and Gynecologists and Association of Women's Health, Obstetric and Neonatal Nurses, to name a few. I urge my colleagues to cosponsor this legislation.

Mr. DODD. I thank my colleague. I am pleased to join my good friend, the senior Senator from Tennessee, in this effort. Five years ago, we stood on this floor discussing the risks, costs, and toll of premature birth. Following three decades of increases, in 2008, the Nation achieved the first 2-year decline in the preterm birth rate to 12.3 percent. This rate is still too far from the Healthy People 2010 goal of 7.6 percent and our Nation earns only a "D" on the March of Dimes annual prematurity report card. According to the National Center for Health Statistics, in an average week in Connecticut, 84 babies are born preterm. More than half a million babies still are born preterm each year, a serious health problem that costs the United States more than \$26 billion annually, according to the Institute of Medicine. I believe that the recent 2-year nationwide decline, albeit small, is encouraging and this should be the beginning of a positive trend. The recent developments must be supported by access to better health care, new research and new programs to lower the risk of preterm birth.

This is why the Senator from Tennessee and I have introduced the Prematurity Research Expansion and Education for Mothers Who Deliver Infants Early Act. This important bill expands research into the causes and prevention of prematurity and increases education and support services related to prematurity. The March of Dimes has been an important partner through its leadership of a national prematurity campaign, but they cannot combat this serious and costly public health crisis alone. The Federal Government must partner with them to increase research on the causes of preterm birth. I hope more of my colleagues will join us in supporting this important bill.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO VICTOR PEREZ

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in thanking Fresno resident Victor Perez for his valiant actions that resulted in the rescue of an eight-year-old kidnapping victim and the arrest of her alleged kidnapper.

I know I am joined by the victim's family and friends, the Fresno Police Department, the entire Fresno community and so many others across the country in offering my deepest appreciation to Mr. Perez for his bravery, his quick thinking and his willingness to put himself in harm's way to protect a child.

Mr. Perez, like many others in Fresno and around California, was deeply concerned when he learned the news about the abduction of an 8-year-old girl from the front yard of a home in central Fresno on October 4.

The next morning, when Mr. Perez noticed a truck outside of his home that matched the description of a vehicle of interest reported in the news, he decided that time was of the essence and he had to take action.

Without hesitation, Mr. Perez jumped into his truck and pursued the suspicious vehicle. At one point during the pursuit, he noticed a young girl in the passenger seat, which strengthened his resolve to track down the vehicle. After seeing her, he said he had only one thought in his mind, "I've got to get that little girl out of there."

He bravely pursued the suspect with selfless disregard for his personal safety until he successfully cut off the vehicle, forcing the suspect to stop.

Sensing that he was cornered by Mr. Perez, the suspect pushed the young victim out of the car and sped off. Mr. Perez immediately tended to the young victim and called 911 so that law enforcement officials could continue to pursue the kidnapper. When the young girl told Mr. Perez that she was scared, he assured her that she was out of harm's way.

As a result of Mr. Perez's heroic actions and the speedy response by hundreds of law enforcement officers from multiple jurisdictions, the suspected kidnapper was apprehended. Most importantly, the young girl has been reunited with her mother and her family.

I am thankful for Mr. Perez's altruism and courage. His selfless actions that led to the rescue of this little girl represent the best ideals of being a good neighbor, a Good Samaritan and a responsible member of a community.

We shall always be grateful for his heroic deeds on the morning of October 5, 2010. •

##### REMEMBERING LOUIS HENKIN

• Mr. CARDIN. Mr. President, today I wish to commemorate the life of Louis Henkin.

As chairman of the Commission on Security and Cooperation in Europe, I

wish to honor the memory of Professor Louis Henkin, known to many as the father of human rights law, who passed away last month. He was born Eliezer Henkin on November 11, 1917, in modern-day Belarus. He was the son of Rabbi Yosef Eliyahu Henkin, an authority in Jewish law. Louis, as he later became known, came to the United States at the age of five in 1923. By 1940, Louis had obtained his law degree from Harvard University after receiving his undergraduate degree from Yeshiva University.

Much can be said about Mr. Henkin's contributions to our Nation. As a civil servant, Mr. Henkin worked as law clerk for two of the sharpest American legal minds, Judge Learned Hand of the U.S. Court of Appeals and, later, for Supreme Court Justice Felix Frankfurter. Louis also served in World War II. He earned a Silver Star, the third highest military decoration that can be awarded, for his role in negotiating the surrender of 78 German soldiers to his 13-man artillery observation unit.

These accomplishments notwithstanding, it has been Mr. Henkin's unquestionable devotion to the cause of human rights which prompts me to speak in his memory. It would not be an overstatement to say that Mr. Henkin is a pillar in the field of human rights. From 1948 to 1956 Mr. Henkin worked for the State Department's United Nations Bureau and its Office of European Regional Affairs. He is considered one of the architects of the 1951 United Nations Refugee Convention, where the defining terms of what it means to be a refugee and the international community's responsibility in providing asylum to these individuals were set forth. At Columbia University, Professor Henkin helped establish the Center for the Study of Human Rights in 1978 and created the Human Rights Institute 20 years later. Mr. Henkin was also a founder of the Lawyers' Committee for Human Rights, which we know now as Human Rights First. As a mentor, his influence has been felt by generations of legal scholars, including Supreme Court Justices Ruth Bader Ginsburg, Anthony Kennedy, Stephen Breyer, and Sonia Sotomayor. Our colleague on the Helsinki Commission, Assistant Secretary of State Michael Posner, is a protégé of Professor Henkin.

Mr. Henkin was a prolific legal scholar. He published more than a dozen books on the Constitution, international law, and human rights. His scholarship has helped inform and shape the United States ratification of the Chemical Weapons Convention.

The international human rights community mourns the loss of Louis Henkin, and we at the Commission on Security and Cooperation in Europe join that mourning. Our deepest and most sincere condolences and prayers go out to his family and friends. He shall be missed.●

#### RECOGNIZING HOWARD COMMUNITY COLLEGE

● Mr. CARDIN. Mr. President, today I recognize the 40th anniversary of Howard Community College in Howard County, MD. In 1970, Howard Community College began with 1 building and 600 students in the planned community of Columbia. Since then, Howard Community College has grown into a sprawling campus and cultural magnet that draws nearly one out of every four Howard County high school graduates to its classrooms.

In fiscal year 2010, Howard Community College enrolled more than 12,851 credit students and 16,780 noncredit continuing education students. Nearly 30 percent of its faculty has doctorates and the community is able to choose from more than 7,056 classes each year.

The Howard Community College administration works closely with the business community and county government to ensure that the college's courses are preparing students for careers and/or educational advancement in areas that will result in employment and respond to business needs. For example, in response to the national nursing shortage, Howard Community College has developed a nursing program with a reputation for excellence—90 percent of last year's nursing students passed the licensing exam on the first try.

The Horowitz Visual and Performing Arts Center, which opened in 2006, has added a community cultural dimension to the college by offering three performance venues, two dance studios, and instructional space for art and music classes. The Children's Learning Center serves as a child care center as well as a lab school for students in the Early Childhood Development Program, an important resource for working parents.

Howard Community College can be proud of its rapid growth and its outstanding reputation. The college offers an important resource to the community and works hard to deliver on its pledge: "You Can Get There From Here."

I hope my colleagues will join me in congratulating Howard Community College on its success and join me in wishing President Kathleen B. Hetherington, the Board of Trustees, and the Howard County community continued success in educating students.●

#### TRIBUTE TO RAYMOND M. KIGHT

● Mr. CARDIN. Mr. President, today I recognize the outstanding career and service of Raymond M. Kight, who is the longest-serving elected sheriff of Montgomery County. Ray Kight was an Army veteran when he joined the Montgomery County Police Department in 1963. He was sworn in as deputy sheriff in 1967 and was elected sheriff in 1986.

During his tenure, Sheriff Kight transitioned the office into a modern,

professional law enforcement agency. In addition to the traditional role in the service of legal process, protecting the courts, transporting prisoners and apprehending fugitives, the Sheriff's Office now provides responsive services to the community, including a family law unit that provides immediate law enforcement and social service intervention in domestic violence situations. Sheriff Kight was part of the strategic planning responsible for designing and implementing the inter-agency Montgomery County Family Justice Center, which opened in May, 2009, and has since served over 2,000 domestic violence victims.

Under Sheriff Kight's administration, the Montgomery County Sheriff's Office became the first Sheriff's Office in Maryland to be nationally accredited by the Commission on Accreditation for Law Enforcement Agencies, CALEA. Sheriff Kight has also brought professionalism and recognition to the office by requiring uniforms for all deputies, marked Sheriff's office vehicles, and standardized training. He established the Sheriff's Office SWAT team, K-9 explosive detection teams, and hostage negotiators. These units are deployed throughout Montgomery County in cooperation with the Montgomery County Police Department. The sheriff's deputies maintain partnerships and serve in major regional Federal, State, and county law enforcement task forces, including the U.S. Marshal Service's Capitol Area Regional Fugitive Task Force, CARFTF, as well as the Firearms and Gang Task Forces.

I ask my colleagues to join me in saluting Sheriff Raymond Kight for his 50 years of public service. I ask you to join me in thanking him for his dedication to the safety of the residents of Montgomery County, MD, and in sending him best wishes for a well-deserved retirement.●

#### REMEMBERING CLINT STENNETT

● Mr. CRAPO. Mr. President, today I honor the life of Clint Stennett. I join Clint's wife Michelle, his family and friends in mourning his loss and honoring his distinguished life. There is deep sadness associated with the passing of Clint Stennett, who was a good friend and dedicated associate.

Clint Stennett had numerous accomplishments in his life that was cut off far too short. Clint knew the meaning of hard work, and he made great use of his sense for business. Clint grew up in Idaho and graduated from Idaho State University, where he served as student body president. He worked for the Idaho Statesman selling advertising. He later went to work as a publisher for the Wood River Journal, and he served as president of a company that owned various Idaho television stations. He also had multiple Idaho ranches. Clint served in the Idaho State House of Representatives for 4 years before he began serving in the

State senate in 1994, where he represented Blaine, Camas, Gooding, and Lincoln Counties. For a decade, he also served as former Democratic minority leader for the Idaho State Senate.

Clint always kept his mind and heart open as he worked hard for Idahoans. Clint was a principled, considerate and devoted leader. With an unequalled dedication, he had a love for natural resources, agricultural efforts and the beauty of the State. Clint was a successful, hard-working and fair businessman. He loved his family very much, and he will be remembered as a loving husband and brother.

My condolences and heart-felt prayers go out to his wife Michelle, his extended family, friends and loved ones. Clint Stennett will be greatly missed, and his immense contribution to the State of Idaho will not be forgotten.●

#### REMEMBERING JOHN W. KLUGE

● Mr. DODD. Mr. President, today I wish to pay tribute to John Kluge, a very close friend of mine who passed away on September 7, 2010, at the age of 95. I would also like to take this opportunity to express my heartfelt condolences to his wife Maria; his children John and Samantha; and his stepchildren Joseph, Diane, Jeannette, and Peter. For all of us who had the privilege of getting to know him, this is a tremendous loss.

It is no exaggeration to say that John led a truly remarkable life. Having made a substantial fortune from a communications empire that included everything from television and radio stations to mobile phones and the Harlem Globetrotters, John regularly graced Forbes magazine's annual list of the 400 wealthiest Americans.

But John was not born with the proverbial "silver spoon" in his mouth. He didn't inherit his wealth. John Kluge built his company, Metromedia, on his own, through nothing more than hard work, spot-on business instincts and, as John himself often freely admitted, a little bit of good luck.

Indeed, John's life reads like a pitch-perfect version of a classic American success story—a potent reminder of what individuals can accomplish with dedication, tenacity, and a healthy dose of self-confidence and optimism.

Born in Chemnitz, Germany, in 1914, John moved with his family to Detroit in 1922 and took his first job as a payroll clerk for his stepfather's business when he was just 10. From a very early age, John was driven to make the most of the educational opportunities available to him. During his teenage years, when his stepfather asked him to drop out of school so he could work full time at the family business, John instead opted to leave home and live with his typing teacher so he could continue his education.

That decision ultimately paid off. During his high school years, John worked extremely hard to get good grades and eventually won a scholar-

ship to college, later graduating from Columbia University with a degree in economics.

In the 1950s, following a brief stint working for a Michigan paper company and several years of service in the U.S. Army during World War II, John started purchasing radio stations throughout the country. By the time he founded Metromedia, the country's first major independent broadcasting company, in 1961, he had already made a small fortune from his radio stations and a regional food distribution business he founded in Baltimore. When he sold Metromedia two decades later, John increased his net worth even more substantially, making nearly \$4.7 billion in the process.

Clearly, it would have been incredibly easy for John to have simply taken his money ". . . and joined the country club and gotten into this pattern of complaining about the world and about the tax law," as he once put it in an interview for the New York Times. But John Kluge never had any desire to spend the rest of his life sitting around and frittering away his wealth. He placed a tremendous amount of value on a hard, honest day's work. And it was the sense of fulfillment he derived from his own work that ultimately served as the driving force behind his numerous accomplishments.

Indeed, John Kluge was the consummate workhorse. More inclined to avoid the trappings of fame and recognition than many contemporary corporate executives, John never retained a public relations staff. He was content to work behind the scenes, building his telecommunications empire and cementing his position as one of America's most gifted business strategists with little fanfare.

But John was much more than a talented entrepreneur who rose from humble beginnings to strike it rich. In large part, I believe, because he was not born into a life of privilege, John was absolutely committed to putting his largesse to work for others. He was a prolific philanthropist, and among the many worthy causes and organizations that benefitted from his generosity over the years, the presence of John's contributions can probably be most clearly felt at his alma mater, Columbia.

Throughout his life, John donated substantial sums of money to Columbia, primarily to fund scholarships for underprivileged and minority students. But in 2007, John surprised everyone when he pledged that, upon his death, the university would receive a gift of \$400 million from his estate. To provide a sense of scale here, that single gift is the largest Columbia has ever received, and by far the largest ever given to an institution of higher learning specifically to help students afford tuition.

And that is exactly the way I think John would have wanted to be remembered as an individual who used his good fortune to make sure others

would be able to benefit from the same opportunities he had growing up. As someone who worked to ensure that bright, hard working students from low-income families who were accepted to one of the country's most prestigious universities would be able to make the most of their college educations. As someone who gave back to the people and institutions that helped make his meteoric rise in the corporate world possible.

For my part, I will certainly remember John Kluge for his uncanny business acumen and singular dedication to philanthropy. But at the end of the day, I will also recall John as a wonderful, dear friend who was always a pleasure to be around.

You see, in spite of everything, John never let his wealth or position in life get to his head. During the time that I knew him, John was always an extremely kind, good-natured, and genuinely fun person. He was always accessible and easy to talk to, and I will miss his company immensely.

And so it is with a heavy heart that I rise today to say goodbye to such a special individual. Once again, I would like to extend my sincere condolences to his loving family and to all those individuals who, like me, were so lucky to have John in their lives.●

#### TRIBUTE TO COLONEL RICHARD ROOT

● Mr. DODD. Mr. President, today I recognize the accomplishments of Colonel Richard Root, of the U.S. Army, who was recently promoted from the rank of lieutenant colonel. Until his recent transfer to the highly competitive Senior Service College, Colonel Root worked for more than 3 years in the Army's Legislative Affairs Office as a Senate liaison officer. I had the pleasure of working with Colonel Root frequently during that time, and was therefore proud to be able to join my colleague and good friend Senator CORKER in hosting his promotion ceremony in the Capitol. I would like to extend my sincere congratulations to Colonel Root and his family for this well-deserved recognition.

For more than 21 years, including 3 in combat, Colonel Root has been faithfully serving our Nation as a member of the Armed Forces. Beginning in 1989, when he was commissioned as a field artillery lieutenant, Colonel Root's assignments have taken him around the country and the world, including several deployments during Operation Desert Storm in 1991 and, more recently, during Operation Iraqi Freedom. Throughout his more than two decades in the Army, Colonel Root has been recognized on a number of occasions for his superior service and valor, receiving, among other decorations, the Bronze Star, Purple Heart, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Air Assault Badge, Army Staff Badge, and Combat Action Badge.

Most recently, in his role as a liaison officer to the U.S. Senate, Colonel Root once again distinguished himself, developing outstanding relationships with Senators and staff members alike. During his 3 years of service in the Office of Legislative Affairs, Colonel Root escorted 40 congressional and staff delegations, accompanying Members to more than 50 countries, including active combat theaters.

I myself travelled with Colonel Root on a number of occasions during his time in the Senate, and was always extremely impressed by his close attention to detail, flexibility, and unflinching dedication to his work. I know many of my colleagues felt the same way, and it is therefore no surprise that Colonel Root was often requested by name to help assist in the planning and coordination of congressional fact-finding and oversight delegations.

And so, once again, it is a great honor to be able to congratulate Colonel Root today on this seminal achievement. His unwavering commitment to serving his country as a professional soldier in the Army is truly laudable, and I would like to extend my sincere thanks to him for his years of service. Colonel Root, and all of the men and women of our Armed Forces, are an indispensable asset to this country, and I hope my colleagues will join me today in honoring this top-notch soldier and dear friend, and wonderful human being.●

#### 15TH ANNIVERSARY OF THE JONES CENTER

● Mrs. LINCOLN. Mr. President, today I commemorate the 15th anniversary of the opening of the Jones Center For Families in my home State of Arkansas. The Jones Center, located in Springdale, is a 220,000 square foot facility that provides educational, recreational, health, and community programs and various services to individuals and families across northwest Arkansas.

The center will celebrate its 15th birthday with a public festival on Sunday, October 24, featuring a proclamation by Springdale mayor Doug Sprouse and family activities including children's crafts and games, pumpkin painting, live music, birthday cake, and ice cream. The event will be open to the community free of charge, including access to all swimming pools and the ice skating rink.

The Jones Center opened in 1995 as a gift to the community from the late Mrs. Bernice Young Jones, wife of Harvey Jones, founder of the Jones Truck Lines. According to its mission statement, the center is proud to provide a place where "all are welcome" in the heart of northwest Arkansas. In keeping with Mrs. Jones' wish that no one be turned away, the center offers facilities and services at minimal or no cost to everyone regardless of age, race, gender, religion, or economic status.

Under the leadership of Rick McCullough, executive director, the

Jones Center welcomes more than 1 million visitors per year, with an operating budget of \$2.4 million. Programs and amenities at the center include an ice rink, junior Olympic competition swimming pool, fun pool with slide, fitness room, a chapel/auditorium, a computer center, and numerous other meeting rooms, playgrounds, and athletic courts.

I have visited the Jones Center often, and I commend the staff and volunteers for their efforts to better their community and provide recreational and social opportunities in a safe, modern facility. I salute the entire Springdale community as they celebrate the 15th anniversary of this unique gathering place in the heart of northwest Arkansas.●

#### RECOGNIZING THE WEST FAMILY

● Mrs. LINCOLN. Mr. President, today I recognize the West Family of Prairie Grove as they celebrate 150 years in Arkansas farming. I commend them for achieving this significant milestone. As a seventh-generation Arkansan and farmer's daughter, and as chairman of the Senate Agriculture Committee, I understand firsthand and appreciate the hard work and contributions of our farm families. I am proud to share the story of the West Family Farm with you today.

One hundred and fifty years ago, Robert J. West homesteaded land two miles north of Prairie Grove, AR, in a community called Viney Grove after moving to Arkansas from Tennessee in 1860.

On December 7, 1862, the family watched from the hilltop of their farm as the Battle of Prairie Grove played out in the valley less than a mile away. Union soldiers used their home as a make-shift hospital following the bloody battle. Historical records indicate that the West Farm was even considered as a location for the University of Arkansas before it was founded in Fayetteville in 1871.

Generation after generation, the West family has dedicated itself to becoming a successful Arkansas farming operation. Current owner and operator Randy West has lived and worked on the farm his whole life, just as his father, grandfather and great grandfather did before him. He has committed his life to improving the farm's profitability, sustainability and efficiency while raising a family with the lessons and values of rural living.

Randy and his wife Cheryl work together on the farm as they operate a Bermuda grass hay business that produces between 50,000 and 70,000 square bales annually on the farm's 455 total acres. They also run a poultry operation consisting of three broiler houses.

In 1991, the farm was recognized as the Washington County Farm Family of the Year and the Northwest District Farm Family of the Year. In 2003, the farm was recognized by Tyson Foods as

one of five national Environmental Stewardship Award winners for its commitment to best management practices. Tyson Foods continually uses the farm as a model for environmental stewardship.

A lot has changed in Prairie Grove and in northwest Arkansas over the past 150 years, but the West Family Farm remains a constant. From the time Robert J. West founded the farm on the dawn of the Civil War, through the great depression in the 1930s, to the modern age of agriculture in the 2000s, the West Farm has withstood the test of time and has remained committed to preserving the farming way of life.

Arkansas's farm families are critical to our nation's economic stability. We must work to continue the farm family tradition, so families such as the West Family are able to maintain their livelihoods and continue to help provide the safe, abundant, and affordable food supply that feeds our own country and the world and that is essential to our own economic stability. I salute the West Family and all Arkansas farm families for their hard work and dedication.●

#### EUREKA SPRINGS, ARKANSAS

● Mrs. LINCOLN. Mr. President, today I recognize the city of Eureka Springs in my home State of Arkansas as local residents celebrate two major awards for their community.

The American Planning Association recently designated Spring Street in Eureka Springs as one of the 10 Great Streets for 2010 under the organization's Great Places in America program. According to the association, Spring Street exemplifies "exceptional character in a community of lasting value." The street was singled out for its originality and unique characteristics.

Eureka Springs was also recognized nationally as a 2010 Top 25 Arts Destination by American Style Magazine. This is the sixth year the community has received this honor, which recognizes public support for artists, arts institutions, galleries and festivals, and the contribution of the arts to the local community.

I salute the residents of Eureka Springs for their efforts to maintain the heritage, culture, and history of their community. I have been proud to visit Eureka Springs and Spring Street, and I join all my fellow Arkansans to express our pride in this jewel of our State.●

#### RECOGNIZING MCGEHEE CHAMBER HONOREES

● Mrs. LINCOLN. Mr. President, today I recognize McGehee residents and their families who were recently honored by the McGehee Chamber of Commerce for their outstanding efforts for their community. Honorees are:

Man of the Year: Mr. Jim Daniels.  
Woman of the Year: Ms. Cindy Smith.

Volunteer of the Year: JW Lehman Community Service Award, Ms. Helen Linn Conway.

Business of the Year: Delta Pest Control, Bill and Doris Lawrence.

Educator of the Year: Ms. Yogi Denton, McGehee High School.

Desha County Farm Family: Norris and Jamie Sims.

Mr. President, we should all embrace the spirit of service and volunteerism on display by these deserving individuals. I send my heartfelt congratulations to the entire McGehee community.●

#### ST. JOHN AFRICAN METHODIST EPISCOPAL CHURCH

● Mr. NELSON of Nebraska. Mr. President, today I pay tribute to a historic church in Omaha, NE, which celebrated its 145th anniversary on November 13, 2010. St. John African Methodist Episcopal—A.M.E.—Church was founded in 1865 and continues to host a thriving congregation in north Omaha's minority community.

The current church structure is listed on the National Register of Historic Places, having been designed by Clarence W. Wigington, who grew up in Omaha, becoming Nebraska's first African-American architect. He later went on to become the first municipal African-American architect in the United States.

St. John A.M.E. Church was organized at the end of the Civil War, 2 years before Nebraska became a State. This institution endured challenging times of racial bigotry and hatred, which were unfortunately widespread across America at the time. Maintaining the church's presence required the strength, courage, and faith of early African-American leaders.

Today, St. John A.M.E. Church remains a focal point in Omaha, NE; as the congregation continues a 145-year tradition of ministering to the spiritual, intellectual, physical, emotional and environmental needs of the north Omaha community.●

#### TRIBUTE TO BETTY RIVES ALLEN CALLAWAY

● Mr. SHELBY. Mr. President, today I wish to pay tribute to my good friend, Betty Rives Allen Callaway, whom I have known for many years.

Betty was born January 17, 1928, in Selma, AL, to Carolyn Young and Vickers Rives Allen. Raised in Old Town, Betty attended Byrd Elementary School, Selma Junior High School, and later, Albert G. Parrish High School. As a young woman in Selma, Betty quickly became a fixture in the community by donating her time and energy to various civic causes.

In 1943, while Betty was a student at Selma Junior High School, the United States was in the midst of World War II. In towns across America, civilians were mobilizing scrap drives to collect

metal for war material. Betty, taking an active role in Selma's drive, secured the gift of the old Cahaba Bridge from Dallas County, a locomotive and track from the local railroad, and old buses from Clarence Agee Bus Company.

Her success in the scrap metal drive earned her the privilege of being selected to travel to Mobile to christen the *William C. Gorgas*, a Liberty Ship named by the students at Selma Junior High School. The trip was memorable for Betty, as she once recalled christening the ship, "[E]xcept it took me more than once to smash the bottle of champagne."

Following her graduation from Albert G. Parrish High School, Betty embarked on her professional career. Her penchant for business and sense of style quickly earned her a position in Louise Martindale's dress shop. As a self-described "conscientious mother and housewife," Betty proved to be more than capable of balancing her home and her work. While raising her three sons, Johnny, Vick, and Jimmy, Betty also worked as a receptionist in several local offices and businesses, and later served as the social editor at the Selma Times-Journal.

In 1970, Betty began her career as an aide to some of Alabama's political figures, including U.S. Representatives Bill Nichols, Walter Flowers, and Earl Hilliard. Betty also served with distinction for 8 years in my office during my time in the U.S. House of Representatives. As a member of my staff, Betty helped countless Alabamians navigate Federal bureaucracy, many times going above and beyond her call of duty.

Betty's service to her community extended far beyond her duties as a legislative aide. As an expert on Selma history, Betty was instrumental in the effort to restore Cahawba, Alabama's first capital. She also worked to revitalize Selma's Water Avenue, one of the Nation's most historic riverfront streets. A true civic leader, Betty served on the Alabama Sheriffs' Boys Ranch Advisory Committee and as a member of the board of directors of the Selma-Dallas County United Way. She was also the first woman named to the Selma-Dallas County Chamber of Commerce's board of directors.

In 1997, Betty moved from Selma to Point Clear. However, in May, her lifelong friends from Selma were glad to see her return home to live. Today, Betty enjoys spending time with her son, Johnny, and daughter-in-law, Teresa, as well as with her six grandchildren, Caroline, Allen, Ben, Michael, Rachel Holt, and Clare.

I wish Betty much luck on the next phase of her life, and I ask this entire Senate to join me in recognizing and honoring the life and career of my good friend Betty Callaway.●

#### REMEMBERING ELISEO "CHEO" LOPEZ

● Mr. UDALL of New Mexico. Mr. President, for many of those who expe-

rienced it, the Bataan Death March marked the end of lives that made up in courage what they lacked in length. For Eliseo "Cheo" Lopez a native of Springer, NM, this atrocity was only the beginning of a life lived to the fullest. That life ended on November 11 after 92 years. Fittingly, November 11 is Veterans Day, a day where our Nation pauses to honor and remember the veterans who sacrificed so much to keep our country safe.

The brave Americans who fought at Bataan were heroes in a story that was central to the broader story of Allied victory in World War II. It is a story too few Americans know. The soldiers who fought at Bataan helped slow the Japanese advance at the beginning of the war in Asia, which would eventually give Allied troops the time to reorganize and reverse Japan's progress. Thanks to the heroism of these troops, America was able to recover from Pearl Harbor and take the fight to the Axis powers in Asia and the Pacific Islands, leading to V-J day in 1945.

When the troops in Bataan were finally forced to surrender, they faced inhumane conditions and atrocities at the hands of their captors. By the time they were rescued, toward the end of the war, half of New Mexico's 1,800 soldiers had died. Another 300 would die within a year of returning to the U.S. as a result of complications related to their captivity. Mr. Lopez was forced to work in copper mines as a slave laborer and spent time in several Japanese prison camps until he was rescued in September 1945 nearly 3½ years after he was captured. He was part of a brotherhood of troops belonging to the 515th Coast Artillery Unit, of whom only 69 are known to still be living. The 515th, and all who fought in Bataan, played a crucial role in our country's history, showing valor that I believe is deserving of a Congressional Gold Medal.

When he returned to New Mexico, Mr. Lopez went to work for a bank in his hometown of Springer. He later left the bank for a job with a manufacturing company in California, where he worked for more than 30 years. In 2003, Mr. Lopez was recognized as Alabama Ex-POW Veteran of the Year by the National Veterans Day Organization of Birmingham, AL.

Mr. Lopez leaves behind his wife Katherine Young, who was raised in Las Vegas, NM, along with two daughters, two grandchildren, a brother, and two sisters. He will be buried with full military honors this week at Santa Fe National Cemetery.

Today, the town of Springer and all of New Mexico mourn a dear friend and America marks the passing of a true hero. I wish to honor Mr. Lopez's memory. It will live on in the hearts of all who knew him.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Pate, 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 a withdrawal 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 9:36 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6397. An act to amend section 101(a)(35) of the Immigration and Nationality Act to provide for a marriage for which the parties are not physically in the presence of each other due to service abroad in the Armed Forces of the United States.

The message also announced that the House has passed the following bill, without amendment:

S. 1376. An act to restore immunization and sibling age exemptions for children adopted by United States citizens under the Hague Convention on Intercountry Adoption to allow their admission into the United States.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") on the occasion of the 30th anniversary of its enactment.

The message also announced that the House has passed the following bill with amendments, in which it requests the concurrence of the Senate:

S. 3689. An act to clarify, improve, and correct the laws relating to copyrights.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 5566) to amend title 18, United States Code, to prohibit interstate commerce in animal crush videos, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that pursuant to Section 1002 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306) as amended by section 701(a)(3) of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 111-259), and the other of the House of January 6, 2009, the Speaker appointed the following member on the part of the House of Representatives to the National Commission for the Review of the Research and Development Programs of the

United States Intelligence Community: Mr. Maurice Sonnenberg of New York, NY.

At 12:28 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5367. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the service, and for other purposes.

H.R. 5655. An act to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the "Jesse J. McCrary, Jr. Post Office".

H.R. 5702. An act to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in local offices in the District of Columbia.

H.R. 6237. An act to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building".

H.R. 6278. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

H.R. 6387. An act to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building".

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes.

The message further announced that the House has passed the following bill and joint resolution, without amendment:

S. 3567. An act to designate the facility of the United States Postal Service located at 100 Broadway in Lynbrook, New York, as the "Navy Corpsman Jeffrey L. Wiener Post Office Building".

S. J. Res. 40. Joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress.

At 6:57 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 332. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House having proceeded to reconsider the bill (H.R. 3808) to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate commerce, returned by the President of the United States with his objections, to the House of Representa-

tives, in which it originated, it was resolved, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5367. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5655. An act to designate the Little River Branch facility of the United States Postal Service located at 140 NE 84th Street in Miami, Florida, as the "Jesse J. McCrary, Jr. Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5702. An act to amend the District of Columbia Home Rule Act to reduce the waiting period for holding special elections to fill vacancies in local offices in the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6237. An act to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6278. An act to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6387. An act to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6399. An act to improve certain administrative operations of the Office of the Architect of the Capitol, and for other purposes; to the Committee on Rules and Administration.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96-517 (commonly referred to as the "Bayh-Dole Act") on the occasion of the 30th anniversary of its enactment; to the Committee on the Judiciary.

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.



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-7765. 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 "Removal of Varietal Restrictions on Apples from Japan" (Docket No. APHIS-2009-0020) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7766. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Biomass Crop Assistance Program" (RIN0560-AH92) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7767. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to (21) vacancies in the Department of Agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7768. 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 "Importation of Mexican Hass Avocados; Additional Shipping Options" (Docket No. APHIS-2008-0016) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7769. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-096, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-7770. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10-104, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-7771. 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; Continuation of Current Contracts—Deletion of Redundant Text" (DFARS Case 2010-D016) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Armed Services.

EC-7772. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to current military, diplomatic, political, and economic measures that are being or have been undertaken; to the Committee on Armed Services.

EC-7773. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Stephen R. Lorenz, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-7774. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Roger A. Brady, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-7775. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7776. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7777. A communication from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-7778. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Department's projects, or separable elements of projects, which have been authorized, but for which no funds have been obligated for planning, design or construction during the preceding five full fiscal years; to the Committee on Armed Services.

EC-7779. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the full life-cycle costs of munitions; to the Committee on Armed Services.

EC-7780. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to transfer authorities used in fiscal year 2010; to the Committee on Armed Services.

EC-7781. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to Reserve component equipment delivery; to the Committee on Armed Services.

EC-7782. 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; Continuation of Essential Contractor Services" ((RIN0750-AG52) (DFARS Case 2009-D017)) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2010; to the Committee on Armed Services.

EC-7783. 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; Electronic Subcontracting Reporting System" (DFARS Case 2009-D002) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Armed Services.

EC-7784. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continuation of the national emergency relative

to the actions and policies of the Government of Sudan as declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-7785. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency declared in Executive Order 13413 of October 27, 2006 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC-7786. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to South Africa; to the Committee on Banking, Housing, and Urban Affairs.

EC-7787. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Spain; to the Committee on Banking, Housing, and Urban Affairs.

EC-7788. A communication from the Deputy General Counsel, Office of the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "The Low-Income Definition" (RIN3133-AD75) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7789. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Truth in Savings" (RIN3133-AD72) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7790. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Short-Term, Small Amount Loans" (RIN3133-AD71) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7791. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Secondary Capital Accounts" (RIN3133-AD67) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7792. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Fixed Assets, Member Business Loans, and Regulatory Flexibility Program" (RIN3133-AD68) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7793. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Prompt Corrective Action; Amended Definition of Low-Risk Assets" (RIN3133-AD81) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7794. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Corporate Credit Unions" (RIN3133-AD58) received in the Office of the President of the Senate on

November 10, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7795. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "North Korea Sanctions Regulations" (31 CFR Part 510) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7796. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Equal Access to Justice Act Implementation" (RIN2590-AA29) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7797. A communication from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AD24) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7798. 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) (Internal Agency Docket No. FEMA-8153)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7799. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2010-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7800. 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 "Additions to the List of Validated End-Users in the People's Republic of China: Hynix Semiconductor China Ltd., Hynix Semiconductor (Wuxi) Ltd. and Lam Research Corporation" (RIN0694-AE95) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7801. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Definitions for Regulations Affecting All Savings Associations; Money Market Deposit Accounts" (RIN1550-AC40) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7802. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Indexed Annuity Rule" (RIN3235-AK16) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7803. A communication from the Secretary, Division of Trading and Markets, Se-

curities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Interim Rule for Reporting Pre-enactment Security Based Swap Transactions" (RIN3235-AK73) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7804. A communication from the Associate General Counsel for Legislation and Regulations, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Use of Public Housing Capital Funds for Financing Activities" (RIN2577-AC49) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7805. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program for Consumer Products: Test Procedures for Residential Furnaces and Boilers (Standby Mode and Off Mode)" (RIN1904-AB89) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Energy and Natural Resources.

EC-7806. A communication from the Director, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Interior Board of Land Appeals and Other Appeals Procedures" (RIN1094-AA53) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Energy and Natural Resources.

EC-7807. A communication from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Credit Reforms in Organized Wholesale Electric Markets" (RIN1902-AD89) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Energy and Natural Resources.

EC-7808. A communication from the Deputy Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Promotion of Development, Reduction of Royalty Rates for Stripper Well and Heavy Oil Properties" (RIN1004-AE04) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Energy and Natural Resources.

EC-7809. 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 Air Quality Implementation Plans; Illinois; Volatile Organic Compound Site-Specific State Implementation Plan for Abbott Laboratories" (FRL No. 9212-8) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7810. 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; Albuquerque/Bernalillo County, New Mexico; Interstate Transport of Pollution" (FRL No. 9221-4) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7811. 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 "Change of Addresses for Submission of Certain Reports; Technical Correction" (FRL No. 9221-7) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7812. 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 "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Nevada; Clark County Department of Air Quality and Environmental Management" (FRL No. 9219-5) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7813. 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 "Determinations of Attainment by the Applicable Attainment Date for the Hayden, Nogales, Paul Spur/Douglas PM10 Nonattainment Areas, Arizona" (FRL No. 9219-7) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7814. 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 "Direct Final Rule Staying Numeric Limitation for the Construction and Development Point Source Category" (FRL No. 9222-2) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7815. 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 In-Use Testing for Heavy-Duty Diesel Engines and Vehicles; Emissions Measurement and Instrumentation; Not-to-Exceed Emission Standards; and Technical Amendments for Off-Highway Engines" (FRL No. 9220-6) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Environment and Public Works.

EC-7816. 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 Air Quality Implementation Plans; Ohio; Ohio Ambient Air Quality Standards" (FRL No. 9209-1) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC-7817. 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 Air Quality Implementation Plans; Ohio; Particulate Matter Standards" (FRL No. 9215-2) received during adjournment of the Senate in the Office of the President of the Senate on

October 21, 2010; to the Committee on Environment and Public Works.

EC-7818. 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 Air Quality Implementation Plans; Rhode Island; Determination of Attainment of the 1997 Ozone Standard for the Providence, Rhode Island Area" (FRL No. 9215-9) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC-7819. 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; Illinois; Voluntary Nitrogen Oxides Controls" (FRL No. 9215-8) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC-7820. 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 "New Mexico: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9217-2) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Environment and Public Works.

EC-7821. 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 "1-Propene, 2,3,3,3-tetrafluoro-; Significant New Use Rule" (FRL No. 8846-8) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Environment and Public Works.

EC-7822. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled "Guidance on the Planning and Use of Special Accounts Funds"; to the Committee on Environment and Public Works.

EC-7823. A communication from the President of the United States, transmitting, pursuant to law, notification of the designation of Irving A. Williamson as Vice Chair of the United States International Trade Commission; to the Committee on Finance.

EC-7824. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 457(b) Unforeseeable Emergency Guidance" (Rev. Rul. 2010-27) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Finance.

EC-7825. 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 "Applicable Federal Rates—November 2010" (Rev. Rul. 2010-26) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Finance.

EC-7826. 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 "Limitations on Qualified Residence Interest" (Rev. Rul. 2010-25) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7827. 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 "Shoukri Osman Saleh Abdel-Fattah v. Commissioner, 134 T.C. No. 10" (IRB No.: 2010-47) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7828. 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 "Dyed Diesel Fuel and Kerosene: Nontaxable Use; Alaska" (Notice No. 2010-68) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7829. 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 "Production Tax Credit for Refined Coal" (Notice No. 2010-54) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7830. 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 "Basis Reporting by Securities Brokers and Basis Determination for Stock" (RIN1545-B166) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7831. 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 "Hybrid Retirement Plans" (RIN1545-BG36) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Finance.

EC-7832. 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 "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Tax Liability" (Rev. Proc. 2010-29) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC-7833. 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 "Credit for Carbon Dioxide Sequestration, 2010 Section 45Q Inflation Adjustment Factor" (Notice 2010-75) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7834. 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 "Inflation Adjusted Items for 2011" (Rev. Proc. 2010-40) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC-7835. 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 "Furnishing Identifying Number of Tax Return Preparer"

(RIN1545-BI28) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC-7836. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2010-70) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC-7837. 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 "Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material From the Pre-Hispanic Cultures of the Republic of Nicaragua" (RIN1515-AD70) received in the Office of the President of the Senate on October 19, 2010; to the Committee on Finance.

EC-7838. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances" (RIN1205-AB53) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Finance.

EC-7839. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2011" (RIN0938-AP81) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7840. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Part A Premiums for Calendar Year 2011 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement" (RIN0938-AP85) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7841. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2011" (RIN0938-AP86) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7842. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Home Health Prospective Payment System Rate Update for Calendar Year 2011" (RIN0938-AP88) received during adjournment of the Senate in the Office of the President of the Senate on November 3, 2010; to the Committee on Finance.

EC-7843. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Evaluation of the Cancer Prevention and Treatment Demonstration for Ethnic and Racial Minorities: Second Report to Congress"; to the Committee on Finance.

EC-7844. 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 "Tribal Economic Development Bonds—Extension of Deadline to Issue Bonds" (Announcement 2010-88) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Finance.

EC-7845. A communication from the Secretary of Education, transmitting, pursuant to law, the National Advisory Committee's Annual Report on Institutional Quality and Integrity for Fiscal Year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7846. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Community Services Block Act Discretionary Activities: Community Economic Development and Rural Facilities Programs for Fiscal Year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC-7847. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Assets for Independence Program—Status at the Conclusion of the Tenth Year"; to the Committee on Health, Education, Labor, and Pensions.

EC-7848. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2007 Biennial Report on the Status of Children in Head Start Programs; to the Committee on Health, Education, Labor, and Pensions.

EC-7849. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Systems Advance Planning Document (APD) Process" (RIN0970-AC33) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7850. A communication from the Program Manager, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Countermeasures Injury Compensation Program (CICP): Administrative Implementation, Interim Final Rule" (RIN0906-AA83) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7851. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans" (RIN1210-AB07) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7852. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "School Improvement Grants Program Notice of Final Requirements" (RIN1810-AB06) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7853. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Pro-

gram Integrity Issues" (RIN1840-AD02) received during adjournment of the Senate in the Office of the President of the Senate on October 21, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7854. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Program Integrity: Gainful Employment—New Programs" (RIN1840-AD04) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7855. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Regulations—Foreign Institutions—Federal Student Aid Program" (RIN1840-AD03) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7856. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits" (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on October 27, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-7857. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Afghanistan and Pakistan; to the Committee on Foreign Relations.

EC-7858. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case—Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010-0160—2010-0170); to the Committee on Foreign Relations.

EC-7859. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report of the convening of an Accountability Review Board; to the Committee on Foreign Relations.

EC-7860. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the United States Participation in the United Nations; to the Committee on Foreign Relations.

EC-7861. A communication from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development (USAID), transmitting, pursuant to law, the fourth fiscal year 2010 quarterly report on unobligated and unexpended appropriated funds; to the Committee on Foreign Relations.

EC-7862. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), (4) four reports relative to vacancies in the Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on October 18, 2010; to the Committee on Foreign Relations.

EC-7863. A communication from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled "Regulations Under the Genetic Information

Nondiscrimination Act" (RIN3046-AA84) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7864. A communication from the Deputy Associate Administrator of Acquisition Policy and Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Offering a Construction Requirement—8(a) Program" (RIN9000-AL68) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7865. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "National Historical Publications and Records Commission" (RIN3095-AB67) received in the Office of the President of the Senate on November 1, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7866. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-544 "Land Acquisition for Housing Development Opportunities Program Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7867. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-545 "Supermarket Tax Exemption Clarification Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7868. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-546 "14W and Anthony Bowen YMCA Project Tax Abatement Implementation Clarification Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7869. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-547 "Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Clarification Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7870. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-548 "M.M. Washington Career High School Redevelopment Grant Authorization Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7871. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-549 "DCPL Federal Grant Authorization Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7872. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-550 "Washington Convention and Sports Authority Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7873. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report

on D.C. Act 18-551 "Youth Baseball Academy Grant Authorization Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7874. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-552 "Howard Theatre Redevelopment Project Great Streets Initiative Tax Increment Financing Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7875. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-553 "Sustainable Energy Utility Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7876. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-554 "Healthy DC Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7877. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-555 "DC High Risk Pool Program Establishment Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7878. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-558 "National Popular Vote Interstate Agreement Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7879. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-559 "Howard Theatre Redevelopment Project Great Streets Initiative Tax Increment Financing Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7880. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-561 "Extension of Review Period for the Proposed Disposition of the J.F. Cook School Temporary Amendment Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7881. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-562 "District Settlement Payment Integrity Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7882. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-563 "Private Fire Hydrant Responsibility Temporary Act of 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-7883. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA-3315-EM in the Commonwealth of Massachusetts has exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC-7884. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a report relative to four audit reports issued during fiscal year 2010 relative to the Agency and the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-7885. A communication from the Secretary of the Department of Labor, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General of the Pension Benefit Guaranty Corporation for the period from October 1, 2009, through March 31, 2010 and the Director's Semiannual Report on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC-7886. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Privacy Office Fourth Quarter Fiscal Year 2010 Report to Congress"; to the Committee on Homeland Security and Governmental Affairs.

EC-7887. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period from April 1, 2010, through September 30, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-7888. A communication from the Department of State, transmitting, pursuant to law, a report relative to foreign terrorist organizations (OSS Control No. 2010-1762); to the Committee on the Judiciary.

EC-7889. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the New Mexico Advisory Committee; to the Committee on the Judiciary.

EC-7890. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Year 2009 Annual Report to Congress for the Office of Justice Programs; to the Committee on the Judiciary.

EC-7891. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended for the six months ending December 31, 2009"; to the Committee on the Judiciary.

EC-7892. A communication from the Deputy General Counsel, Office of Hearings and Appeals, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Rules of Procedure Governing Cases Before the Office of Hearings and Appeals" (RIN3245-AG09) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7893. A communication from the Deputy General Counsel, Office of Surety Guarantees, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Surety Bond Guarantee Program; Size Standards" (RIN3245-AG10) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7894. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Standards: Retail Trade" (RIN3245-AF69) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7895. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, trans-

mitting, pursuant to law, the report of a rule entitled "Small Business Standards: Accommodation and Food Services Industries" (RIN3245-AF71) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7896. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Standards: Other Services" (RIN3245-AF70) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7897. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Immediate Disaster Assistance Program" (RIN3245-AG00) received in the Office of the President of the Senate on October 29, 2010; to the Committee on Small Business and Entrepreneurship.

EC-7898. A communication from the Deputy Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Supportive Services for Veteran Families Program" (RIN2900-AN53) received in the Office of the President of the Senate on November 10, 2010; to the Committee on Veterans' Affairs.

EC-7899. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a quarterly report to Congress relative to the Uniformed Services Employment and Reemployment Rights Act of 1994; to the Committee on Veterans' Affairs.

EC-7900. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. ARRIEL 2B Turboshaft Engines" ((RIN2120-AA64) (Docket No. FAA-2005-21624)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7901. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Model Galaxy and Gulfstream 200 Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0555)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7902. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France (ECF) Model SA-365N1, AS-365N2, AS 365N3, EC 155B, and EC155B1 Helicopters" ((RIN2120-AA64) (Docket No. FAA-2010-0426)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7903. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A.

(EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0715)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7904. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1 Series Turboshift Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0710)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7905. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GROB-WERKE Model G120A Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0926)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC-7906. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Corporation (RRC) AE 3007A Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0811)) received during adjournment of the Senate in the Office of the President of the Senate on September 30, 2010; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 817. A bill to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes (Rept. No. 111-348).

S. 2859. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes (Rept. No. 111-349).

## EXECUTIVE REPORT OF COMMITTEE—TREATY

The following executive report of committee was submitted during the recess of the Senate on October 1, 2010 under the authority of an order of the Senate of September 29, 2010:

By Mr. KERRY, from the Committee on Foreign Relations:

[Treaty Doc. 111-5 Treaty with Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms with 10 conditions, 3 understandings, and 13 declarations (Ex. Rept. 111-6)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

*Resolved, (two-thirds of the Senators present concurring therein), That the Senate advises and consents to the ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol, including Annex*

*on Inspection Activities to the Protocol, Annex on Notifications to the Protocol, and Annex on Telemetric Information to the Protocol, all such documents being integral parts of and collectively referred to in this resolution as the "New START Treaty" (Treaty Document 111-5), subject to the conditions of subsection (a), the understandings of subsection (b), and the declarations of subsection (c).*

(a) **CONDITIONS.**—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) **GENERAL COMPLIANCE.**—If the President determines that the Russian Federation is acting or has acted in a manner that is inconsistent with the object and purpose of the New START Treaty, or is in violation of the New START Treaty, so as to threaten the national security interests of the United States, then the President shall—

(A) consult with the Senate regarding the implications of such actions for the viability of the New START Treaty and for the national security interests of the United States;

(B) seek on an urgent basis a meeting with the Russian Federation at the highest diplomatic level with the objective of bringing the Russian Federation into full compliance with its obligations under the New START Treaty; and

(C) submit a report to the Senate promptly thereafter, detailing—

(i) whether adherence to the New START Treaty remains in the national security interests of the United States; and

(ii) how the United States will redress the impact of Russian actions on the national security interests of the United States.

(2) **PRESIDENTIAL CERTIFICATIONS AND REPORTS ON NATIONAL TECHNICAL MEANS.**—(A) Prior to the entry into force of the New START Treaty, and annually thereafter, the President shall certify to the Senate that United States National Technical Means, in conjunction with the verification activities provided for in the New START Treaty, are sufficient to ensure effective monitoring of Russian compliance with the provisions of the New START Treaty and timely warning of any Russian preparation to break out of the limits in Article II of the New START Treaty. Following submission of the first such certification, each subsequent certification shall be accompanied by a report to the Senate indicating how United States National Technical Means, including collection, processing, and analytic resources, will be utilized to ensure effective monitoring. The first such report shall include a long-term plan for the maintenance of New START Treaty monitoring. Each subsequent report shall include an update of the long-term plan. Each such report may be submitted in either classified or unclassified form.

(B) It is the sense of the Senate that monitoring Russian Federation compliance with the New START Treaty is a high priority and that the inability to do so would constitute a threat to United States national security interests.

(3) **REDUCTIONS.**—(A) The New START Treaty shall not enter into force until instruments of ratification have been exchanged in accordance with Article XIV of the New START Treaty.

(B) If, prior to the entry into force of the New START Treaty, the President plans to implement reductions of United States strategic nuclear forces below those currently planned and consistent with the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24,

2002 (commonly referred to as "the Moscow Treaty"), then the President shall—

(i) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(ii) take no such reductions until the President submits to the Senate the President's determination that such reductions are in the national security interest of the United States.

(4) **TIMELY WARNING OF BREAKOUT.**—If the President determines, after consultation with the Director of National Intelligence, that the Russian Federation intends to break out of the limits in Article II of the New START Treaty, the President shall immediately inform the Committees on Foreign Relations and Armed Services of the Senate, with a view to determining whether circumstances exist that jeopardize the supreme interests of the United States, such that withdrawal from the New START Treaty may be warranted pursuant to paragraph 3 of Article XIV of the New START Treaty.

(5) **UNITED STATES MISSILE DEFENSE TEST TELEMETRY.**—Prior to entry into force of the New START Treaty, the President shall certify to the Senate that the New START Treaty does not require, at any point during which it will be in force, the United States to provide to the Russian Federation telemetric information under Article IX of the New START Treaty, Part Seven of the Protocol, and the Annex on Telemetric Information to the Protocol for the launch of—

(A) any missile defense interceptor, as defined in paragraph 44 of Part One of the Protocol to the New START Treaty;

(B) any satellite launches, missile defense sensor targets, and missile defense intercept targets, the launch of which uses the first stage of an existing type of United States ICBM or SLBM listed in paragraph 8 of Article III of the New START Treaty; or

(C) any missile described in clause (a) of paragraph 7 of Article III of the New START Treaty.

(6) **CONVENTIONAL PROMPT GLOBAL STRIKE.**—(A) The Senate calls on the executive branch to clarify its planning and intent in developing future conventionally armed, strategic-range weapon systems. To this end, prior to the entry into force of the New START Treaty, the President shall provide a report to the Committees on Armed Services and Foreign Relations of the Senate containing the following:

(i) A list of all conventionally armed, strategic-range weapon systems that are currently under development.

(ii) An analysis of the expected capabilities of each system listed under clause (i).

(iii) A statement with respect to each system listed under clause (i) as to whether any of the limits in Article II of the New START Treaty apply to such system.

(iv) An assessment of the costs, risks, and benefits of each system.

(v) A discussion of alternative deployment options and scenarios for each system.

(vi) A summary of the measures that could help to distinguish each system listed under clause (i) from nuclear systems and reduce the risks of misinterpretation and of a resulting claim that such systems might alter strategic stability.

(B) The report under subparagraph (A) may be supplemented by a classified annex.

(C) If, at any time after the New START Treaty enters into force, the President determines that deployment of conventional warheads on ICBMs or SLBMs is required at levels that cannot be accommodated within the limits in Article II of the New START Treaty while sustaining a robust United States nuclear triad, then the President shall immediately consult with the Senate regarding the reasons for such determination.

(7) UNITED STATES TELEMETRIC INFORMATION.—In implementing Article IX of the New START Treaty, Part Seven of the Protocol, and the Annex on Telemetric Information to the Protocol, prior to agreeing to provide to the Russian Federation any amount of telemetric information on a United States test launch of a conventionally armed prompt global strike system, the President shall certify to the Committees on Foreign Relations and Armed Services of the Senate that—

(A) the provision of United States telemetric information—

(i) consists of data that demonstrate that such system is not subject to the limits in Article II of the New START Treaty; or

(ii) would be provided in exchange for significant telemetric information regarding a weapon system not listed in paragraph 8 of Article III of the New START Treaty, or a system not deployed by the Russian Federation prior to December 5, 2009;

(B) it is in the national security interest of the United States to provide such telemetric information; and

(C) provision of such telemetric information will not undermine the effectiveness of such system.

(8) BILATERAL CONSULTATIVE COMMISSION.—Not later than 15 days before any meeting of the Bilateral Consultative Commission to consider a proposal for additional measures to improve the viability or effectiveness of the New START Treaty or to resolve a question related to the applicability of provisions of the New START Treaty to a new kind of strategic offensive arm, the President shall consult with the Chairman and ranking minority member of the Committee on Foreign Relations of the Senate with regard to whether the proposal, if adopted, would constitute an amendment to the New START Treaty requiring the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(9) UNITED STATES COMMITMENTS ENSURING THE SAFETY, RELIABILITY, AND PERFORMANCE OF ITS NUCLEAR FORCES.—

(A) The United States is committed to ensuring the safety, reliability, and performance of its nuclear forces. It is the sense of the Senate that—

(i) the United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining and modernizing the nuclear weapons production capabilities and capacities, that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the New START Treaty levels and meet requirements for hedging against possible international developments or technical problems, in conformance with United States policies and to underpin deterrence;

(ii) to that end, the United States is committed to maintaining United States nuclear weapons laboratories and preserving the core nuclear weapons competencies therein; and

(iii) the United States is committed to providing the resources needed to achieve these objectives, at a minimum at the levels set forth in the President's 10-year plan provided to the Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

(B) If appropriations are enacted that fail to meet the resource requirements set forth in the President's 10-year plan, or if at any time more resources are required than estimated in the President's 10-year plan, the President shall submit to Congress, within 60 days of such enactment or the identification of the requirement for such additional resources, as appropriate, a report detailing—

(i) how the President proposes to remedy the resource shortfall;

(ii) if additional resources are required, the proposed level of funding required and an identification of the stockpile work, campaign, facility, site, asset, program, operation, activity, construction, or project for which additional funds are required;

(iii) the impact of the resource shortfall on the safety, reliability, and performance of United States nuclear forces; and

(iv) whether and why, in the changed circumstances brought about by the resource shortfall, it remains in the national interest of the United States to remain a Party to the New START Treaty.

(10) ANNUAL REPORT.—As full and faithful implementation is key to realizing the benefits of the New START Treaty, the President shall submit a report to the Committees on Foreign Relations and Armed Services of the Senate not later than January 31 of each year beginning with January 31, 2012, which will provide—

(A) details on each Party's reductions in strategic offensive arms between the date the New START Treaty entered into force and December 31, 2011, or, in subsequent reports, during the previous year;

(B) a certification that the Russian Federation is in compliance with the terms of the New START Treaty, or a detailed discussion of any noncompliance by the Russian Federation;

(C) a certification that any conversion and elimination procedures adopted pursuant to Article VI of the New START Treaty and Part Three of the Protocol have not resulted in ambiguities that could defeat the object and purpose of the New START Treaty, or—

(i) a list of any cases in which a conversion or elimination procedure that has been demonstrated by Russia within the framework of the Bilateral Consultative Commission remains ambiguous or does not achieve the goals set forth in paragraph 2 or 3 of Section I of Part Three of the Protocol; and

(ii) a comprehensive explanation of steps the United States has taken with respect to each such case;

(D) an assessment of the operation of the New START Treaty's transparency mechanisms, including—

(i) the extent to which either Party encrypted or otherwise impeded the collection of telemetric information; and

(ii) the extent and usefulness of exchanges of telemetric information; and

(E) an assessment of whether a strategic imbalance exists that endangers the national security interests of the United States.

(b) UNDERSTANDINGS.—The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following understandings, which shall be included in the instrument of ratification:

(1) MISSILE DEFENSE.—It is the understanding of the United States that—

(A) the New START Treaty does not impose any limitations on the deployment of missile defenses other than the requirements of paragraph 3 of Article V of the New START Treaty, which states, "Each Party shall not convert and shall not use ICBM launchers and SLBM launchers for placement of missile defense interceptors therein. Each Party further shall not convert and shall not use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein. This provision shall not apply to ICBM launchers that were converted prior to signature of this treaty for placement of missile defense interceptors therein.";

(B) any additional New START Treaty limitations on the deployment of missile defenses beyond those contained in paragraph 3 of Article V, including any limitations agreed under the auspices of the Bilateral Consultative Commission, would require an

amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States; and

(C) the April 7, 2010, unilateral statement by the Russian Federation on missile defense does not impose a legal obligation on the United States.

(2) RAIL-MOBILE ICBMS.—It is the understanding of the United States that—

(A) any rail-mobile-launched ballistic missile with a range in excess of 5,500 kilometers would be an ICBM, as the term is defined in paragraph 37 of Part One of the Protocol (in the English-language numbering), for the purposes of the New START Treaty, specifically including the limits in Article II of the New START Treaty;

(B) an erector-launcher mechanism for launching an ICBM and the railcar or flatcar on which it is mounted would be an ICBM launcher, as the term is defined in paragraph 28 of Part One of the Protocol (in the English-language numbering), for the purposes of the New START Treaty, specifically including the limits in Article II of the New START Treaty;

(C) if either Party should produce a rail-mobile ICBM system, the Bilateral Consultative Commission would address the application of other parts of the New START Treaty to that system, including Articles III, IV, VI, VII, and XI of the New START Treaty and relevant portions of the Protocol and the Annexes to the Protocol; and

(D) an agreement reached pursuant to subparagraph (C) is subject to the requirements of Article XV of the New START Treaty and, specifically, if an agreement pursuant to subparagraph (C) creates substantive rights or obligations that differ significantly from those in the New START Treaty regarding a "mobile launcher of ICBMs" as defined in Part One of the Protocol to the New START Treaty, such agreement will be considered an amendment to the New START Treaty pursuant to Paragraph 1 of Article XV of the New START Treaty and will be submitted to the Senate for its advice and consent to ratification.

(3) STRATEGIC-RANGE, NON-NUCLEAR WEAPON SYSTEMS.—It is the understanding of the United States that—

(A) future, strategic-range non-nuclear weapon systems that do not otherwise meet the definitions of the New START Treaty will not be "new kinds of strategic offensive arms" subject to the New START Treaty;

(B) nothing in the New START Treaty restricts United States research, development, testing, and evaluation of strategic-range, non-nuclear weapons, including any weapon that is capable of boosted aerodynamic flight;

(C) nothing in the New START Treaty prohibits deployments of strategic-range non-nuclear weapon systems; and

(D) the addition to the New START Treaty of—

(i) any limitations on United States research, development, testing, and evaluation of strategic-range, non-nuclear weapon systems, including any weapon that is capable of boosted aerodynamic flight; or

(ii) any prohibition on the deployment of such systems, including any such limitations or prohibitions agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(c) DECLARATIONS.—The advice and consent of the Senate to the ratification of the New

START Treaty is subject to the following declarations, which express the intent of the Senate:

(1) **MISSILE DEFENSE.**—(A) It is the sense of the Senate that—

(i) pursuant to the National Missile Defense Act of 1999 (Public Law 106-38), it is the policy of the United States “to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)”;

(ii) defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should deterrence fail; and

(iii) further limitations on the missile defense capabilities of the United States are not in the national security interest of the United States.

(B) The New START Treaty and the April 7, 2010, unilateral statement of the Russian Federation on missile defense do not limit in any way, and shall not be interpreted as limiting, activities that the United States Government currently plans or that might be required over the duration of the New START Treaty to protect the United States pursuant to the National Missile Defense Act of 1999, or to protect United States Armed Forces and United States allies from limited ballistic missile attack, including further planned enhancements to the Ground-based Midcourse Defense system and all phases of the Phased Adaptive Approach to missile defense in Europe.

(C) Given its concern about missile defense issues, the Senate expects the executive branch to offer regular briefings, not less than twice each year, to the Committees on Foreign Relations and Armed Services of the Senate on all missile defense issues related to the New START Treaty and on the progress of United States-Russia dialogue and cooperation regarding missile defense.

(2) **DEFENDING THE UNITED STATES AND ALLIES AGAINST STRATEGIC ATTACK.**—It is the sense of the Senate that—

(A) a paramount obligation of the United States Government is to provide for the defense of the American people, deployed members of the United States Armed Forces, and United States allies against nuclear attacks to the best of its ability;

(B) policies based on “mutual assured destruction” or intentional vulnerability can be contrary to the safety and security of both countries, and the United States and the Russian Federation share a common interest in moving cooperatively as soon as possible away from a strategic relationship based on mutual assured destruction;

(C) in a world where biological, chemical, and nuclear weapons and the means to deliver them are proliferating, strategic stability can be enhanced by strategic defensive measures;

(D) accordingly, the United States is and will remain free to reduce the vulnerability to attack by constructing a layered missile defense system capable of countering missiles of all ranges;

(E) the United States will welcome steps by the Russian Federation also to adopt a fundamentally defensive strategic posture that no longer views robust strategic defensive capabilities as undermining the overall strategic balance, and stands ready to cooperate with the Russian Federation on strategic defensive capabilities, as long as such cooperation is aimed at fostering and in no way constrains the defensive capabilities of both sides; and

(F) the United States is committed to improving United States strategic defensive capabilities both quantitatively and qualitatively during the period that the New

START Treaty is in effect, and such improvements are consistent with the treaty.

(3) **CONVENTIONALLY ARMED, STRATEGIC-RANGE WEAPON SYSTEMS.**—Consistent with statements made by the United States that such systems are not intended to affect strategic stability with respect to the Russian Federation, the Senate finds that conventionally armed, strategic-range weapon systems not co-located with nuclear-armed systems do not affect strategic stability between the United States and the Russian Federation.

(4) **NUNN-LUGAR COOPERATIVE THREAT REDUCTION.**—It is the sense of the Senate that the Nunn-Lugar Cooperative Threat Reduction (CTR) Program has made an invaluable contribution to the security and elimination of weapons of mass destruction, including nuclear weapons and materials in Russia and elsewhere, and that the President should continue the global CTR Program and CTR assistance to Russia, including for the purpose of facilitating implementation of the New START Treaty.

(5) **ASYMMETRY IN REDUCTIONS.**—It is the sense of the Senate that, in conducting the reductions mandated by the New START Treaty, the President should regulate reductions in United States strategic offensive arms so that the number of accountable strategic offensive arms under the New START Treaty possessed by the Russian Federation in no case exceeds the comparable number of accountable strategic offensive arms possessed by the United States to such an extent that a strategic imbalance endangers the national security interests of the United States.

(6) **COMPLIANCE.**—(A) The New START Treaty will remain in the interests of the United States only to the extent that the Russian Federation is in strict compliance with its obligations under the New START Treaty.

(B) Given its concern about compliance issues, the Senate expects the executive branch to offer regular briefings, not less than four times each year, to the Committees on Foreign Relations and Armed Services of the Senate on compliance issues related to the New START Treaty. Such briefings shall include a description of all United States efforts in United States-Russian diplomatic channels and bilateral fora to resolve any compliance issues and shall include, but would not necessarily be limited to, a description of—

(i) any compliance issues the United States plans to raise with the Russian Federation at the Bilateral Consultative Commission, in advance of such meetings; and

(ii) any compliance issues raised at the Bilateral Consultative Commission, within thirty days of such meetings.

(7) **EXPANSION OF STRATEGIC ARSENALS IN COUNTRIES OTHER THAN RUSSIA.**—It is the sense of the Senate that if, during the time the New START Treaty remains in force, the President determines that there has been an expansion of the strategic arsenal of any country not party to the New START Treaty so as to jeopardize the supreme interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the New START Treaty remains in the national interest of the United States.

(8) **TREATY INTERPRETATION.**—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in condition (1) of the resolution of advice and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the

related memorandum of understanding and protocols (commonly referred to as the “INF Treaty”), approved by the Senate on May 27, 1988, and condition (8) of the resolution of advice and consent to the ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (commonly referred to as the “CFE Flank Document”), approved by the Senate on May 14, 1997.

(9) **TREATY MODIFICATION OR REINTERPRETATION.**—The Senate declares that any agreement or understanding which in any material way modifies, amends, or reinterprets United States or Russian obligations under the New START Treaty, including the time frame for implementation of the New START Treaty, should be submitted to the Senate for its advice and consent to ratification.

(10) **CONSULTATIONS.**—Given the continuing interest of the Senate in the New START Treaty and in strategic offensive reductions to the lowest possible levels consistent with national security requirements and alliance obligations of the United States, the Senate expects the President to consult with the Senate prior to taking actions relevant to paragraphs 2 or 3 of Article XIV of the New START Treaty.

(11) **TACTICAL NUCLEAR WEAPONS.**—(A) The Senate calls upon the President to pursue, following consultation with allies, an agreement with the Russian Federation that would address the disparity between the tactical nuclear weapons stockpiles of the Russian Federation and of the United States and would secure and reduce tactical nuclear weapons in a verifiable manner.

(B) Recognizing the difficulty the United States has faced in ascertaining with confidence the number of tactical nuclear weapons maintained by the Russian Federation and the security of those weapons, the Senate urges the President to engage the Russian Federation with the objectives of—

(i) establishing cooperative measures to give each Party to the New START Treaty improved confidence regarding the accurate accounting and security of tactical nuclear weapons maintained by the other Party; and

(ii) providing United States or other international assistance to help the Russian Federation ensure the accurate accounting and security of its tactical nuclear weapons.

(12) **FURTHER STRATEGIC ARMS REDUCTIONS.**—(A) Recognizing the obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968, “to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at any early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control,” and in anticipation of the ratification and entry into force of the New START Treaty, the Senate calls upon the other nuclear weapon states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(B) The Senate declares that further arms reduction agreements obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(13) **MODERNIZATION AND REPLACEMENT OF UNITED STATES STRATEGIC DELIVERY VEHICLES.**—In accordance with paragraph 1 of Article V of the New START Treaty, which states that, “Subject to the provisions of this treaty, modernization and replacement of strategic offensive arms may be carried



out," it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

\*Peter A. Diamond, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 3947. A bill to direct the Secretary of the Interior to convey to the State of Mississippi 2 parcels of surplus land within the boundary of the Natchez Trace Parkway, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. CRAPO, and Mr. KERRY):

S. 3948. A bill to amend the Internal Revenue Code of 1986 to modify certain rules applicable to regulated investment companies, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. 3949. A bill to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. DODD, Mr. CASEY, and Mr. BINGAMAN):

S. 3950. A bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. CARDIN):

S. 3951. A bill to authorize United States participation in, and appropriations for, the United States contribution to the ninth replenishment of the resources of the Asian Development Fund and the United States subscription to the fifth general capital increase of the Asian Development Bank; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself and Mr. WICKER):

S. 3952. A bill to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 3953. A bill to amend title 38, United States Code, to provide benefits for children

with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASEY:

S. 3954. A bill to improve air cargo security; to the Committee on Commerce, Science, and Transportation.

By Mr. BEGICH:

S. 3955. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents; to the Committee on Armed Services.

By Mr. BEGICH:

S. 3956. A bill to amend title 10, United States Code, to permit the use of commissary and exchange facilities by former members of the Armed Forces who were retired or separated for physical disability; to the Committee on Armed Services.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 3957. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. BROWN of Massachusetts):

S. 3958. A bill to allow an earlier start for State health care coverage innovation waivers under the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mrs. McCASKILL:

S. 3959. A bill to eliminate the preferences and special rules for Alaska Native Corporations under the program under section 8(a) of the Small Business Act; to the Committee on Small Business and Entrepreneurship.

By Mr. LAUTENBERG (for himself, Mr. WYDEN, and Mr. MENENDEZ):

S. 3960. A bill to prevent harassment at institutions of higher education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 3961. A bill to amend the E-Government Act of 2002 (44 U.S.C. 3501 note) to reform the electronic rulemaking process; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Mr. SPECTER):

S. Res. 678. A resolution congratulating the Penn State Nittany Lions for their 400th win under head football coach Joe Paterno; to the Committee on the Judiciary.

By Mr. GREGG (for himself and Mrs. SHAHEEN):

S. Res. 679. A resolution commemorating the 100th anniversary of the Weeks Law; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself, Mr. BINGAMAN, Ms. SNOWE, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. MERKLEY):

S. Res. 680. A resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia; to the Committee on Foreign Relations.

By Mrs. SHAHEEN (for herself and Ms. SNOWE):

S. Res. 681. A resolution designating the week of November 15 through 19, 2010, as "Global Entrepreneurship Week/USA"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 325

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 325, a bill to amend section 845 of title 18, United States Code, relating to explosives, to grant the Attorney General exemption authority.

S. 446

At the request of Mr. SPECTER, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 446, a bill to permit the televising of Supreme Court proceedings.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 1216

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1216, a bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

S. 1547

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1547, a bill to amend title 38, United States Code, and the United States Housing Act of 1937 to enhance and expand the assistance provided by the Department of Veterans Affairs and the Department of Housing and Urban Development to homeless veterans and veterans at risk of homelessness, and for other purposes.

S. 1548

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1548, a bill to improve research, diagnosis, and treatment of musculoskeletal diseases, conditions, and injuries, to conduct a longitudinal study on aging, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1619

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1695

At the request of Mr. BURRIS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1695, a bill to authorize the award of a Congressional gold medal to the Montford Point Marines of World War II.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1703, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2740

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2740, a bill to establish a comprehensive literacy program.

S. 2747

At the request of Mr. BINGAMAN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2747, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 3036

At the request of Mr. BAYH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3036, a bill to establish the Office of the National Alzheimer's Project.

S. 3181

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor

of S. 3181, a bill to protect the rights of consumers to diagnose, service, maintain, and repair their motor vehicles, and for other purposes.

S. 3183

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3183, a bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to roofs with pigmented coatings which meet Energy Star program requirements.

S. 3234

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3234, a bill to improve employment, training, and placement services furnished to veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 3260

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 3260, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 3320

At the request of Mr. WHITEHOUSE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3329

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3329, a bill to provide triple credits for renewable energy on brownfields, and for other purposes.

S. 3390

At the request of Mr. FRANKEN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 3398

At the request of Mr. BAUCUS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3398, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3642

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3642, a bill to ensure that

the underwriting standards of Fannie Mae and Freddie Mac facilitate the use of property assessed clean energy programs to finance the installation of renewable energy and energy efficiency improvements.

S. 3678

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3678, a bill to improve mental health services for members of the National Guard and Reserve deployed in connection with a contingency operation, and for other purposes.

S. 3695

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 3695, a bill to fight criminal gangs.

S. 3706

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3706, a bill to extend unemployment insurance benefits and cut taxes for businesses to create hiring incentives, and for other purposes.

S. 3709

At the request of Mr. WHITEHOUSE, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 3709, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 3727

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3727, a bill to amend title 18, United States Code, with respect to the offense of stalking.

S. 3735

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 3735, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 3739

At the request of Mr. CASEY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 3739, a bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

S. 3813

At the request of Mr. BINGAMAN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 3813, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard, and for other purposes.

S. 3829

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3829, a bill to repeal the CLASS Act.

S. 3833

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3833, a bill to amend the National Environmental Education Act to update, streamline, and modernize that Act, and for other purposes.

S. 3842

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3842, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 3846

At the request of Ms. COLLINS, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 3846, a bill to establish a temporary prohibition on termination coverage under the TRICARE program for age of dependents under the age of 26 years.

S. 3865

At the request of Mr. BROWN of Ohio, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 3865, a bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes.

S. 3874

At the request of Mrs. BOXER, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 3874, a bill to amend the Safe Drinking Act to reduce lead in drinking water.

S. 3881

At the request of Mr. CARDIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 3881, a bill to require the Secretary of State to identify individuals responsible for the detention, abuse, or death of Sergei Magnitsky or for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and to impose a visa ban and certain financial measures with respect to such individuals, until the Russian Federation has thoroughly investigated the death of

Sergei Magnitsky and brought the Russian criminal justice system into compliance with international legal standards, and for other purposes.

S. 3901

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 3901, a bill to promote enforcement of immigration laws and for other purposes.

S. 3914

At the request of Mrs. MURRAY, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of S. 3914, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 3923

At the request of Mr. SANDERS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3923, a bill to amend the Public Utility Regulatory Policies Act of 1978 to clarify the authority of States to adopt renewable energy incentives.

S. 3924

At the request of Mr. CORNYN, the names of the Senator from South Dakota (Mr. THUNE), the Senator from South Carolina (Mr. DEMINT) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3924, a bill to promote transparency and accountability concerning the implementation of the Patient Protection and Affordable Care Act.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. MERKLEY), the Senator from Washington (Ms. CANTWELL) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3928

At the request of Mr. INOUE, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 3928, a bill to strengthen Federal consumer product safety programs and activities with respect to commercially-marketed seafood by directing the Secretary of Commerce to coordinate with the Federal Trade Commission and other appropriate Federal agencies to strengthen and coordinate those programs and activities.

S. 3932

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 3932, a bill to provide

comprehensive immigration reform, and for other purposes.

S. 3942

At the request of Mr. TESTER, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 3942, a bill to amend the Arms Export Control Act to provide that certain firearms listed as curios or relics may be imported into the United States by a licensed importer without obtaining authorization from the Department of State or the Department of Defense, and for other purposes.

S. 3946

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Nebraska (Mr. NELSON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 3946, a bill to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. RES. 676

At the request of Mrs. SHAHEEN, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Montana (Mr. TESTER) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 676, a resolution supporting the goals and ideals of American Diabetes Month.

S. RES. 677

At the request of Mr. CARPER, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. Res. 677, a resolution to express the sense of the Senate regarding the importance of recycling and the inception of recycling on the National Mall.

AMENDMENT NO. 4618

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 4618 intended to be proposed to S. 3454, an original bill to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED  
BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. DODD, Mr. CASEY, and Mr. BINGAMAN):

S. 3950. A bill to amend title XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries for 2011; to the Committee on Finance.

Mr. KERRY. Mr. President, the Centers for Medicare and Medicaid Services, CMS, recently announced that nearly three-quarters of Medicare enrollees will see no increase in their Medicare Part B premium in 2011.

This group of beneficiaries is protected by a “hold harmless” provision in the law for years when there is no increase in Social Security checks. As a result, these beneficiaries will continue to pay the same monthly premium of \$96.40 that they have paid since 2008.

Unfortunately, 27 percent of Medicare beneficiaries do not receive this “hold-harmless” protection and will see their monthly premiums disproportionately increase to \$115.40 to shoulder the full load for those beneficiaries who are held harmless. This represents an increase of nearly 19 percent over the past two years with no cost of living adjustment to their retirement pensions or annuities.

This inequity in the law negatively affects new Medicare enrollees, low-income beneficiaries who receive Medicare and Medicaid, higher income enrollees who already pay higher premiums, and seniors who do not receive Social Security, such as federal, state, and local government retirees.

I believe we have a responsibility to protect all Medicare beneficiaries from premium increase, especially during these tough economic times when every penny counts. A premium increase for many seniors would mean choosing between food and medicine and that’s a choice they should not have to make.

That is why today I am introducing the Medicare Premium Fairness Act. This legislation would restore fairness to our Medicare system and put money in the pockets of 12 million seniors and individuals with disabilities who desperately need it. It would correct this inequity in the law by applying the “hold harmless” provision to all Medicare beneficiaries, so that no enrollee will pay a monthly premium more than \$96.40 in 2011.

The Medicare Premium Fairness Act is cosponsored by Senator DODD and Senator CASEY, both of whom have been integral to the development of this legislation. Our legislation is supported by twenty four organizations that represent retirees and senior citizens across the country. I would like to thank all of the number of organizations who have endorsed our legislation today, including the American Federation of State, County and Municipal Employees, AFSCME, the National Ac-

tive and Retired Federal Employees Association, NARFE, and the National Committee to Preserve Social Security and Medicare, NCPSSM.

Now is the time to protect all Medicare beneficiaries from substantial and unfair Part B premium increases next year. I look forward to working with my colleagues in the Senate to pass the Medicare Premium Fairness Act before the end of the year.

By Mr. AKAKA:

S. 3953. A bill to amend title 38, United States Code, to provide benefits for children with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, as chairman of the Senate Committee on Veterans' Affairs, today, I am introducing legislation that would expand an existing VA benefit program for certain children with spina bifida. These benefits are currently provided under chapter 18 of title 38, United States Code, to the natural children of veterans who were exposed to herbicides such as Agent Orange, in Vietnam or near the Demilitarized Zone, DMZ, in Korea during the Vietnam era.

Current law provides benefits for the natural children of veterans exposed to herbicides only if the veteran served in a specific location, during a specific time frame. VA reports that 1,222 children currently receive these benefits and that only 10 of these receive them based on the service of a parent who served in outside of Vietnam.

However, VA has conceded that certain veterans who worked on the perimeter of Air Force bases in Thailand outside of the locations provided in current law during the Vietnam era were exposed to herbicides. As a result, children of those veterans suffering from spina bifida are excluded from the benefits provided based solely on where the exposure occurred.

The legislation I am introducing today would correct this inequity. Because only a very small number of children whose veteran parent served outside of Vietnam currently receive benefits, I expect only a small number of children would qualify for benefits under this bill. However, it is an inequity that should be remedied.

I urge our colleagues to support this bill and provide the exact same benefit to all children who have spina bifida related to the veteran parent’s exposure to herbicides regardless of the location of their parent’s exposure.

By Mr. BEGICH:

S. 3955. A bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and de-

pendents; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, today I am introducing the Space Available Equity Act.

Members and retirees of the National Guard and Reserve, their families, and surviving military spouses make great sacrifices for our Nation. However, too often these individuals do not receive the benefits they have earned for their service.

For instance, members of the reserve components and “gray area” retirees, National Guardsmen or Reservists eligible for retirement but under the age of 60, have limited space-available travel privileges on Department of Defense aircraft under current regulation. Their space-available travel benefits are restricted to the continental United States and are not extended to their dependents, unlike active duty members and retirees.

Surviving spouses of a military member eligible for retired pay retain no space-available travel privileges at all after the death of their spouse, despite having made a lifetime commitment to the military or in many cases, lost their loved one in war.

To correct these inequities, I am introducing the National Guard, Reserve, Gray Area Retiree, and Surviving Spouse Space-available Travel Equity Act. This bill will give these deserving individuals comprehensive and equitable space-available travel privileges on Department of Defense aircraft. The bill is endorsed by the National Guard Association of the United States.

I urge my colleagues to join me in giving parity to our reserve component members and surviving military spouses.

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. 3955

*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 “National Guard, Reserve, “Gray Area” Retiree, and Surviving Spouses Space-available Travel Equity Act of 2010”.

## SEC. 2. ELIGIBILITY OF RESERVE MEMBERS, GRAY-AREA RETIREES, WIDOWS AND WIDOWERS OF RETIRED MEMBERS, AND DEPENDENTS FOR SPACE-AVAILABLE TRAVEL ON MILITARY AIRCRAFT.

(a) ELIGIBILITY.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2651 the following new section:

“§ 2652. Space-available travel on department of defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members and dependents

“(a) RESERVE MEMBERS.—A member of a reserve component holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as active

duty members of the uniformed services under any other provision of law or Department of Defense regulation.

“(b) RESERVE RETIREES UNDER APPLICABLE ELIGIBILITY AGE.—A member or former member of a reserve component who, but for being under the eligibility age applicable to the member under section 12731 of this title, otherwise would be eligible for retired pay under chapter 1223 of this title shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law or Department of Defense regulation.

“(c) WIDOWS AND WIDOWERS OF RETIRED MEMBERS.—

“(1) IN GENERAL.—An unremarried widow or widower of a member of the armed forces described in paragraph (2) shall be provided transportation on Department of Defense aircraft, on a space-available basis, on the same basis as members of the armed forces entitled to retired pay under any other provision of law or Department of Defense regulation.

“(2) MEMBERS COVERED.—A member of the armed forces referred to in paragraph (1) is a member who—

“(A) is entitled to retired pay;

“(B) dies in line of duty while on active duty and is not eligible for retired pay; or

“(C) in the case of a member of a reserve component, dies as a result of a line of duty condition and is not eligible for retired pay.

“(d) DEPENDENTS.—A dependent of a member or former member described in either subsections (a) or (b) or of a deceased member entitled to retired pay holding a valid Uniformed Services Identification and Privilege Card and a surviving unremarried spouse and the surviving dependent of a deceased member or former member described in subsection (b) holding a valid Uniformed Services Identification and Privilege Card shall be provided transportation on Department of Defense aircraft, on a space-available basis, if the dependent is accompanying the member or, in the case of a deceased member, is the surviving unremarried spouse of the deceased member or is a dependent accompanying the surviving unremarried spouse of the deceased member.

“(e) DEFINITION OF DEPENDENT.—In this section, the term ‘dependent’ has the meaning given that term in section 1072 of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2651 the following new item:

“2652. Space-available travel on department of defense aircraft: reserve members, reserve members eligible for retired pay but for age; widows and widowers of retired members and dependents.”

By Mr. BEGICH:

S. 3956. A bill to amend title 10, United States Code, to permit the use of commissary and exchange facilities by former members of the Armed Forces who were retired or separated for physical disability; to the Committee on Armed Services.

Mr. BEGICH. Mr. President, I am introducing a bill to provide medically separated servicemembers and their family continued access to commissaries and exchanges. Unfortunately, these individuals lose many benefits upon their honorable discharge from the military for disabilities and

injuries which prevent them continuing service.

These servicemembers have served their country dutifully. They have earned the right to retain commissary and exchange privileges after being honorably discharged for disabilities that prevent further service and may preclude certain types of employment thus hindering their ability to provide for their families.

My legislation will give commissary and exchange privileges to individuals medically separated from the military to ease economic hardships faced after their discharge. Additionally, by granting commissary and exchange privileges to these Soldiers, Sailors, Airmen, and Marines they will be able to stay connected to their military communities.

This legislation is supported by the National Guard Association of the United States. I hope my colleagues will join me in this effort to honor and recognize the sacrifices of our disabled servicemembers.

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. 3956

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

**SECTION 1. USE OF COMMISSARY AND EXCHANGE FACILITIES BY FORMER MEMBERS OF THE ARMED FORCES WHO WERE RETIRED OR SEPARATED FOR PHYSICAL DISABILITY.**

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1063 the following new section:

**“§ 1063a. Use of commissary stores and MWR retail facilities: former members retired or separated for physical disability**

“(a) ELIGIBILITY OF FORMER MEMBERS.—A former member of the armed forces who was retired or separated from the armed forces for physical disability under chapter 61 of this title shall be permitted to use commissary stores and MWR retail facilities on the same basis as members of the armed forces on active duty.

“(b) MWR RETAIL FACILITY DEFINED.—In this section, the term ‘MWR retail facility’ has the meaning given that term in section 1063(e) of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of such title is amended by inserting after the item relating to section 1063 the following new item:

“1063a. Use of commissary stores and MWR retail facilities: former members retired or separated for physical disability.”

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 3957. A bill to establish a medical education trust fund, and for other purposes; to the Committee on Finance.

Mr. REED. Mr. President, today I introduce the Graduate Medical Education Reform Act of 2010 along with my colleague Senator WHITEHOUSE.

During my tenure in Congress, I have worked to ensure that medical schools

and teaching hospitals have adequate resources to train the next generation of doctors. I have championed legislation to improve the financing of GME payments to teaching hospitals and annually spearhead efforts to increase grant funding for health professions programs through the appropriations process. In addition, the new health insurance reform law contains an entire title of workforce provisions, many of which I helped to write. The consistent goal of these efforts has been to support our future health care workforce and improve the care that patients receive. The GME Reform Act is an extension of those efforts.

The legislation challenges recent statements by some experts that Medicare overpays teaching hospitals to train medical residents by increasing federal oversight of medical residency programs. For most teaching hospitals, which incur higher costs than other hospitals, this funding is essential to support residency programs and provide high-quality patient care. In addition, now is not the time to starve these important programs of the funding necessary to train our future health care workforce since 30 million more Americans will gain access to health insurance in 2014.

First, the legislation would enhance GME payment transparency. New information about the amount of GME funding that teaching hospitals receive relative to the costs to remain operational would demonstrate that more could be done to support these important programs.

The GME Reform Act would also ensure that teaching hospitals and residency programs spend GME funding to train residents in new models of care and updated technology. Some medical residents, including those in my state, are already trained in these areas, but that is not the case in programs throughout the country. This legislation would encourage reform in every program by linking three percent of indirect medical education payments to teaching hospitals to the performance of residency programs. Medical colleges, accrediting bodies, and other stakeholders that are most familiar with how to train residents would set the specific performance measures. This new oversight would help to break down the silos in medicine and ensure that physicians work together to provide patients with comprehensive health care.

These are important and sensible reforms. As I said, many programs throughout the country have already acted in this manner. But, since it is often most effective to have a reasonable balance of oversight and incentives, this legislation would provide a bonus payment to programs that train at least one-third of all residents in primary care.

In addition, this legislation would transform the way that children’s hospitals receive payments for training the future health care workforce by

taking those payments out of the discretionary appropriations process and providing mandatory, stable funding every year through a new trust fund. It would also extend residency training funds to children's psychiatric hospitals and women and infants hospitals. There are just a handful of hospitals around the country that fall in these two categories, including two in Rhode Island. Indeed, they should also have access to the resources necessary to support the training of residents.

I am pleased that the GME Reform Act is supported by the only medical school in my state, the Warren Alpert Medical School of Brown University.

My colleagues, Leader REID, Senator NELSON of Florida, and Senator SCHUMER have also taken great interest in supporting our future health care workforce by championing legislation to increase the number of physicians trained each year. This effort is vitally important to ending the shortage of primary care providers in many areas, responding to the increased demand of a growing and aging population, and preparing for the implementation of the new health insurance reform law. I look forward to continuing to support their efforts and working with them on the GME Reform Act as well.

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. 3957

*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 "Graduate Medical Education Reform Act of 2010".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Medicare indirect medical education performance adjustment and primary care training bonus.
- Sec. 3. Payments for graduate medical education to hospitals not otherwise eligible for payments under the Medicare program.
- Sec. 4. Increasing graduate medical education transparency.
- Sec. 5. Establishment of trust fund.
- Sec. 6. Partial financing for trust fund from fees on insured and self-insured health plans.

#### SEC. 2. MEDICARE INDIRECT MEDICAL EDUCATION PERFORMANCE ADJUSTMENT AND PRIMARY CARE TRAINING BONUS.

Section 1886(d)(5)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) is amended—

(1) by redesignating the clause (x) as added by section 5505(b) of the Patient Protection and Affordable Care Act as clause (xi); and

(2) by adding at the end the following new clauses:

“(xi) ADJUSTMENT FOR PERFORMANCE.—

“(I) IN GENERAL.—The Secretary shall establish and implement procedures under which the amount of payments that a hospital would otherwise receive for indirect medical education costs under this subparagraph for discharges occurring during an applicable period is adjusted based on the per-

formance of the hospital on measures of health care work force priorities specified by the Secretary.

“(II) MEASURES.—The measures of health care workforce priorities specified by the Secretary under this clause shall include the extent of training provided in—

“(aa) primary care (as defined in subclause (VII)), excluding fellowships;

“(bb) a variety of settings and systems;

“(cc) the coordination of patient care across settings;

“(dd) the relevant cost and value of various diagnostic and treatment options;

“(ee) interprofessional and multidisciplinary care teams;

“(ff) methods for identifying system errors and implementing system solutions; and

“(gg) the use of health information technology.

“(III) MEASURE DEVELOPMENT PROCEDURES.—

“(aa) IN GENERAL.—The measures of health care workforce priorities specified by the Secretary under this clause shall be measures that have been adopted or endorsed by a consensus organization (such as the Accreditation Council for Graduate Medical Education or the Commission on Osteopathic College Accreditation), that include measures that have been submitted by teaching hospitals and medical schools, and that the Secretary identifies as having used a consensus-based process for developing such measures.

“(bb) PROPOSED SET OF MEASURES.—Not later than January 1, 2013, the Secretary shall publish in the Federal Register a proposed set of measures for use under this clause. The Secretary shall provide for a period of public comment on such measures.

“(cc) FINAL SET OF MEASURES.—Not later than June 30, 2013, the Secretary shall publish in the Federal Register the set of measures to be specified by the Secretary for use under this clause.

“(IV) ADJUSTMENT.—Subject to subclause (V), the Secretary shall determine the amount of any adjustment under this clause to payments to a hospital under this subparagraph in an applicable period. Such adjustment may not exceed an amount equal to 3 percent of the total amount that the hospital would otherwise receive under this subparagraph in such period.

“(V) BUDGET NEUTRAL.—In making adjustments under this clause, the Secretary shall ensure that the total amount of payments made to all hospitals under this subparagraph for an applicable period is equal to the total amount of payments that would have been made to such hospitals under this subparagraph in such period if this clause and clause (xii)(III) had not been enacted.

“(VI) PRIMARY CARE DEFINED.—In this clause, the term ‘primary care’ means family medicine, general internal medicine, general pediatrics, preventive medicine, obstetrics and gynecology, and psychiatry.

“(VII) APPLICABLE PERIOD DEFINED.—In this clause, the term ‘applicable period’ means the 12-month period beginning on July 1 of each year (beginning with 2013).

“(xiii) BONUS PAYMENT FOR TRAINING IN PRIMARY CARE.—

“(I) IN GENERAL.—Subject to subclause (III), in the case of discharges occurring during an applicable period, in addition to the amount of payments that a hospital receives for indirect medical education costs under this subparagraph for such discharges (determined after any adjustment under clause (xii)), there shall also be paid to the hospital an amount equal to 1 percent of such payments if, during such applicable period, at least 33 percent of full-time equivalent residents (excluding fellowships) enrolled in the hospital's medical residency training pro-

grams were enrolled in medical residency training programs in primary care (as defined in clause (xii)(VI)).

“(II) PAYMENTS FROM MEDICAL EDUCATION TRUST FUND.—Payments to hospitals under subclause (I) shall be made from the Medical Education Trust Fund under section 9512 of the Internal Revenue Code of 1986.

“(III) LIMITATION.—The total of the payments made to eligible hospitals under subclause (I) with respect to an applicable period shall not exceed an amount equal to the funds appropriated to such Trust Fund under subsection (b)(1) of such section 9512 for the fiscal year ending on September 30 of such applicable period.”.

#### SEC. 3. PAYMENTS FOR GRADUATE MEDICAL EDUCATION TO HOSPITALS NOT OTHERWISE ELIGIBLE FOR PAYMENTS UNDER THE MEDICARE PROGRAM.

Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section:

“GRADUATE MEDICAL EDUCATION PAYMENTS FOR HOSPITALS NOT OTHERWISE ELIGIBLE

“SEC. 1899B. (a) PROGRAM.—

“(1) IN GENERAL.—The Secretary shall establish a program under which payments are made to eligible hospitals for each applicable period for direct expenses and indirect expenses associated with operating approved graduate medical residency training programs.

“(2) REQUIREMENTS.—Under the program under paragraph (1), the provisions of section 340E of the Public Health Service Act shall apply to payments to eligible hospitals in a similar manner as such provisions apply to payments to children's hospitals under such section 340E, except that—

“(A) payments to eligible hospitals under the program shall be made from the Medical Education Trust Fund under section 9512 of the Internal Revenue Code of 1986; and

“(B) the total of the payments made to eligible hospitals under the program in an applicable period shall not exceed an amount equal to—

“(i) the funds appropriated to such Trust Fund under subsection (b)(1) of such section 9512 for the fiscal year ending on September 30 of such applicable period; minus

“(ii) the total amount of payments made to hospitals under section 1886(d)(5)(B)(xiii) in applicable period.

“(b) ELIGIBLE HOSPITAL DEFINED.—In this section, the term ‘eligible hospital’ means the following hospitals:

“(1) A children's hospital (as defined in section 340E(g)(2) of the Public Health Service Act).

“(2) A freestanding psychiatric hospital that has—

“(A) 90 percent or more inpatients under the age of 18;

“(B) its own Medicare provider number as of December 6, 1999; and

“(C) an accredited residency program.

“(3) A hospital—

“(A) that annually has at least 3,000 births;

“(B) for which less than 4 percent of the total annual discharges from the hospital are Medicare discharges of individuals who, as of the time of the discharge—

“(i) were entitled to, or enrolled for, benefits under part A; and

“(ii) were not enrolled in—

“(I) a Medicare Advantage plan under part C;

“(II) an eligible organization under section 1876; or

“(III) a PACE program under section 1894;

“(C) that has its own Medicare provider number; and

“(D) that has an accredited residency program.

“(c) APPLICABLE PERIOD DEFINED.—In this section, the term ‘applicable period’ has the meaning given that term in section 1886(d)(5)(B)(xii)(VII).”

“(d) REGULATIONS.—The Secretary shall promulgate regulations to carry out this section.”

**SEC. 4. INCREASING GRADUATE MEDICAL EDUCATION TRANSPARENCY.**

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress and the National Health Care Workforce Commission under section 5101 of the Patient Protection and Affordable Care Act a report on the graduate medical education payments that hospitals receive under the Medicare program. The report shall include the following information with respect to each hospital that receives such payments:

(1) The direct graduate medical education payments made to the hospital under section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)).

(2) The indirect medical education payments made to the hospital under section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(1)(B)).

(3) The number of residents counted for purposes of making the payments described in paragraph (1).

(4) The number of residents counted for purposes of making the payments described in paragraph (2).

(5) The number of residents, if any, that are not counted for purposes of making payments described in paragraph (1).

(6) The number of residents, if any, that are not counted for purposes of making payments described in paragraph (2).

(7) The percent that the payments described in paragraphs (1) and (2) that are made to the hospital make up of the total costs that the hospital incurs in providing graduate medical education, including salaries, benefits, operational expenses, and all other patient care costs.

**SEC. 5. ESTABLISHMENT OF TRUST FUND.**

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following new section:

**“SEC. 9512. MEDICAL EDUCATION TRUST FUND.**

“(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Medical Education Trust Fund’ (hereafter in this section referred to as the ‘Trust Fund’), consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section and section 9602(b).”

“(b) TRANSFERS TO FUND.—

“(1) APPROPRIATIONS.—There are hereby appropriated to the Trust Fund in each fiscal year (beginning with fiscal year 2013) the sum of an amount equivalent to one-half (or, in the case of fiscal year 2013, two-thirds) of the net revenues received in the Treasury from the fees imposed under subchapter B of chapter 34 (relating to fees on health insurance and self-insured plans).

“(2) LIMITATION ON TRANSFERS.—No amount may be appropriated or transferred to the Trust Fund on and after the date of any expenditure from the Trust Fund which is not an expenditure permitted under this section. The determination of whether an expenditure is so permitted shall be made without regard to—

“(A) any provision of law which is not contained or referenced in this chapter or in a revenue Act; and

“(B) whether such provision of law is a subsequently enacted provision or directly or

indirectly seeks to waive the application of this paragraph.

“(c) TRUSTEE.—The Secretary of Health and Human Services shall be a trustee of the Trust Fund.

“(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Trust Fund are available, without further appropriation, to the Secretary of Health and Human Services for making payments under sections 1886(d)(5)(B)(xiii) and 1899B of the Social Security Act.

“(e) NET REVENUES.—For purposes of this section, the term ‘net revenues’ means the amount estimated by the Secretary of the Treasury based on the excess of—

“(1) the fees received in the Treasury under subchapter B of chapter 34, over

“(2) the decrease in the tax imposed by chapter 1 resulting from the fees imposed by such subchapter.”

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 9512. Medical Education Trust Fund.”

**SEC. 6. PARTIAL FINANCING FOR TRUST FUND FROM FEES ON INSURED AND SELF-INSURED HEALTH PLANS.**

(a) IMPOSITION OF FEE.—Section 4375(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$2” and inserting “\$4”; and

(2) by striking “\$1” and inserting “\$3”.

(b) CONFORMING AMENDMENT TO THE PATIENT-CENTERED OUTCOMES RESEARCH TRUST FUND.—Section 9511(b)(1)(E) of the Internal Revenue Code of 1986 is amended by inserting “one-half (or, in the case of fiscal year 2013, one-third) of” after “equivalent to”.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3962. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

Mr. DURBIN. 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. 3962

*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 “Development, Relief, and Education for Alien Minors Act of 2010” or the “DREAM Act of 2010”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

Sec. 4. Cancellation of removal and adjustment of status of certain long-term residents who entered the United States as children.

Sec. 5. Conditional permanent resident status.

Sec. 6. Retroactive benefits under this Act.

Sec. 7. Exclusive jurisdiction.

Sec. 8. Penalties for false statements in application.

Sec. 9. Confidentiality of information.

Sec. 10. Higher Education assistance.

Sec. 11. GAO report.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term “uniformed services” has the meaning given that term in section 101(a) of title 10, United States Code.

**SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

(i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

(ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

(i) has been admitted to an institution of higher education in the United States; or

(ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

(i) has remained in the United States under color of law after such order was issued; or

(ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 35 years of age on the date of the enactment of this Act.

(2) WAIVER.—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) PROCEDURES.—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) DEADLINE FOR SUBMISSION OF APPLICATION.—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

(A) was admitted to an institution of higher education in the United States; or

(B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) TERMINATION OF CONTINUOUS PERIOD.—For purposes of this section, any period of

continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

**(C) TREATMENT OF CERTAIN BREAKS IN PRESENCE.—**

(1) **IN GENERAL.**—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) **EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.**—The Secretary of Homeland Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) **EXEMPTION FROM NUMERICAL LIMITATIONS.**—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

**(e) REGULATIONS.—**

(1) **PROPOSED REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) **INTERIM, FINAL REGULATIONS.**—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) **REMOVAL OF ALIEN.**—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

**SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.**

**(a) IN GENERAL.—**

(1) **CONDITIONAL BASIS FOR STATUS.**—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

**(2) NOTICE OF REQUIREMENTS.—**

(A) **AT TIME OF OBTAINING PERMANENT RESIDENCE.**—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) **EFFECT OF FAILURE TO PROVIDE NOTICE.**—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

**(b) TERMINATION OF STATUS.—**

(1) **IN GENERAL.**—The Secretary of Homeland Security shall terminate the condi-

tional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) **RETURN TO PREVIOUS IMMIGRATION STATUS.**—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

**(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—**

(1) **IN GENERAL.**—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph 2(A).

**(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—**

(A) **IN GENERAL.**—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) **REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.**—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) **TERMINATION IF ADVERSE DETERMINATION.**—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) **TIME TO FILE PETITION.**—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

**(d) DETAILS OF PETITION.—**

(1) **CONTENTS OF PETITION.**—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned

the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

**(2) HARDSHIP EXCEPTION.—**

(A) **IN GENERAL.**—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) **EXTENSION.**—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) **TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.**—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

**SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.**

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

**SEC. 7. EXCLUSIVE JURISDICTION.**

(a) **IN GENERAL.**—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) **STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY**



SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

- (1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);
- (2) is at least 12 years of age; and
- (3) is enrolled full time in a primary or secondary school.

(c) **EMPLOYMENT.**—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) **LIFT OF STAY.**—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

- (1) is no longer enrolled in a primary or secondary school; or
- (2) ceases to meet the requirements of subsection (b)(1).

#### SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

#### SEC. 9. CONFIDENTIALITY OF INFORMATION.

(a) **PROHIBITION.**—Except as provided in subsection (b), no officer or employee of the United States may—

- (1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;
- (2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or
- (3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) **REQUIRED DISCLOSURE.**—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

- (1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or
- (2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) **PENALTY.**—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

#### SEC. 10. HIGHER EDUCATION ASSISTANCE.

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

- (1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.
- (2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements of such services.

#### SEC. 11. GAO REPORT.

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

- (1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);
- (2) the number of aliens who applied for adjustment of status under section 4(a);
- (3) the number of aliens who were granted adjustment of status under section 4(a); and
- (4) the number of aliens whose conditional permanent resident status was removed under section 5.

By Mr. DURBIN (for himself, Mr. LEAHY, and Mr. LUGAR):

S. 3963. A bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes; read the first time.

Mr. DURBIN. 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. 3963

*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 “Development, Relief, and Education for Alien Minors Act of 2010” or the “DREAM Act of 2010”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.
- Sec. 4. Cancellation of removal and adjustment of status of certain long-term residents who entered the United States as children.
- Sec. 5. Conditional permanent resident status.
- Sec. 6. Retroactive benefits under this Act.
- Sec. 7. Exclusive jurisdiction.
- Sec. 8. Penalties for false statements in application.
- Sec. 9. Confidentiality of information.
- Sec. 10. Higher Education assistance.
- Sec. 11. GAO report.

#### SEC. 3. DEFINITIONS.

In this Act:

- (1) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).
- (2) **UNIFORMED SERVICES.**—The term “uniformed services” has the meaning given that term in section 101(a) of title 10, United States Code.

#### SEC. 4. CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) **SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.**—

- (1) **IN GENERAL.**—Notwithstanding any other provision of law and except as other-

wise provided in this Act, the Secretary of Homeland Security may cancel removal of, and adjust to the status of an alien lawfully admitted for permanent residence, subject to the conditional basis described in section 5, an alien who is inadmissible or deportable from the United States, if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period of not less than 5 years immediately preceding the date of enactment of this Act and was younger than 16 years of age on the date the alien initially entered the United States;

(B) the alien has been a person of good moral character since the date of the enactment of this Act;

(C) the alien—

- (i) is not inadmissible under paragraph (2), (3), (6)(E), (10)(A), or (10)(C) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)); and

- (ii) is not deportable under paragraph (1)(E), (2), or (4) of section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a));

(D) the alien—

- (i) has been admitted to an institution of higher education in the United States; or

- (ii) has earned a high school diploma or obtained a general education development certificate in the United States;

(E) the alien has never been under a final administrative or judicial order of exclusion, deportation, or removal, unless the alien—

- (i) has remained in the United States under color of law after such order was issued; or

- (ii) received the order before attaining the age of 16 years; and

(F) the alien was younger than 30 years of age on the date of the enactment of this Act.

(2) **WAIVER.**—Notwithstanding paragraph (1), the Secretary of Homeland Security may waive the ground of ineligibility under section 212(a)(6)(E) of the Immigration and Nationality Act and the ground of deportability under paragraph (1)(E) of section 237(a) of that Act for humanitarian purposes or family unity or when it is otherwise in the public interest.

(3) **PROCEDURES.**—The Secretary of Homeland Security shall provide a procedure by regulation allowing eligible individuals to apply affirmatively for the relief available under this subsection without being placed in removal proceedings.

(4) **DEADLINE FOR SUBMISSION OF APPLICATION.**—An alien shall submit an application for cancellation of removal or adjustment of status under this subsection no later than the date that is one year after the date the alien—

- (A) was admitted to an institution of higher education in the United States; or

- (B) earned a high school diploma or obtained a general education development certificate in the United States.

(b) **TERMINATION OF CONTINUOUS PERIOD.**—For purposes of this section, any period of continuous residence or continuous physical presence in the United States of an alien who applies for cancellation of removal under this section shall not terminate when the alien is served a notice to appear under section 239(a) of the Immigration and Nationality Act (8 U.S.C. 1229(a)).

(c) **TREATMENT OF CERTAIN BREAKS IN PRESENCE.**—

(1) **IN GENERAL.**—An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsection (a) if the alien has departed from the United States for any period in excess of 90 days or for any periods in the aggregate exceeding 180 days.

(2) **EXTENSIONS FOR EXCEPTIONAL CIRCUMSTANCES.**—The Secretary of Homeland

Security may extend the time periods described in paragraph (1) if the alien demonstrates that the failure to timely return to the United States was due to exceptional circumstances. The exceptional circumstances determined sufficient to justify an extension should be no less compelling than serious illness of the alien, or death or serious illness of a parent, grandparent, sibling, or child.

(d) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for cancellation of removal or adjustment of status under this section.

(e) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary of Homeland Security shall publish final regulations implementing this section.

(f) REMOVAL OF ALIEN.—The Secretary of Homeland Security may not remove any alien who has a pending application for conditional status under this Act.

**SEC. 5. CONDITIONAL PERMANENT RESIDENT STATUS.**

(a) IN GENERAL.—

(1) CONDITIONAL BASIS FOR STATUS.—Notwithstanding any other provision of law, and except as provided in section 6, an alien whose status has been adjusted under section 4 to that of an alien lawfully admitted for permanent residence shall be considered to have obtained such status on a conditional basis subject to the provisions of this section. Such conditional permanent resident status shall be valid for a period of 6 years, subject to termination under subsection (b).

(2) NOTICE OF REQUIREMENTS.—

(A) AT TIME OF OBTAINING PERMANENT RESIDENCE.—At the time an alien obtains permanent resident status on a conditional basis under paragraph (1), the Secretary of Homeland Security shall provide for notice to the alien regarding the provisions of this section and the requirements of subsection (c) to have the conditional basis of such status removed.

(B) EFFECT OF FAILURE TO PROVIDE NOTICE.—The failure of the Secretary of Homeland Security to provide a notice under this paragraph—

(i) shall not affect the enforcement of the provisions of this Act with respect to the alien; and

(ii) shall not give rise to any private right of action by the alien.

(b) TERMINATION OF STATUS.—

(1) IN GENERAL.—The Secretary of Homeland Security shall terminate the conditional permanent resident status of any alien who obtained such status under this Act, if the Secretary determines that the alien—

(A) ceases to meet the requirements of subparagraph (B) or (C) of section 4(a)(1);

(B) has become a public charge; or

(C) has received a dishonorable or other than honorable discharge from the uniformed services.

(2) RETURN TO PREVIOUS IMMIGRATION STATUS.—Any alien whose conditional permanent resident status is terminated under paragraph (1) shall return to the immigration status the alien had immediately prior to receiving conditional permanent resident status under this Act.

(c) REQUIREMENTS OF TIMELY PETITION FOR REMOVAL OF CONDITION.—

(1) IN GENERAL.—In order for the conditional basis of permanent resident status obtained by an alien under subsection (a) to be removed, the alien must file with the Secretary of Homeland Security, in accordance with paragraph (3), a petition which requests the removal of such conditional basis and which provides, under penalty of perjury, the facts and information so that the Secretary may make the determination described in paragraph 2(A).

(2) ADJUDICATION OF PETITION TO REMOVE CONDITION.—

(A) IN GENERAL.—If a petition is filed in accordance with paragraph (1) for an alien, the Secretary of Homeland Security shall make a determination as to whether the alien meets the requirements set out in subparagraphs (A) through (E) of subsection (d)(1).

(B) REMOVAL OF CONDITIONAL BASIS IF FAVORABLE DETERMINATION.—If the Secretary determines that the alien meets such requirements, the Secretary shall notify the alien of such determination and immediately remove the conditional basis of the status of the alien.

(C) TERMINATION IF ADVERSE DETERMINATION.—If the Secretary determines that the alien does not meet such requirements, the Secretary shall notify the alien of such determination and terminate the conditional permanent resident status of the alien as of the date of the determination.

(3) TIME TO FILE PETITION.—An alien may petition to remove the conditional basis to lawful resident status during the period beginning 180 days before and ending 2 years after either the date that is 6 years after the date of the granting of conditional permanent resident status or any other expiration date of the conditional permanent resident status as extended by the Secretary of Homeland Security in accordance with this Act. The alien shall be deemed in conditional permanent resident status in the United States during the period in which the petition is pending.

(d) DETAILS OF PETITION.—

(1) CONTENTS OF PETITION.—Each petition for an alien under subsection (c)(1) shall contain information to permit the Secretary of Homeland Security to determine whether each of the following requirements is met:

(A) The alien has demonstrated good moral character during the entire period the alien has been a conditional permanent resident.

(B) The alien is in compliance with section 4(a)(1)(C).

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that the alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has completed at least 1 of the following:

(i) The alien has acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States.

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of each secondary school (as that term is defined in section 9101 of the Elementary and Sec-

ondary Education Act of 1965 (20 U.S.C. 7801)) that the alien attended in the United States.

(2) HARDSHIP EXCEPTION.—

(A) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's discretion, remove the conditional status of an alien if the alien—

(i) satisfies the requirements of subparagraphs (A), (B), and (C) of paragraph (1);

(ii) demonstrates compelling circumstances for the inability to complete the requirements described in paragraph (1)(D); and

(iii) demonstrates that the alien's removal from the United States would result in exceptional and extremely unusual hardship to the alien or the alien's spouse, parent, or child who is a citizen or a lawful permanent resident of the United States.

(B) EXTENSION.—Upon a showing of good cause, the Secretary of Homeland Security may extend the period of conditional resident status for the purpose of completing the requirements described in paragraph (1)(D).

(e) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—For purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), in the case of an alien who is in the United States as a lawful permanent resident on a conditional basis under this section, the alien shall be considered to have been admitted as an alien lawfully admitted for permanent residence and to be in the United States as an alien lawfully admitted to the United States for permanent residence. However, the conditional basis must be removed before the alien may apply for naturalization.

**SEC. 6. RETROACTIVE BENEFITS UNDER THIS ACT.**

If, on the date of enactment of this Act, an alien has satisfied all the requirements of subparagraphs (A) through (E) of section 4(a)(1) and section 5(d)(1)(D), the Secretary of Homeland Security may adjust the status of the alien to that of a conditional resident in accordance with section 4. The alien may petition for removal of such condition at the end of the conditional residence period in accordance with section 5(c) if the alien has met the requirements of subparagraphs (A), (B), and (C) of section 5(d)(1) during the entire period of conditional residence.

**SEC. 7. EXCLUSIVE JURISDICTION.**

(a) IN GENERAL.—The Secretary of Homeland Security shall have exclusive jurisdiction to determine eligibility for relief under this Act, except where the alien has been placed into deportation, exclusion, or removal proceedings either prior to or after filing an application for relief under this Act, in which case the Attorney General shall have exclusive jurisdiction and shall assume all the powers and duties of the Secretary until proceedings are terminated, or if a final order of deportation, exclusion, or removal is entered the Secretary shall resume all powers and duties delegated to the Secretary under this Act.

(b) STAY OF REMOVAL OF CERTAIN ALIENS ENROLLED IN PRIMARY OR SECONDARY SCHOOL.—The Attorney General shall stay the removal proceedings of any alien who—

(1) meets all the requirements of subparagraphs (A), (B), (C), and (E) of section 4(a)(1);

(2) is at least 12 years of age; and

(3) is enrolled full time in a primary or secondary school.

(c) EMPLOYMENT.—An alien whose removal is stayed pursuant to subsection (b) may be engaged in employment in the United States consistent with the Fair Labor Standards Act (29 U.S.C. 201 et seq.) and State and local laws governing minimum age for employment.

(d) LIFT OF STAY.—The Attorney General shall lift the stay granted pursuant to subsection (b) if the alien—

(1) is no longer enrolled in a primary or secondary school; or

(2) ceases to meet the requirements of subsection (b)(1).

**SEC. 8. PENALTIES FOR FALSE STATEMENTS IN APPLICATION.**

Whoever files an application for relief under this Act and willfully and knowingly falsifies, misrepresents, or conceals a material fact or makes any false or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any false or fraudulent statement or entry, shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

**SEC. 9. CONFIDENTIALITY OF INFORMATION.**

(a) PROHIBITION.—Except as provided in subsection (b), no officer or employee of the United States may—

(1) use the information furnished by the applicant pursuant to an application filed under this Act to initiate removal proceedings against any persons identified in the application;

(2) make any publication whereby the information furnished by any particular individual pursuant to an application under this Act can be identified; or

(3) permit anyone other than an officer or employee of the United States Government or, in the case of applications filed under this Act with a designated entity, that designated entity, to examine applications filed under this Act.

(b) REQUIRED DISCLOSURE.—The Attorney General or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(c) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than \$10,000.

**SEC. 10. HIGHER EDUCATION ASSISTANCE.**

Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this Act shall be eligible only for the following assistance under such title:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) Federal work-study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

**SEC. 11. GAO REPORT.**

Not later than seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report setting forth—

(1) the number of aliens who were eligible for cancellation of removal and adjustment of status under section 4(a);

(2) the number of aliens who applied for adjustment of status under section 4(a);

(3) the number of aliens who were granted adjustment of status under section 4(a); and

(4) the number of aliens whose conditional permanent resident status was removed under section 5.

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**SUBMITTED RESOLUTIONS**  
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**SENATE RESOLUTION 678—CONGRATULATING THE PENN STATE NITTANY LIONS FOR THEIR 400TH WIN UNDER HEAD FOOTBALL COACH JOE PATERNO**

Mr. CASEY (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 678

Whereas The Pennsylvania State University (referred to in this resolution as “Penn State”) reached this milestone of 400 wins under Joe Paterno on November 6, 2010;

Whereas the Penn State Nittany Lions football team has been coached by Joe Paterno for 60 years starting in 1950 when Joe Paterno was an assistant coach;

Whereas, in 2009, the graduation rate of Penn State players under Joe Paterno was 89 percent, and the graduation success rate was 85 percent, the highest rates among all football teams in the final 2009 Associated Press Top 25 poll;

Whereas Penn State’s football team has more wins under a single head coach than any other head coach in the National Collegiate Athletic Association (NCAA) Division 1A Football Bowl Subdivision (FBS) history;

Whereas Penn State is 1 of just 7 football teams with a history of more than 800 wins, and Joe Paterno has been active with the program for 691 of those games over 60 seasons, with an amazing record of 504 wins, 180 losses, and 7 ties (73.6 percent);

Whereas among Penn State’s accolades under Joe Paterno’s 45 years as head coach are 2 national championships, 17 undefeated seasons, 23 finished in the top 10 rankings, and 3 Big Ten conference championships since joining the NCAA Division 1A FBS conference in 1993;

Whereas Penn State has 24 bowl game wins and 36 bowl game appearances under Coach Joe Paterno, both of which are the most of any school under 1 football coach; and

Whereas the continued dedication to the players and emphasis on academic integrity and education of Penn State football under Joe Paterno has in Penn State fostering 15 Hall of Fame Scholar-Athletes, 34 first-team All-Americans, 44 overall Academic All-Americans, and 18 NCAA Postgraduate Scholarship winners: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Penn State football team for their unparalleled success resulting in 400 wins under head coach Joe Paterno; and

(2) commends the Penn State football program under head coach Joe Paterno for setting an example of honor, success, integrity, and respect for thousands of players, coaches, students, and fans throughout the Nation.

—  
**SENATE RESOLUTION 679—COMMEMORATING THE 100TH ANNIVERSARY OF THE WEEKS LAW**

Mr. GREGG (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 679

Whereas the 100th anniversary of the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 552 et seq.), marks 1 of the most significant moments in conservation and Forest Service history;

Whereas New Hampshire, along with the southern Appalachians, was at the center of efforts to pass the Weeks Law;

Whereas John Wingate Weeks, sponsor of the Weeks Law, was born in Lancaster, New Hampshire, and maintained a summer home there that is now Weeks State Park;

Whereas, in 1903, the Appalachian Mountain Club, and the newly formed Society for the Protection of New Hampshire’s Forests, helped draft a bill for the creation of a forest reserve in the White Mountains;

Whereas passage of the Weeks Law on March 1, 1911, was made possible by an unprecedented collaboration of a broad spectrum of interests, including the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests, industrialists, small businesses, and the tourist industry;

Whereas, in 1914, the first 7,000 acres of land destined to be part of the White Mountain National Forest were acquired in Benton, New Hampshire, under the Weeks Law;

Whereas national forests were established and continue to be managed as multiple use public resources, providing recreational opportunities, wildlife habitat, watershed protection, and renewable timber resources;

Whereas the forest conservation brought about by the Weeks Law encouraged and inspired additional conservation by State and local government as well as private interests, further protecting the quality of life in the United States;

Whereas the White Mountain National Forest continues to draw millions of visitors annually who gain a renewed appreciation of the inherent value of the outdoors;

Whereas the multiple values and uses supported by the White Mountain National Forest today are a tribute to the collaboration of 100 years ago, an inspiration for the next 100 years, and an opportunity to remind the people of the United States to work together toward common goals on a common landscape; and

Whereas President Theodore Roosevelt stated “We want the active and zealous help of every man far-sighted enough to realize the importance from the standpoint of the nation’s welfare in the future of preserving the forests”: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the significance of the 100th anniversary of the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 552 et seq.), to the history of conservation and the power of cooperation among unlikely allies;

(2) encourages efforts to celebrate the centennial in the White Mountain National Forest with a focus on the future as well as to commemorate the past; and

(3) encourages continued collaboration and cooperation among Federal, State, and local governments, as well as business, tourism, and conservation interests, to ensure that the many values and benefits flowing from the White Mountain National Forest today to the citizens of New Hampshire, and the rest of the United States, are recognized and supported in perpetuity.

SENATE RESOLUTION 680—SUPPORTING INTERNATIONAL TIGER CONSERVATION EFFORTS AND THE UPCOMING GLOBAL TIGER SUMMIT IN ST. PETERSBURG, RUSSIA

Mr. KERRY (for himself, Mr. BINGAMAN, Ms. SNOWE, Mr. CARDIN, Mr. WHITEHOUSE, and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 680

Whereas wild tiger populations have dwindled from approximately 100,000 at the beginning of the 20th century to as few as 3,200 in 2010, and only approximately 1,000 wild tigers are breeding females;

Whereas tigers now occupy a mere 7 percent of the habitat that tigers historically have occupied;

Whereas poaching, illegal wildlife trade, habitat conversion, depletion of prey base, conflict between humans and wildlife, and other pressures continue to threaten the last wild tigers;

Whereas the remaining tiger habitat in Asia supports some of the richest biodiversity and some of the poorest human populations;

Whereas the remaining tiger habitat benefits local human populations by providing watersheds and buffers against natural disaster and contributing to livelihoods;

Whereas the remaining tiger habitat in Asia represents some of the largest intact storehouses of terrestrial carbon on Earth, containing an average of 3½ times more carbon than areas outside of tiger habitat;

Whereas the tiger, an iconic species worldwide, can act as both a catalyst and a symbol for the conservation of the last great forests of Asia;

Whereas 2010, the “Year of the Tiger” in the Chinese calendar and beyond, presents a global opportunity to commit to halting the decline in tigers and to ensuring the doubling of the numbers of tigers by the next “Year of the Tiger” in 2022;

Whereas the Government of Russia is hosting the Global Tiger Summit in St. Petersburg, Russia, on November 22 through 24, 2010;

Whereas at the Summit, all 13 countries with remaining wild tiger populations are expected to commit to a Global Tiger Recovery Program;

Whereas the remaining tiger habitat is located in remote transnational areas, providing an opportunity for transboundary cooperation among countries with remaining wild tiger populations;

Whereas countries with remaining wild tiger populations need the support and cooperation of the global community to protect and restore wild tiger populations;

Whereas the United States has been a consistent leader in supporting international tiger conservation; and

Whereas strong United States support for remaining wild tiger populations, the Tiger Summit, and the Global Tiger Recovery Program will be central to the success of tiger conservation efforts: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals of the Tiger Summit, as such goals reinforce the interests of the United States in recovering tigers in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), and the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249);

(2) supports the efforts of United States government agencies to prevent poaching of tigers and to end trafficking in tigers and tiger parts, including through cooperation with the governments of countries with remaining wild tiger populations in training, capacity building, and law enforcement;

(3) supports the efforts of the United States government to protect tigers in the wild and the habitat of tigers through direct conservation assistance;

(4) acknowledges the important role that tiger habitats play in conserving biodiversity, securing forest carbon, protecting critical watersheds, providing buffers against natural disasters, and supporting livelihoods and human well-being in countries with remaining wild tiger populations;

(5) applauds the work of multilateral institutions, governmental, and nongovernmental conservation and environmental organizations working to recover tiger populations in the wild;

(6) commends the government of Russia for its leadership in hosting the Tiger Summit, which brings global attention to this important issue and launches the immediate implementation of National Tiger Recovery Priorities in the each of the 13 countries with remaining wild tiger populations;

(7) reaffirms the commitment of the United States government to tiger conservation;

(8) encourages the highest level of United States engagement in the Tiger Summit and in the outcomes of the Tiger Summit, including the provision of support to countries with remaining wild tiger populations in implementing the National Tiger Recovery Priorities and the Global Tiger Recovery Program; and

(9) urges concerted coordination among all relevant United States agencies to provide support to countries with remaining wild tiger populations in a manner that enables United States resources to provide maximum conservation benefits.

SENATE RESOLUTION 681—DESIGNATING THE WEEK OF NOVEMBER 15 THROUGH 19, 2010, AS “GLOBAL ENTREPRENEURSHIP WEEK/USA”

Mrs. SHAHEEN (for herself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 681

Whereas more than ½ of the companies on the 2009 Fortune 500 list were launched during a recession or bear market;

Whereas 92 percent of Americans believe that entrepreneurs are critically important to job creation and 75 percent believe that the United States cannot have a sustained economic recovery without another burst of entrepreneurial activity;

Whereas the economy and society of the United States, as well as the country as a whole, have benefitted greatly from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week is an initiative aimed at inspiring young people to embrace innovation and creativity;

Whereas Global Entrepreneurship Week helps the next generation of entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2009, more than 160,000 individuals participated in the more than 2,300 en-

trepreneurial activities held worldwide during Global Entrepreneurship Week;

Whereas, in 2009, more than 1,100 partner organizations participated in Global Entrepreneurship Week, including chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2010, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, inform, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of November 15 through 19, 2010, as “Global Entrepreneurship Week”; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4691. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.; which was ordered to lie on the table.

SA 4692. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4693. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4694. Mr. INOUE (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4695. Mr. BOND (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3538, to improve the cyber security of the United States and for other purposes; which was ordered to lie on the table.

SA 4696. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.; which was ordered to lie on the table.

SA 4697. Mr. COBURN (for himself, Mrs. McCASKILL, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4698. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4699. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4700. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4701. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4702. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 510, supra; which was ordered to lie on the table.

SA 4703. Mr. NELSON of Nebraska (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the

bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 4704. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4705. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4706. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

SA 4707. Mr. NELSON of Nebraska (for himself, Mr. WICKER, Mr. CASEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3454, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 4691.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 303(a). CRIMINAL PENALTIES.

Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended—

(1) in paragraph (1), by striking “Any” and inserting “Except as provided in paragraph (2) or (3), any”;

(2) in paragraph (2), by striking “Notwithstanding the provisions of paragraph (1) of this section, if” and inserting “If”; and

(3) by adding at the end the following:

“(3) Any person who knowingly violates subsection (a), (b), (c), (k), or (v) of section 301 with respect to any food and with conscious or reckless disregard of a risk of death or serious bodily injury shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.”

**SA 4692.** Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 407. AMENDMENT TO TITLE 28.

(a) IN GENERAL.—Chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

#### “§ 678. Televising Supreme Court proceedings

“The Supreme Court shall permit television coverage of all open sessions of the Court unless the Court decides, by a vote of the majority of justices, that allowing such coverage in a particular case would constitute a violation of the due process rights of 1 or more of the parties before the Court.”.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 45 of title 28, United States Code, is amended by inserting at the end the following:

“678. Televising Supreme Court proceedings.”.

**SA 4693.** Mr. SPECTER submitted an amendment intended to be proposed by

him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

#### SEC. 407. DESIGNER ANABOLIC STEROID CONTROL.

(a) AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.—

(1) DEFINITIONS.—Section 102(41) of the Controlled Substances Act (21 U.S.C. 802(41)) is amended—

(A) in subparagraph (A)—

(i) in clause (xlix), by striking “and” at the end;

(ii) by redesignating clause (xlix) as clause (lxxx); and

(iii) by inserting after clause (xlix) the following:

“(1) 5 $\alpha$ -Androstan-3,6,17-trione;

“(1i) Androst-4-ene-3,6,17-trione;

“(1ii) Androsta-1,4,6-triene-3,17-dione;

“(1iii) 6-bromo-androstan-3,17-dione;

“(1iv) 6-bromo-androsta-1,4-diene-3,17-dione;

“(1v) 4-chloro-17 $\alpha$ -methyl-androsta-1,4-diene-3,17 $\beta$ -diol;

“(1vi) 4-chloro-17 $\alpha$ -methyl-androst-4-ene-3 $\beta$ ,17 $\beta$ -diol;

“(1vii) 4-chloro-17 $\alpha$ -methyl-17 $\beta$ -hydroxy-androst-4-en-3-one;

“(1viii) 4-chloro-17 $\alpha$ -methyl-17 $\beta$ -hydroxy-androst-4-ene-3,11-dione;

“(1lix) 4-chloro-17 $\alpha$ -methyl-androsta-1,4-diene-3,17 $\beta$ -diol;

“(1x) 2 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxy-5 $\alpha$ -androstan-3-one;

“(1xi) 2 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxy-5 $\beta$ -androstan-3-one;

“(1xii) 2 $\alpha$ ,3 $\alpha$ -epithio-17 $\alpha$ -methyl-5 $\alpha$ -androstan-17 $\beta$ -ol;

“(1xiii) [3,2-c]-fuzazan-5 $\alpha$ -androstan-17 $\beta$ -ol;

“(1xiv) 3 $\beta$ -hydroxy-androst-1-en-17-one;

“(1xv) 3 $\beta$ -hydroxy-androst-4-en-17-one;

“(1xvi) 3 $\beta$ -hydroxy-estr-4-en-17-one;

“(1xvii) 3 $\beta$ -hydroxy-estra-4,9,11-trien-17-one;

“(1xviii) 17 $\alpha$ -methyl-androst-2-ene-3,17 $\beta$ -diol;

“(1xix) 17 $\alpha$ -methyl-androsta-1,4-diene-3,17 $\beta$ -diol;

“(1xx) Estra-4,9,11-triene-3,17-dione;

“(1xxi) 18 $\alpha$ -Homo-3-hydroxy-estra-2,5(10)-dien-17-one;

“(1xxii) 6 $\alpha$ -Methyl-androst-4-ene-3,17-dione;

“(1xxiii) 17 $\alpha$ -Methyl-androstan-3-hydroxyimine-17 $\beta$ -ol;

“(1xxiv) 17 $\alpha$ -Methyl-5 $\alpha$ -androstan-17 $\beta$ -ol;

“(1xxv) 17 $\beta$ -Hydroxy-androstan[2,3-d]isoxazole;

“(1xxvi) 17 $\beta$ -Hydroxy-androstan[3,2-c]isoxazole

“(1xxvii) 4-Hydroxy-androst-4-ene-3,17-dione[3,2-c]pyrazole-5 $\alpha$ -androstan-17 $\beta$ -ol;

“(1xxviii) [3,2-c]pyrazole-androst-4-en-17 $\beta$ -ol;

“(1xxix) [3,2-c]pyrazole-5 $\alpha$ -androstan-17 $\beta$ -ol; and”;

(B) by inserting at the end the following:

“(C) A drug or hormonal substance (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that is not listed in subparagraph (A), and is derived from, or has a chemical structure substantially similar to, 1 or more anabolic steroids listed in subparagraph (A), shall, subject to the limitations of section 201(i)(6) (21 U.S.C. 811(i)(6)), be considered to be an anabolic steroid for purposes of this Act if—

“(i) the drug or substance has been created or manufactured with the intent of producing a drug or other substance that either—

“(I) promotes muscle growth; or

“(II) otherwise causes a pharmacological effect similar to that of testosterone; or

“(ii) the drug or substance has been, or is intended to be, marketed or otherwise promoted in any manner suggesting that consuming it will promote muscle growth or any other pharmacological effect similar to that of testosterone.”.

(2) CLASSIFICATION AUTHORITY.—Section 201 of the Controlled Substances Act (21 U.S.C. 811) is amended by adding at the end the following:

“(1) TEMPORARY AND PERMANENT SCHEDULING OF RECENTLY EMERGED ANABOLIC STEROIDS.—

“(1) The Attorney General may issue a temporary order adding a drug or other substance to the list of anabolic steroids if the Attorney General finds that—

“(A) the drug or other substance satisfies the criteria for being considered an anabolic steroid under section 102(41) but is not listed in that section or by regulation of the Attorney General as being an anabolic steroid; and

“(B) adding such drug or other substance to the list of anabolic steroids will assist in preventing the unlawful importation, manufacture, distribution, or dispensing of such drug or other substance.

“(2) An order issued under paragraph (1) shall not take effect until 30 days after the date of the publication by the Attorney General of a notice in the Federal Register of the intention to issue such order and the grounds upon which such order is to be issued. The order shall expire not later than 24 months after the date it becomes effective, except that the Attorney General may, during the pendency of proceedings under paragraph (5), extend the temporary scheduling order for up to 6 months.

“(3) A temporary scheduling order issued under paragraph (1) shall be vacated upon the issuance of a permanent scheduling order under paragraph (5).

“(4) An order issued under paragraph (1) is not subject to judicial review.

“(5) The Attorney General may, by rule, issue a permanent order adding a drug or other substance to the list of anabolic steroids if such drug or other substance satisfies the criteria for being considered an anabolic steroid under section 102(41). Such rulemaking may be commenced simultaneously with the issuance of the temporary order issued under paragraph (1).

“(6) If a drug or other substance has not been temporarily or permanently added to the list of anabolic steroids pursuant to this subsection, the drug or other substance shall be considered an anabolic steroid if in any criminal, civil, or administrative proceeding arising under this Act it has been determined in such proceeding, based on evidence presented in the proceeding, that the substance satisfies the criteria for being considered an anabolic steroid under paragraph (4)(A), (4)(C)(i), or (4)(C)(ii) of section 102.”.

(3) LABELING REQUIREMENTS.—The Controlled Substances Act is amended by inserting after section 305 (21 U.S.C. 825) the following:

#### “SEC. 305A. OFFENSES INVOLVING FALSE LABELING OF ANABOLIC STEROIDS.

“(a) UNLAWFUL ACTS.—

“(1) It shall be unlawful—

“(A) to import into the United States or to export from the United States,

“(B) to manufacture, distribute, dispense, sell, or offer to sell; or

“(C) to possess with intent to manufacture, distribute, dispense, sell, or offer to sell; any anabolic steroid, or any product containing an anabolic steroid, unless it bears a label clearly identifying any anabolic steroid contained in such steroid or product by the nomenclature used by the International Union of Pure and Applied Chemistry (IUPAC).

“(2) A product that is the subject of an approved application as described in section 505(b), (i) or (j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b), (i), or (j)) is exempt from the International Union of Pure and Applied Chemistry nomenclature requirement of this subsection if such product is labeled in the manner required by the Federal Food, Drug, and Cosmetic Act.

“(b) CRIMINAL PENALTIES.—

“(1) Any person who violates subsection (a) shall be sentenced to a term of imprisonment of not more than 1 year, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$100,000 if the defendant is an individual or \$250,000 if the defendant is other than an individual, or both.

“(2) Any person who violates subsection (a) knowing, intending, or having reasonable cause to believe, that the substance or product is an anabolic steroid, or contains an anabolic steroid, shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, United States Code, or \$500,000 if the defendant is an individual or \$2,500,000 if the defendant is other than an individual, or both.

“(c) CIVIL PENALTIES.—

“(1) Any person who violates subsection (a) shall be subject to a civil penalty as follows:

“(A) In the case of an importer, exporter, manufacturer, or distributor (other than as provided in subparagraph (B)), up to \$500,000 per violation. For purposes of this subparagraph, a violation is defined as each instance of importation, exportation, manufacturing, or distribution, and each anabolic steroid or product imported, exported, manufactured, or distributed.

“(B) In the case of a sale or offer to sell at retail, up to \$25,000 per violation. For purposes of this subparagraph, each sale and each product offered for sale shall be considered a separate violation. Continued offers to sell by a person 10 or more days after written notice (including through electronic message) to the person by the Attorney General or the Secretary shall be considered additional violations.

“(2) Any person who violates subsection (a) with a product that was, at the time of the violation, included on the list described in subsection (d) shall be subject to twice the civil penalty provided in paragraph (1).

“(3) In this subsection, the term ‘product’ means a discrete article, either in bulk or in finished form prepared for sale. A number of articles, if similarly packaged and bearing identical labels, shall be considered as one product, but each package size, form, or differently labeled article shall be considered a separate product.

“(d) IDENTIFICATION AND PUBLICATION OF LIST OF PRODUCTS CONTAINING ANABOLIC STEROIDS.—

“(1) The Attorney General may, in his discretion, collect data and analyze products to determine whether they contain anabolic steroids and are properly labeled in accordance with this section. The Attorney General may publish in the Federal Register or on the website of the Drug Enforcement Administration a list of products that he has determined, based on substantial evidence, contain an anabolic steroid and are not labeled in accordance with this section.

“(2) The absence of a product from the list referred to in paragraph (1) shall not constitute evidence that the product does not contain an anabolic steroid.”

(b) SENTENCING COMMISSION GUIDELINES.—The United States Sentencing Commission shall—

(1) review and amend the Federal sentencing guidelines with respect to offenses

involving anabolic steroids, including the offenses established under the amendments made by subsection (a) (section 305A of the Controlled Substance Act);

(2) amend the Federal sentencing guidelines, including notes to the drug quantity tables, to provide clearly that in a case involving an anabolic steroid not in a tablet, capsule, liquid, or other form where dosage can be readily ascertained (such as a powder, topical cream, gel, or aerosol), the sentence shall be determined based on the entire weight of the mixture or substance;

(3) amend the applicable guidelines by designating quantities of mixture or substance that correspond to a unit so that offenses involving such forms of anabolic steroids are penalized at least as severely as offenses involving forms whose dosage can be readily ascertained; and

(4) take such other action as the Commission considers necessary to carry out this section.

(c) CONGRESSIONAL OVERSIGHT.—The Administrator of the Drug Enforcement Administration shall report to Congress every 2 years—

(1) what anabolic steroids have been scheduled on a temporary basis under this section; and

(2) the findings and conclusions that led to such scheduling.

**SA 4694.** Mr. INOUYE (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

**TITLE V—SEAFOOD SAFETY**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Commercial Seafood Consumer Protection Act”.

**SEC. 502. COMMERCIALY-MARKETED SEAFOOD CONSUMER PROTECTION SAFETY NET.**

(a) IN GENERAL.—The Secretary of Commerce shall, in coordination with the Federal Trade Commission and other appropriate Federal agencies, and consistent with the international obligations of the United States, strengthen Federal consumer protection activities for ensuring that commercially-distributed seafood in the United States meets the food quality and safety requirements of applicable Federal laws.

(b) INTERAGENCY AGREEMENTS.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary and other appropriate Federal agencies shall execute memoranda of understanding or other agreements to strengthen interagency cooperation on seafood safety, seafood labeling, and seafood fraud.

(2) SCOPE OF AGREEMENTS.—The agreements shall include provisions, as appropriate for each such agreement, for—

(A) cooperative arrangements for examining and testing seafood imports that leverage the resources, capabilities, and authorities of each party to the agreement;

(B) coordination of inspections of foreign facilities to increase the percentage of imported seafood and seafood facilities inspected;

(C) standardizing data on seafood names, inspection records, and laboratory testing to improve interagency coordination;

(D) coordination of the collection, storage, analysis, and dissemination of all applicable information, intelligence, and data related to the importation, exportation, transpor-

tation, sale, harvest, processing, or trade of seafood in order to detect and investigate violations under applicable Federal laws, and to carry out the provisions of this title;

(E) developing a process for expediting imports of seafood into the United States from foreign countries and exporters that consistently adhere to the highest standards for ensuring seafood safety;

(F) coordination to track shipments of seafood in the distribution chain within the United States;

(G) enhancing labeling requirements and methods of assuring compliance with such requirements to clearly identify species and prevent fraudulent practices;

(H) a process by which officers and employees of the National Oceanic and Atmospheric Administration may be commissioned by the head of any other appropriate Federal agency to conduct or participate in seafood examinations and investigations under applicable Federal laws administered by such other agency;

(I) the sharing of information concerning observed non-compliance with United States seafood requirements domestically and in foreign countries and new regulatory decisions and policies that may affect regulatory outcomes;

(J) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities;

(K) sharing, to the maximum extent allowable by law, all applicable information, intelligence, and data related to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood in order to detect and investigate violations under applicable Federal laws, or otherwise to carry out the provisions of this title; and

(L) outreach to private testing laboratories, seafood industries, and the public on Federal efforts to enhance seafood safety and compliance with labeling requirements, including education on Federal requirements for seafood safety and labeling and information on how these entities can work with appropriate Federal agencies to enhance and improve seafood inspection and assist in detecting and preventing seafood fraud and mislabeling.

(3) ANNUAL REPORTS ON IMPLEMENTATION OF AGREEMENTS.—The Secretary, the Chairman of the Federal Trade Commission, and the heads of other appropriate Federal agencies that are parties to agreements executed under paragraph (1) shall submit, jointly or severally, an annual report to the Congress concerning—

(A) specific efforts taken pursuant to the agreements;

(B) the budget and personnel necessary to strengthen seafood safety and labeling and prevent seafood fraud; and

(C) any additional authorities necessary to improve seafood safety and labeling and prevent seafood fraud.

(c) MARKETING, LABELING, AND FRAUD REPORT.—Within 1 year after the date of enactment of this Act, the Secretary and the Chairman of the Federal Trade Commission shall submit a joint report to the Congress on consumer protection and enforcement efforts with respect to seafood marketing and labeling in the United States. The report shall include—

(1) findings with respect to the scope of seafood fraud and deception in the United States market and its impact on consumers;

(2) information on how the National Oceanic and Atmospheric Administration and the Federal Trade Commission can work together more effectively to address fraud and unfair or deceptive acts or practices with respect to seafood;

(3) detailed information on the enforcement and consumer outreach activities undertaken by the National Oceanic and Atmospheric Administration and the Federal Trade Commission during the preceding year pursuant to this title; and

(4) an examination of the scope of unfair or deceptive acts or practices in the United States market with respect to foods other than seafood and whether additional enforcement authority or activity is warranted.

(d) NOAA SEAFOOD INSPECTION AND MARKING COORDINATION.—

(1) DECEPTIVE MARKETING AND FRAUD.—The National Oceanic and Atmospheric Administration shall report deceptive seafood marketing and fraud to the Federal Trade Commission pursuant to an agreement under subsection (b).

(2) APPLICATION WITH EXISTING AGREEMENTS.—Nothing in this title shall be construed to impede, minimize, or otherwise affect any agreement or agreements regarding cooperation and information sharing in the inspection of fish and fishery products and establishments between the Department of Commerce and the Department of Health and Human Services in effect on the date of enactment of this Act. Within 6 months after the date of enactment of this Act, the Secretary of Commerce and the Secretary of Health and Human Services shall submit a joint report to the Congress on implementation of any such agreement or agreements, including the extent to which the Food and Drug Administration has taken into consideration information resulting from inspections conducted by the Department of Commerce in making risk-based determinations such as the establishment of inspection priorities for domestic and foreign facilities and the examination and testing of imported seafood.

(3) COORDINATION WITH SEA GRANT PROGRAM.—The Administrator of the National Oceanic and Atmospheric Administration shall ensure that the NOAA Seafood Inspection Program is coordinated with the Sea Grant Program to provide outreach to States, consumers, and the seafood industry on seafood testing, seafood labeling, and seafood substitution, and strategies to combat mislabeling and fraud.

#### SEC. 503. CERTIFIED LABORATORIES.

Within 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall increase the number of laboratories certified to the standards of the Food and Drug Administration in the United States and in countries that export seafood to the United States for the purpose of analyzing seafood and ensuring that the laboratories, including Federal, State, and private facilities, comply with applicable Federal laws. Within 1 year after the date of enactment of this Act, the Secretary of Commerce shall publish in the Federal Register a list of certified laboratories. The Secretary shall update and publish the list no less frequently than annually.

#### SEC. 504. NOAA LABORATORIES.

In any fiscal year beginning after the date of enactment of this Act, the Secretary may increase the number and capacity of laboratories operated by the National Oceanic and Atmospheric Administration involved in carrying out testing and other activities under this title to the extent that the Secretary determines that increased laboratory capacity is necessary to carry out the provisions of this title and as provided for in appropriations Acts.

#### SEC. 505. CONTAMINATED SEAFOOD.

(a) REFUSAL OF ENTRY.—The Secretary of Health and Human Services may issue an order refusing admission into the United

States of all imports of seafood or seafood products originating from a country or exporter if the Secretary determines that shipments of such seafood or seafood products do not meet the requirements established under applicable Federal law.

(b) INCREASED TESTING.—If the Secretary of Health and Human Services determines that seafood imports originating from a country may not meet the requirements of Federal law, and determines that there is a lack of adequate certified laboratories to provide for the entry of shipments pursuant to section 503, then the Secretary may order an increase in the percentage of shipments tested of seafood originating from such country to improve detection of potential violations of such requirements.

(c) ALLOWANCE OF INDIVIDUAL SHIPMENTS FROM EXPORTING COUNTRY OR EXPORTER.—Notwithstanding an order under subsection (a) with respect to seafood originating from a country or exporter, the Secretary may permit individual shipments of seafood originating in that country or from that exporter to be admitted into the United States if—

(1) the exporter presents evidence from a laboratory certified by the Secretary that a shipment of seafood meets the requirements of applicable Federal laws; and

(2) the Secretary, or other agent of a Federal agency authorized to conduct inspections of seafood, has inspected the shipment and has found that the shipment and the conditions of manufacturing meet the requirements of applicable Federal laws.

(d) CANCELLATION OF ORDER.—The Secretary may cancel an order under subsection (a) with respect to seafood exported from a country or exporter if all shipments into the United States under subsection (c) of seafood originating in that country or from that exporter more than 1 year after the date on which the Secretary issued the order have been found, under the procedures described in subsection (c), to meet the requirements of Federal law. If the Secretary determines that an exporter has failed to comply with the requirements of an order under subsection (a), the 1-year period in the preceding sentence shall run from the date of that determination rather than the date on which the order was issued.

(e) EFFECT.—This section shall be in addition to, and shall have no effect on, the authority of the Secretary of Health and Human Services under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) with respect to seafood, seafood products, or any other product.

#### SEC. 506. INSPECTION TEAMS.

(a) INSPECTION OF FOREIGN SITES.—The Secretary, in cooperation with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or exporter from which seafood exported to the United States originates. The inspection team shall assess practices and processes being used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and may provide technical assistance related to the requirements established under applicable Federal laws to address seafood fraud and safety. The inspection team shall prepare a report for the Secretary of Commerce with its findings. The Secretary of Commerce shall make a copy of the report available to the country or exporter that is the subject of the report and provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings to the Secretary.

(b) DISTRIBUTION AND USE OF REPORT.—The Secretary shall provide the report to the Secretary of Health and Human Services as information for consideration in making

risk-based determinations such as the establishment of inspection priorities of domestic and foreign facilities and the examination and testing of imported seafood. The Secretary shall provide the report to the Executive Director of the Federal Trade Commission for consideration in making recommendations to the Chairman of the Federal Trade Commission regarding consumer protection to prevent fraud, deception, and unfair business practices in the marketplace.

#### SEC. 507. SEAFOOD IDENTIFICATION.

(a) STANDARDIZED LIST OF NAMES FOR SEAFOOD.—The Secretary and the Secretary of Health and Human Services shall initial a joint rulemaking proceeding to develop and make public a list of standardized names for seafood identification purposes at distribution, marketing, and consumer retail stages. The list of standardized names shall take into account taxonomy, current labeling regulations, international law and custom, market value, and naming precedence for all commercially-distributed seafood distributed in interstate commerce in the United States and may not include names, whether similar to existing or commonly used names for species, that are likely to confuse or mislead consumers.

(b) PUBLICATION OF LIST.—The list of standardized names shall be made available to the public on Department of Health and Human Services and the Department of Commerce websites, shall be open to public review and comment, and shall be updated annually.

#### SEC. 508. DEFINITIONS.

In this title:

(1) APPLICABLE FEDERAL LAWS.—The term “applicable laws and regulations” means Federal statutes, regulations, and international agreements pertaining to the importation, exportation, transportation, sale, harvest, processing, or trade of seafood, including the Magnuson-Stevens Fishery Conservation and Management Act, section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381), section 203 of the Food Allergen Labeling and Consumer Protection Act of 2004 (21 U.S.C. 374a), and the Seafood Hazard Analysis and Critical Control Point regulations in part 123 of title 21, Code of Federal Regulations.

(2) APPROPRIATE FEDERAL AGENCIES.—The term “appropriate Federal agencies” includes the Department of Health and Human Services, the Federal Food and Drug Administration, the Department of Homeland Security, and the Department of Agriculture.

(3) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

**SA 4695.** Mr. BOND (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3538, to improve the cyber security of the United States and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “National Cyber Infrastructure Protection Act of 2010”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Energy and Commerce, the

Committee on Homeland Security, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **CRITICAL INFRASTRUCTURE.**—The term “critical infrastructure” has the meaning given that term in section 1016 of the Critical Infrastructures Protection Act of 2001 (42 U.S.C. 5195c).

(3) **CYBER SECURITY ACTIVITIES.**—The term “cyber security activities” means a class or collection of similar cyber security operations of a Federal agency that involves personally identifiable data that is—

(A) screened by a cyber security system outside of the Federal agency that was the intended recipient of the personally identifiable data;

(B) transferred, for the purpose of cyber security, outside such Federal agency; or

(C) transferred, for the purpose of cyber security, to an element of the intelligence community.

(4) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(5) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(6) **LOCAL GOVERNMENT.**—The term “local government” has the meaning given that term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(7) **NATIONAL CYBER SECURITY PROGRAM.**—The term “National Cyber Security Program” means the programs, projects, and activities of the Federal Government to protect and defend Federal Government information networks and to facilitate the protection and defense of United States information networks.

(8) **NETWORK.**—The term “network” has the meaning given that term by section 4(5) of the High-Performance Computing Act of 1991 (15 U.S.C. 5503(5)).

(9) **STATE.**—The term “State” means—  
(A) a State;  
(B) the District of Columbia;  
(C) the Commonwealth of Puerto Rico; and  
(D) any other territory or possession of the United States.

## TITLE I—NATIONAL CYBER CENTER

### SEC. 101. DIRECTOR DEFINED.

In this title, except as otherwise specifically provided, the term “Director” means the Director of the National Cyber Center appointed under section 103.

### SEC. 102. ESTABLISHMENT OF THE NATIONAL CYBER CENTER.

There is a National Cyber Center.

### SEC. 103. DIRECTOR OF THE NATIONAL CYBER CENTER.

(a) **IN GENERAL.**—The head of the National Cyber Center is the Director of the National Cyber Center, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) **TERM AND CONDITIONS OF APPOINTMENT.**—A Director shall serve for a term not to exceed five years and during such term may not simultaneously serve in any other capacity in the Executive branch.

(c) **REPORTING AND PLACEMENT.**—

(1) **REPORTING.**—The Director shall report directly to the President.

(2) **PLACEMENT.**—The position of the Director shall not be located within the Executive Office of the President.

(d) **DUTIES OF THE DIRECTOR.**—The Director shall—

(1) coordinate Federal Government defensive operations, intelligence collection and analysis, and activities to protect and defend Federal Government information networks;

(2) act as the principal adviser to the President, the National Security Council, and to

the heads of Federal agencies on matters relating to the protection and defense of Federal Government information networks;

(3) coordinate, and ensure the adequacy of, the National Cyber Security Program budgets for Federal agencies;

(4) maintain and disperse funds from the National Cyber Defense Contingency Fund in accordance with section 108;

(5) ensure appropriate coordination within the Federal Government for the implementation of any cyber security activities conducted by a Federal agency;

(6) ensure appropriate coordination within the Federal Government for the conduct of any operations, strategies, and intelligence collection and analysis relating to the protection and defense of Federal Government information networks;

(7) provide recommendations, on an ongoing basis, to Federal agencies, private sector entities, and public and private sector entities operating critical infrastructure for procedures to be implemented in the event of an imminent cyber attack that will protect critical infrastructure by mitigating network vulnerabilities;

(8) provide assistance to, and cooperate with, the Cyber Defense Alliance established under section 202, including the development of partnerships with public and private sector entities, and academic institutions that encourage cooperation, research, development, and cyber security education and training;

(9) develop plans and policies for the security of Federal Government information networks to be implemented by the appropriate Federal agency;

(10) participate in the process to develop reliability standards pursuant to section 215 of the Federal Power Act (16 U.S.C. 824o);

(11) develop plans and policies for the sharing of cyber threat-related information among appropriate Federal agencies, and to the extent consistent with the protection of national security sources and methods, with State, tribal, and local government departments, agencies, and entities, and public and private sector entities that operate critical infrastructure;

(12) develop policies and procedures to ensure the continuity of Federal Government operations in the event of a national cyber crisis; and

(13) perform such other functions as may be directed by the President.

### SEC. 104. MISSIONS OF THE NATIONAL CYBER CENTER.

(a) **IN GENERAL.**—The National Cyber Center shall—

(1) serve as the primary organization for coordinating Federal Government defensive operations, intelligence collection and analysis, and activities to protect and defend Federal Government information networks;

(2) develop policies and procedures for implementation across the Federal Government on matters relating to the protection and defense of Federal Government information networks;

(3) provide a process for resolving conflicts among Federal agencies relating to the implementation of cyber security activities or the conduct of operations, strategies, and intelligence collection and analysis relating to the protection and defense of Federal Government information networks;

(4) assign roles and responsibilities to Federal agencies, as appropriate, for the protection and defense of Federal Government information networks that are consistent with applicable law; and

(5) ensure that, as appropriate, Federal agencies have access to, and receive, information, including appropriate private sector information, regarding cyber threats to Federal Government information networks.

(b) **ACCESS TO INTELLIGENCE.**—The Director shall have access to all intelligence relating to cyber security collected by any Federal agency—

(1) except as otherwise provided by law;

(2) unless otherwise directed by the President; or

(3) unless the Attorney General and the Director agree on guidelines to limit such access.

### SEC. 105. COMPOSITION OF NATIONAL CYBER CENTER.

(a) **INTEGRATION OF RESOURCES.**—Not later than 90 days after the date of the confirmation of the initial Director, the Secretary of Defense, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall, in consultation with the Director, collocate and integrate within the National Cyber Center such elements, offices, task forces, and other components of the Department of Defense, the Department of Homeland Security, the intelligence community, and the Federal Bureau of Investigation that are necessary to carry out the missions of the National Cyber Center.

(b) **PARTICIPATION OF FEDERAL AGENCIES.**—Any Federal agency not referred to in subsection (a) may participate in the National Cyber Center if the head of such Federal agency and the Director agree on the level and type of such participation.

(c) **RECOMMENDATIONS FOR CONSOLIDATION.**—In order to reduce duplication of Federal Government efforts, the Director may recommend that the President transfer to, and consolidate within, the National Cyber Center activities that relate to the protection and defense of Federal Government information networks.

(d) **INTEGRATION OF INFORMATION NETWORKS.**—The Director shall, in coordination with the appropriate head of a Federal agency, oversee the integration within the National Cyber Center of information relating to the protection and defense of Federal Government information networks, including to the extent necessary and consistent with the protection of sources and methods, databases containing such information.

### SEC. 106. NATIONAL CYBER CENTER OFFICIALS.

(a) **DEPUTY DIRECTORS.**—

(1) **IN GENERAL.**—There shall be two Deputy Directors of the National Cyber Center as follows:

(A) A Deputy Director who shall be appointed by the Secretary of Defense, with the concurrence of the Director.

(B) A Deputy Director who shall be appointed by the Secretary of Homeland Security, with the concurrence of the Director.

(2) **APPOINTMENT CRITERIA.**—An individual appointed Deputy Director of the National Cyber Center shall have extensive cyber security and management expertise.

(3) **DUTIES.**—Each Deputy Director of the National Cyber Center shall assist the Director in carrying out the duties and responsibilities of the Director.

(4) **VACANCY.**—

(A) **ABSENCE OR DISABILITY OF DIRECTOR.**—As determined by the Director, a Deputy Director of the National Cyber Center shall act for, and exercise the powers of, the Director during the absence or disability of the Director.

(B) **VACANCY IN POSITION OF DIRECTOR.**—As determined by the President, a Deputy Director of the National Cyber Center shall act for, and exercise the powers of, the Director during a vacancy in the position of the Director.

(b) **GENERAL COUNSEL.**—

(1) **IN GENERAL.**—There is a General Counsel of the National Cyber Center who shall be appointed by the Director.



(2) DUTIES.—The General Counsel is the chief legal officer of the National Cyber Center and shall perform such functions as the Director may prescribe.

(c) OTHER OFFICIALS.—The Director may designate such other officials in the National Cyber Center as the Director determines appropriate.

(d) STAFF.—To assist the Director in fulfilling the duties and responsibilities of the Director, the Director shall employ and utilize a professional staff having expertise in matters relating to the mission of the National Cyber Center, and may establish permanent positions and appropriate rates of pay with respect to such staff.

#### SEC. 107. NATIONAL CYBER SECURITY PROGRAM BUDGET.

(a) SUBMISSION OF CYBER BUDGET REQUEST TO THE DIRECTOR.—For each fiscal year, the head of each Federal agency with responsibilities for matters relating to the protection and defense of Federal Government information networks shall transmit to the Director a copy of the proposed National Cyber Security Program budget request of the agency prior to the submission of such proposed budget request to the Office of Management and Budget in the preparation of the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code.

(b) REVIEW AND CERTIFICATION OF BUDGET REQUESTS AND BUDGET SUBMISSIONS.—

(1) IN GENERAL.—The Director shall review each budget request submitted to the Director under subsection (a).

(2) REVIEW OF BUDGET REQUESTS.—

(A) INADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under subsection (a) for a Federal agency is inadequate to accomplish the protection and defense of Federal Government information networks, or to facilitate the protection and defense of United States information networks, with respect to such Federal agency for the year for which the request is submitted, the Director shall submit to the head of such Federal agency a written description of funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to accomplish the protection and defense of such information networks.

(B) ADEQUATE REQUESTS.—If the Director concludes that a budget request submitted under subsection (a) for a Federal agency is adequate to accomplish the protection and defense of Federal Government information networks, or to facilitate the protection and defense of United States information networks, with respect to such Federal agency for the year for which the request is submitted, the Director shall submit to the head of such Federal agency a written statement confirming the adequacy of the request.

(C) RECORD.—The Director shall maintain a record of each description submitted under subparagraph (A) and each statement submitted under subparagraph (B).

(3) AGENCY RESPONSE.—

(A) IN GENERAL.—The head of a Federal agency that receives a description under paragraph (2)(A) shall include the funding levels and initiatives described by the Director in the National Cyber Security Program budget submission for such Federal agency to the Office of Management and Budget.

(B) IMPACT STATEMENT.—If the head of a Federal agency alters the National Cyber Security Program budget submission of such agency based on a description received under paragraph (2)(A), such head shall include as an appendix to the budget submitted to the Office of Management and Budget for such agency an impact statement that summarizes—

(i) the changes made to the budget based on such description; and

(ii) the impact of such changes on the ability of such agency to perform its other responsibilities, including any impact on specific missions or programs of such agency.

(4) CONGRESSIONAL NOTIFICATION.—The head of a Federal agency shall submit to Congress a copy of any impact statement prepared under paragraph (3)(B) at the time the National Cyber Security Program budget for such agency is submitted to Congress under section 1105(a) of title 31, United States Code.

(5) CERTIFICATION OF NATIONAL CYBER SECURITY PROGRAM BUDGET SUBMISSIONS.—

(A) IN GENERAL.—At the time the head of a Federal agency submits a National Cyber Security Program budget request for such agency for a fiscal year to the Office of Management and Budget, such head shall submit a copy of the National Cyber Security Program budget request to the Director.

(B) DECERTIFICATION.—

(i) IN GENERAL.—The Director shall review each National Cyber Security Program budget request submitted under subparagraph (A).

(ii) BUDGET DECERTIFICATION.—If, based on the review under clause (i), the Director concludes that such budget request does not include the funding levels and specific initiatives that would, in the determination of the Director, make the request adequate to accomplish the protection and defense of Federal Government information networks, or to facilitate the protection and defense of United States information networks, the Director may issue a written decertification of such Federal agency's budget.

(iii) SUBMISSION TO CONGRESS.—In the case of a decertification of a budget request issued under clause (ii), the Director shall submit to Congress a copy of—

(I) such National Cyber Security Program budget request;

(II) such decertification; and

(III) the description made for the budget request under paragraph (2)(B).

(c) CONSOLIDATED NATIONAL CYBER SECURITY PROGRAM BUDGET PROPOSAL.—For each fiscal year, following the transmission of proposed National Cyber Security Program budget requests for Federal agencies to the Director under subsection (a), the Director shall, in consultation with the head of such Federal agencies—

(1) develop a consolidated National Cyber Security Program budget proposal;

(2) submit the consolidated budget proposal to the President; and

(3) after making the submission required by paragraph (2), submit the consolidated budget proposal to Congress.

#### SEC. 108. NATIONAL CYBER DEFENSE CONTINGENCY FUND.

(a) ESTABLISHMENT OF FUND.—There is established within the National Cyber Security Program Budget a fund to be known as the "National Cyber Defense Contingency Fund," which shall consist of amounts appropriated to the Fund for the purpose of providing financial assistance and technical and operational support in the event of a significant cyber incident.

(b) ADMINISTRATION.—The Director shall be responsible for the administration and management of the amounts in the National Cyber Defense Contingency Fund.

(c) USE.—In response to a significant cyber incident involving Federal Government or United States information networks, the Director may distribute amounts from the National Cyber Defense Contingency Fund to appropriate Federal agencies.

(d) NOTIFICATION.—Prior to distributing amounts under this section, the Director shall notify the appropriate congressional committees.

(e) SIGNIFICANT CYBER INCIDENT DEFINED.—In this section, the term "significant cyber incident" means a malicious act, suspicious event, or accident that—

(1) causes a disruption of Federal Government or United States information networks;

(2) affects one or more Federal agencies or public or private sector entities operating critical infrastructure;

(3) affects more than one State or a substantial number of residents in one or more States; and

(4) results in a substantial likelihood of harm or financial loss to the United States or its citizens.

#### SEC. 109. PROGRAM BUDGET SUBMISSION.

(a) SUBMISSION.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

"(38) a separate statement of the combined and individual amounts of appropriations requested for the National Cyber Security Program, including a separate statement of the amounts of appropriations requested by the Secretary of Defense for the operation and activities of the National Cyber Center and a separate statement of the amounts of appropriations requested by the Secretary of Energy for the operation and activities of the Cyber Defense Alliance."

(b) TECHNICAL AMENDMENTS.—Section 1105(a) of title 31, United States Code, as amended by subsection (a), is further amended—

(1) by redesignating the paragraph (33) added by section 889 of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2250) as paragraph (35);

(2) by redesignating the paragraph (35) added by section 203 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343; 122 Stat. 3765) as paragraph (36); and

(3) by redesignating the paragraph (36) added by section 2 of the Veterans Health Care Budget Reform and Transparency Act of 2009 (Public Law 111-81; 123 Stat. 2137) as paragraph (37).

#### SEC. 110. CONSTRUCTION.

Except as otherwise specifically provided, nothing in this title shall be construed as terminating, altering, or otherwise affecting any authority of the head of a Federal agency collocated within or otherwise participating in the National Cyber Center.

#### SEC. 111. CONGRESSIONAL OVERSIGHT.

The Director shall keep the appropriate congressional committees fully and currently informed of the significant activities of the National Cyber Center relating to ensuring the security of Federal Government information networks.

### TITLE II—CYBER DEFENSE ALLIANCE

#### SEC. 201. DEFINITIONS.

In this title:

(1) BOARD.—The term "Board" means the Board of Directors of the Cyber Defense Alliance established pursuant to section 204(a).

(2) NATIONAL LABORATORY.—The term "National Laboratory" has the meaning given that term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

#### SEC. 202. CYBER DEFENSE ALLIANCE.

(a) CHARTER.—There is within a National Laboratory a public and private partnership for sharing cyber threat information and exchanging technical assistance, advice, and support to be known as the Cyber Defense Alliance.

(b) ESTABLISHMENT.—The Secretary of Energy, in coordination with the Director of the National Cyber Center, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation, shall determine the appropriate

location for, and establish, the Cyber Defense Alliance.

(c) **CRITERIA.**—The criteria to be used in selecting a National Laboratory under subsection (a) shall include the following:

(1) Whether the National Laboratory has received recognition from members of the intelligence community, the Secretary of Homeland Security, or the Secretary of Defense for its cyber capabilities.

(2) Whether the National Laboratory has demonstrated the ability to address cyber-related issues involving varying levels of classified information.

(3) Whether the National Laboratory has demonstrated the capability to develop cooperative relationships with the private sector on cyber-related issues.

(d) **PARTNERSHIP.**—If the Secretary of Energy, the Director of the National Cyber Center, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation determine that the missions and activities of the Cyber Defense Alliance may only be accomplished through a partnership of two or more National Laboratories acting jointly to support the Alliance, then the Alliance may be established and located within such National Laboratories.

#### SEC. 203. MISSION AND ACTIVITIES.

The Cyber Defense Alliance shall—

(1) facilitate the exchange of ideas and technical assistance and support related to the security of public, private, and critical infrastructure information networks;

(2) promote research and development, including the advancement of private funding for research and development, related to ensuring the security of public, private, and critical infrastructure information networks;

(3) serve as a national clearinghouse for the exchange of cyber threat information for the benefit of the private sector, educational institutions, State, tribal, and local governments, public and private sector entities operating critical infrastructure, and the Federal Government in order to enhance the ability of recipients of such information to ensure the protection and defense of public, private, and critical infrastructure information networks; and

(4) coordinate with the private sector, State, tribal, and local governments, the governments of foreign countries, international organizations, and academic institutions in developing and encouraging the use of voluntary standards for enhancing the security of information networks.

#### SEC. 204. BOARD OF DIRECTORS.

(a) **IN GENERAL.**—The Cyber Defense Alliance shall have a Board of Directors which shall be responsible for—

(1) the executive and administrative operation of the Alliance, including matters relating to funding and promotion of the Alliance; and

(2) ensuring and facilitating compliance by members of the Alliance with the requirements of this title.

(b) **COMPOSITION.**—The Board shall be composed of the following members:

(1) One representative of the Department of Energy.

(2) Four representatives of Federal agencies, other than the Department of Energy, that have significant responsibility for the protection or defense of government information networks.

(3) Two representatives from the private sector, one of whom shall have experience in civil liberties matters.

(4) Two representatives of State, tribal, and local government departments, agencies, or entities.

(5) Two representatives from the financial sector.

(6) Two representatives from electronic communication service providers.

(7) Two representatives from the transportation industry.

(8) Two representatives from the chemical industry.

(9) Two representatives from a public or private electric utility company or other generators of power.

(10) One representative from an academic institution with established expertise in cyber-related matters.

(11) One additional representative with considerable expertise in cyber-related matters.

(c) **INITIAL APPOINTMENT.**—Not later than 30 days after the date of the enactment of this Act, the Director of the National Cyber Center, the Secretary of Energy, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation shall jointly appoint the members of the Board described under subsection (b).

(d) **TERMS.**—

(1) **REPRESENTATIVES OF CERTAIN FEDERAL AGENCIES.**—Each member of the Board described in subsection (b)(1) shall serve for a term that is—

(A) not longer than three years from the date of the member's appointment; and

(B) determined jointly by the Director of the National Cyber Center, the Secretary of Energy, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, and the Director of the Federal Bureau of Investigation.

(2) **OTHER REPRESENTATIVES.**—The original members of the Board described in paragraphs (3) through (11) of subsection (b) shall serve an initial term of one year from the date of appointment under subsection (c), at which time the members of the Cyber Defense Alliance shall conduct elections in accordance with the procedures established under subsection (e).

(e) **RULES AND PROCEDURES.**—Not later than 90 days after the date of the enactment of this Act, the Board shall establish rules and procedures for the election and service of members of the Board described in paragraphs (3) through (11) of subsection (b).

(f) **LEADERSHIP.**—The Board shall elect from among its members a chair and co-chair of the Board, who shall serve under such terms and conditions as the Board may establish.

(g) **SUB-BOARDS.**—The Board shall have the authority to constitute such sub-Boards, or other advisory groups or panels, from among the members of the Board as may be necessary to assist the Board in carrying out its functions under this section.

#### SEC. 205. CYBER DEFENSE ALLIANCE MEMBERSHIP.

(a) **REQUIREMENT FOR PROCEDURES.**—Not later than 90 days after the date of the enactment of this Act, the Board shall establish procedures for the voluntary membership by State, tribal, and local government departments, agencies, and entities, private sector businesses and organizations, and academic institutions in the Cyber Defense Alliance.

(b) **PARTICIPATION BY FEDERAL AGENCIES.**—The Director of the National Cyber Center, in coordination with the Secretary of Energy, the Director of National Intelligence, the Secretary of Defense, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the heads of other appropriate Federal agencies, may provide for the participation and cooperation of such Federal agencies in the Cyber Defense Alliance.

#### SEC. 206. FUNDING.

(a) **INITIAL EXPENSES.**—Administrative and logistical expenses associated with the initial establishment of the Cyber Defense Alliance shall be paid by the Secretary of Energy and shall be included within the National Cyber Security Program budget request for the Department of Energy.

(b) **OTHER EXPENSES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), annual administrative and operational expenses for the Cyber Defense Alliance shall be paid by the members of such Alliance, as determined by the Board.

(2) **MAXIMUM FEDERAL CONTRIBUTION.**—Not more than 15 percent of the annual expenses referred to in paragraph (1) may be paid by the Federal Government. Such amount shall be provided under the direction of the Secretary of Energy and shall be included within the National Cyber Security Program budget request for the Department of Energy.

#### SEC. 207. CLASSIFIED INFORMATION.

Consistent with the protection of sensitive intelligence sources and methods, the Director of National Intelligence shall facilitate—

(1) the sharing of classified information in the possession of a Federal agency related to threats to information networks with appropriately cleared members of the Alliance, including representatives of the private sector and of public and private sector entities operating critical infrastructure; and

(2) the declassification and sharing of information in the possession of a Federal agency related to threats to information networks with members of the Alliance.

#### SEC. 208. VOLUNTARY INFORMATION SHARING.

(a) **USES OF SHARED INFORMATION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law and subject to paragraph (2), information shared with or provided to the Cyber Defense Alliance or to a Federal agency through such Alliance by any member of the Cyber Defense Alliance that is not a Federal agency in furtherance of the mission and activities of the Alliance as described in section 203—

(A) shall be exempt from disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) shall not be subject to the rules of any Federal agency or any judicial doctrine regarding *ex parte* communications with a decision-making official;

(C) shall not, without the written consent of the person or entity submitting such information, be used directly by any Federal agency, any other Federal, State, tribal, or local authority, or any third party, in any civil action arising under Federal or State law if such information is submitted to the Cyber Defense Alliance in good faith and for the purpose of facilitating the missions of such Alliance;

(D) shall not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the United States for purposes other than the purposes of this title, except—

(i) in furtherance of an investigation or the prosecution of a criminal act; or

(ii) the disclosure of the information to the appropriate congressional committee;

(E) shall not, if subsequently provided to a State, tribal, or local government or government agency—

(i) be made available pursuant to any State, tribal, or local law requiring disclosure of information or records;

(ii) otherwise be disclosed or distributed to any party by such State, tribal, or local government or government agency without the written consent of the person or entity submitting such information; or

(iii) be used other than for the purpose of protecting information systems, or in furtherance of an investigation or the prosecution of a criminal act; and

(F) does not constitute a waiver of any applicable privilege or protection provided under law, such as trade secret protection.

(2) APPLICATION.—Paragraph (1) shall only apply to information shared with or provided to the Cyber Defense Alliance or to a Federal agency through such Alliance by a member of the Cyber Defense Alliance that is not a Federal agency if such information is accompanied by an express statement requesting that such paragraph apply.

(b) LIMITATION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any communication of information to a Federal agency made pursuant to this title.

(c) PROCEDURES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in consultation with the heads of appropriate Federal agencies, establish uniform procedures for the receipt, care, and storage by such agencies of information that is voluntarily submitted to the Federal Government through the Cyber Defense Alliance.

(2) ELEMENTS.—The procedures established under paragraph (1) shall include procedures for—

(A) the acknowledgment of receipt by a Federal agency of cyber threat information that is voluntarily submitted to the Federal Government;

(B) the maintenance of the identification of such information;

(C) the care and storage of such information;

(D) limiting subsequent dissemination of such information to ensure that such information is not used for an unauthorized purpose;

(E) the protection of the constitutional and statutory rights of any individuals who are subjects of such information; and

(F) the protection and maintenance of the confidentiality of such information so as to permit the sharing of such information within the Federal Government and with State, tribal, and local governments, and the issuance of notices and warnings related to the protection of information networks, in such manner as to protect from public disclosure the identity of the submitting person or entity, or information that is proprietary, business sensitive, relates specifically to the submitting person or entity, and is otherwise not appropriately in the public domain.

(d) INDEPENDENTLY OBTAINED INFORMATION.—Nothing in this section shall be construed to limit or otherwise affect the ability of a Federal agency, a State, tribal, or local government or government agency, or any third party—

(1) to obtain cyber threat information in a manner other than through the Cyber Defense Alliance, including obtaining any information lawfully and properly disclosed generally or broadly to the public; and

(2) to use such information in any manner permitted by law.

#### SEC. 209. PENALTIES.

(a) IN GENERAL.—It shall be unlawful for any officer or employee of the United States or of any Federal agency to knowingly publish, divulge, disclose, or make known in any manner or to any extent not authorized by law, any cyber threat information protected from disclosure by this title coming to such officer or employee in the course of the employee's employment or official duties or by reason of any examination or investigation made by, or return, report, or record made to or filed with, such officer, employee, or agency.

(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both, and shall be removed from office or employment.

#### SEC. 210. AUTHORITY TO ISSUE WARNINGS.

The Federal Government may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other government entities, or the general public regarding potential threats to information networks as appropriate. In issuing a warning, the Federal Government shall take appropriate actions to protect from disclosure—

(1) the source of any voluntarily submitted information that forms the basis for the warning; and

(2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

#### SEC. 211. EXEMPTION FROM ANTITRUST PROHIBITIONS.

The exchange of information by and between private sector members of the Cyber Defense Alliance, in furtherance of the mission and activities of the Cyber Defense Alliance, shall not be considered a violation of any provision of the antitrust laws (as defined in the first section of the Clayton Act (15 U.S.C. 12)).

#### SEC. 212. DURATION.

The Cyber Defense Alliance shall cease to exist on December 31, 2020.

**SA 4696.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

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

(a) SHORT TITLE.—This Act may be cited as the ‘‘Ensuring Greater Food Safety Act of 2010’’.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Ensuring Federal agencies effectively communicate to ensure greater food safety.
- Sec. 3. Strategic plan for health information technology.
- Sec. 4. Expediting new food safety technologies.
- Sec. 5. Limited access to records in public health emergencies.
- Sec. 6. Registration of food facilities.
- Sec. 7. Clarifying FDA authority to require preventive controls.
- Sec. 8. Export certification fees for foods and animal feed.
- Sec. 9. Leveraging third party inspections.
- Sec. 10. Entry of food from facilities inspected by an accredited third party.
- Sec. 11. Activities with other governments.
- Sec. 12. Compliance with international agreements.

#### SEC. 2. ENSURING FEDERAL AGENCIES EFFECTIVELY COMMUNICATE TO ENSURE GREATER FOOD SAFETY.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture shall establish a plan to ensure effective information sharing regarding the regulation and inspection of food products and facilities, including violations, in which the Food and Drug Administration and the Department of Agriculture share joint, overlapping, or similar responsibility.

(b) JOINT REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture shall issue to Congress a joint report that summarizes the effectiveness, or lack of effectiveness, of the new information sharing arrangement established pursuant to subsection (a).

(c) GAO REPORT.—Not later than 1 year after the issuance of the report under subsection (b), the Comptroller General of the United States shall issue to Congress a report concerning the determination and description of any inefficiencies or other challenges that remain regarding the sharing of information as required pursuant to subsection (a).

#### SEC. 3. STRATEGIC PLAN FOR HEALTH INFORMATION TECHNOLOGY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services 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 strategic plan on information technology that includes—

(1) an assessment of the information technology infrastructure, including systems for food safety data collection, access to data in external food safety databases, data mining capabilities, personnel, and personnel training programs, needed by the Food and Drug Administration to—

(A) comply with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(B) achieve interoperability within the Center for Food Safety and Nutrition and between the Food and Drug Administration and the Department of Agriculture, U.S. Customs and Border Protection, and the Centers for Disease Control and Prevention;

(C) utilize electronic import and recall records; and

(D) communicate food safety and recall information to industry and the public;

(2) an assessment of the extent to which the current information technology assets of the Food and Drug Administration are sufficient to meet the needs assessments under paragraph (1);

(3) a plan for enhancing the information technology assets of the Food and Drug Administration toward meeting the needs assessments under paragraph (1); and

(4) an assessment of additional resources needed to so enhance the information technology assets of the Food and Drug Administration.

#### SEC. 4. EXPEDITING NEW FOOD SAFETY TECHNOLOGIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall submit to Congress a plan for a more expeditious process for approving new technologies used to ensure the safety of the food supply.

(b) CONTENT.—The report submitted under subsection (a) shall include a description of how the Food and Drug Administration plans to provide more effective risk-communication regarding new technologies described in such report that are approved by such Administration.

#### SEC. 5. LIMITED ACCESS TO RECORDS IN PUBLIC HEALTH EMERGENCIES.

(a) MAINTENANCE AND INSPECTION OF RECORDS.—Section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) is amended—

(1) in subsection (a)—

(A) by inserting ‘‘or a related article of food’’ after ‘‘such article’’ each place the term appears;

(B) by inserting “or a related article of food” after “whether the food”; and

(C) by adding at the end the following: “In this subsection, the term ‘related article of food’ means an article of food that is related to the article of food the Secretary has reason to believe is adulterated, such as an article of food produced on the same manufacturing line as the article of food believed to be adulterated.”; and

(2) by adding at the end the following:

“(e) **FOOD-RELATED EMERGENCIES.**—In the case of a food-related public health emergency declared by the Secretary under section 319 of the Public Health Service Act, the Secretary may take action as described in subsection (a) if the Secretary has a reasonable belief that such article of food—

“(1) presents a threat of serious adverse health consequences or death; and

“(2) is related to the emergency.”.

(b) **FACTORY INSPECTION.**—Section 704(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)(1)) is amended in the second sentence by inserting “, and in the case of a food-related public health emergency declared by the Secretary under section 319 of the Public Health Service Act, the inspection shall extend to all records and other information described in section 414 if the Secretary has a reasonable belief that such article of food presents a threat of serious adverse health consequences or death and is related to the emergency, subject to the limitations established in section 414(d)” before the period at the end.

#### SEC. 6. REGISTRATION OF FOOD FACILITIES.

Section 415(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by inserting “(or any successor regulation)” after “Federal Regulations”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) **BIENNIAL REREGISTRATION.**—

“(A) **IN GENERAL.**—On a biennial basis, a registrant that has registered under paragraph (1) shall submit to the Secretary a re-registration containing the information described in paragraph (2).

“(B) **EXPEDITED REREGISTRATION.**—The Secretary may provide for an expedited re-registration process in the case of a registrant for which the information described in paragraph (2) has not changed since the preceding registration or re-registration.”.

#### SEC. 7. CLARIFYING FDA AUTHORITY TO REQUIRE PREVENTIVE CONTROLS.

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

##### “SEC. 418. PREVENTIVE CONTROLS.

“(a) **DEFINITIONS.**—In this section:

“(1) **CRITICAL CONTROL POINT.**—The term ‘critical control point’ means a point, step, or procedure in a food process at which control can be applied, and, as a result, an identified food safety hazard can be prevented, eliminated, or reduced to acceptable levels.

“(2) **CRITICAL LIMIT.**—The term ‘critical limit’ means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate, or reduce to an acceptable level the occurrence of the identified food safety hazard.

“(b) **REGULATIONS BY SECRETARY.**—The Secretary—

“(1) may by regulation require manufacturers, processors, and packers of food to implement science-based and risk-based processes to prevent, reduce, or eliminate specific hazards from high-risk foods; and

“(2) may issue guidance to assist the relevant industry with compliance with this section.

“(c) **LIMITATION.**—The Secretary shall not have the authority to place any specific requirements on food safety plans required pursuant to subsection (d)(1). The authority of the Secretary under this section is limited to validating the existence of a food safety plan that meets the explicit statutory requirements provided in this section.

“(d) **CONTENT.**—

“(1) **DETERMINATION.**—The regulations under subsection (b) shall include a determination specifying the food facilities which shall be required to develop and maintain a written food safety plan. The determination shall include a careful examination of the effect on small businesses and shall include specific exemptions for firms that will be adversely impacted by the requirements of this section.

“(2) **REQUIREMENT.**—The regulations under subsection (b) shall require that a required food safety plan—

“(A) list the food safety hazards which the plan is intended to address;

“(B) list the critical control points for each of the identified food safety hazards;

“(C) list the critical limits that must be met at each of the critical control points;

“(D) list the procedures, and frequency thereof, that will be used to monitor each of the critical control points to ensure compliance with the critical limits;

“(E) include any corrective action plans that have been developed to be followed in response to deviations from critical limits at critical control points to either prevent the food from entering commerce, or for correcting the deviation;

“(F) list the verification procedures, and frequency thereof, that the manufacturer, processor, packer will use to ensure the plan is adequate to control identified food safety hazards and that the plan is being effectively implemented;

“(G) provide for a recordkeeping system that documents the acceptance and implementation of the plan, including calibration of instruments, monitoring of the critical control points, and corrective actions;

“(H) establish a schedule for periodic reassessment of the adequacy of the plan which shall be at least annually and whenever any changes occur that could affect the hazard analysis or alter the food safety plan; and

“(I) be modified immediately whenever a reassessment or ongoing verification reveals that the plan is no longer adequate to fully meet the requirements of this section.

“(3) **DESCRIPTION.**—The regulations under subsection (b) shall describe, as the Secretary determines necessary, any evidence that shall be required to accompany food imported or offered for import into the United States to verify that the food was manufactured, processed, or packed under conditions that comply with this Act. Such evidence shall be of a similar nature and stringency to that which is required by the regulations for food manufactured, processed, or packed in the United States.

“(e) **OFFICIAL REVIEW.**—All records, food safety plans, and procedures required by this section shall be made available to the Secretary upon request for official review and copying at reasonable times. In conducting such a review, the authority of the Secretary shall be limited to validating the existence of the plan and the Secretary shall not have the authority to alter the plan or require specific items with the plan.

“(f) **PUBLIC DISCLOSURE.**—All food safety plans and records required by this section shall not be made available for public disclosure unless such plans and records are data and information previously disclosed to the

public (as described in section 20.81 of title 21, Code of Federal Regulations), or such plans and records relate to a food or ingredient that has been abandoned and such plans and records no longer represent a trade secret or confidential commercial or financial information (as described in section 20.61 of title 21, Code of Federal Regulations).

“(g) **IMPORTS.**—

“(1) **IN GENERAL.**—The Secretary may establish additional or substitute methods and requirements to apply to foreign manufacturers, processors, and packers of food that are of similar stringency to the methods and requirements applicable to domestic manufacturers, processors, and packers of food. Such methods or requirements shall ensure that—

“(A) food imported or offered for import into the United States is manufactured, processed, and packed in accordance with this Act; and

“(B) food manufactured, processed, or packed in a foreign country is evaluated for compliance with this Act in a similar manner as food manufactured, processed, or packed in the United States.

“(2) **COMPETENT THIRD PARTY.**—An importer may contract with a competent third party to assist with or perform any or all of the verification activities specified in this section.

“(h) **EXCEPTIONS.**—The regulations in this section shall not apply to—

“(1) harvesting food, without otherwise engaging in processing;

“(2) the operation of a retail establishment;

“(3) the manufacturing, processing, or packing of seafood or fresh juice; and

“(4) small producers that demonstrate in writing to the Secretary that complying with such regulations would adversely impact their operations.”.

#### SEC. 8. EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.

(a) **AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.**—Section 801(e)(4)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)(A)) is amended—

(1) in the matter preceding clause (i), by striking “a drug” and inserting “a food, drug”;

(2) in clause (i) by striking “exported drug” and inserting “exported food, drug”; and

(3) in clause (ii) by striking “the drug” each place it appears and inserting “the food, drug”.

(b) **TREATMENT OF FEES.**—Section 801(e)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)) is amended—

(1) by amending subparagraph (B) to read as follows:

“(B) If the Secretary issues a written export certification within the 20 days prescribed by subparagraph (A), a fee for such certification may be charged but shall not exceed \$175 for each certification.”; and

(2) by inserting after subparagraph (B) the following:

“(C) With respect to fees collected for a fiscal year pursuant to subparagraph (B), the following shall apply:

“(i) In the case of fees for certification of exported drugs, animal drugs, or devices, be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and be available in accordance with appropriations Acts until expended, without fiscal year limitation. To cover the cost of issuing such certifications, such sums as necessary may be transferred from such appropriation account for salaries and expenses of the Food and Drug Administration

without fiscal year limitation to such appropriation account for salaries and expenses with fiscal year limitation.

“(ii) In the case of fees for certification of exported foods, be credited to the Food and Drug Administration User Fee Account and be available in accordance with appropriations Acts until expended, without fiscal year limitation.”.

(c) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)(4)), as amended by subsection (b), is amended by adding at the end the following:

“(D) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (which may include a publicly available listing) as the Secretary determines appropriate.”.

#### SEC. 9. LEVERAGING THIRD PARTY INSPECTIONS.

(a) IN GENERAL.—Section 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374) is amended by adding at the end the following:

“(h) ACCREDITATION OF ENTITIES THAT INSPECT DOMESTIC FACILITIES OR FOREIGN FACILITIES.—

“(1) DEFINITIONS.—In this subsection:

“(A) DOMESTIC FACILITY.—The term ‘domestic facility’ has the meaning given the term in section 415.

“(B) FOREIGN FACILITY.—The term ‘foreign facility’ has the meaning given the term in section 415.

“(2) VOLUNTARY USE OF ACCREDITED ENTITIES BY FACILITIES.—A domestic facility or foreign facility may employ an entity accredited under this subsection to inspect such facility to ensure compliance with this Act.

“(3) AUTHORIZATION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Ensuring Greater Food Safety Act of 2010, the Secretary, subject to subparagraph (B), shall accredit entities for the purpose of inspecting domestic facilities or foreign facilities to ensure compliance with this Act. Such entities may include State governments or foreign government entities.

“(B) CRITERIA TO ACCREDIT ENTITIES AND CATEGORIES OF ACCREDITATION.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of the Ensuring Greater Food Safety Act of 2010, the Secretary shall publish in the Federal Register criteria to accredit entities, including the requirements described in clause (iii), and the categories of accreditation.

“(ii) CONSULTATION.—In developing the criteria and categories described in clause (i), the Secretary shall consult with the Secretary of Agriculture, the Secretary of Commerce, and the heads of other agencies with experience in accrediting third parties to determine the accreditation categories and criteria that are most appropriate.

“(iii) REQUIREMENTS TO BECOME ACCREDITED.—In order for an entity to be accredited under this subsection, the entity shall, at a minimum, meet the following requirements:

“(I) Such entity may not be an employee of the Federal Government.

“(II) Such entity shall be an independent organization that is not owned or controlled by a manufacturer, supplier, or vendor of food regulated under this Act and that has no organizational, material, or financial affiliation (including a consultative affiliation) with such a manufacturer, supplier, or vendor.

“(III) Such entity shall be legally constituted and permitted to conduct the inspection activities for which it seeks accreditation.

“(IV) Such entity may not engage in the design, manufacture, promotion, or sale of food regulated under this Act.

“(V) The operations of such entity shall be in accordance with generally accepted professional and ethical business practices, and such entity shall agree in writing that, at a minimum, the entity will—

“(aa) certify that reported information accurately reflects data reviewed, inspection observations made, other matters that relate to or may influence compliance with this Act, and recommendations made during an inspection or at an inspection’s closing meeting;

“(bb) limit work to that for which competence and capacity are available;

“(cc) treat information received, records, reports, and recommendations as confidential commercial or financial information or trade secret information, except such information may be made available to the Secretary; and

“(dd) promptly respond and attempt to resolve complaints regarding its activities for which it is accredited.

“(iv) CATEGORIES OF ACCREDITATION.—The categories of accreditation may include—

“(I) inspection of domestic facilities only;

“(II) inspection of foreign facilities only;

or

“(III) inspection of both domestic facilities and foreign facilities.

“(C) ACTING ON REQUEST FOR ACCREDITATION.—

“(i) INFORMATION ON ADEQUACY.—Not later than 60 days after the date the Secretary receives a request from an entity to be accredited under this subsection, the Secretary shall inform the entity whether the request for accreditation is adequate for review.

“(ii) DETERMINATION.—Not later than 90 days after the date the Secretary informs an entity under clause (i), the Secretary shall make a determination with respect to the request.

“(D) CONTENT OF ACCREDITATION.—Any accreditation granted under this subsection shall state that the entity is accredited to conduct inspections at domestic facilities, foreign facilities, or both, or such other categories as may be applicable.

“(E) EFFECT OF SUBSECTION.—Nothing in this subsection shall affect the authority of the Secretary under this Act to inspect any domestic facility or foreign facility.

“(4) REQUIREMENTS OF ACCREDITED ENTITIES.—

“(A) MAINTENANCE OF RECORDS.—

“(i) IN GENERAL.—An entity accredited under this subsection shall maintain records documenting—

“(I) the qualifications of the entity to inspect and the training and qualification of employees of the entity;

“(II) the procedures used by the entity for handling confidential information;

“(III) the compensation arrangements made by the entity; and

“(IV) the procedures used by the entity to identify and avoid conflicts of interest.

“(ii) ACCESS TO RECORDS.—Upon the request of an officer or employee designated by the Secretary, an entity accredited under this subsection shall permit the officer or employee, at all reasonable times, to have access to, copy, and verify the records described in clause (i).

“(iii) PRODUCTION OF RECORDS.—Not later than 15 days after the date an entity accredited under this subsection receives a written request from the Secretary for a copy of the records described in clause (i), the entity shall produce the copy at the place designated by the Secretary.

“(B) INSPECTION REPORTS.—

“(i) IN GENERAL.—In carrying out an inspection of a domestic facility or foreign facility to ensure compliance with this Act, an entity accredited under this subsection shall—

“(I) record in writing the entity’s inspection observations;

“(II) present the observations to the facility’s designated representative and describe each observation; and

“(III) prepare an inspection report (including for inspections for which there are no corrective actions needed) in a form and manner consistent with such reports prepared by employees and officials designated by the Secretary to conduct inspections.

“(ii) CONTENT OF REPORT.—An inspection report prepared under clause (i)(III) shall, at a minimum—

“(I) identify the person responsible for compliance with this Act at the inspected facility, the dates of the inspection, and the scope of the inspection;

“(II) describe in detail each observation identified by the entity accredited under this subsection;

“(III) identify other matters that relate to or may influence compliance with this Act; and

“(IV) describe any recommendations made by the entity accredited under this subsection to the inspected facility during the inspection or at the inspection’s closing meeting.

“(iii) REPORT SENT TO THE SECRETARY.—Not later than 10 days after the last date of an inspection, the entity accredited under this subsection shall submit the inspection report prepared under clause (i)(III) to the Secretary and the designated representative of the inspected facility at the same time. The inspection report submitted to the Secretary shall be accompanied by all written inspection observations previously provided to the designated representative of the inspected facility.

“(iv) FALSE STATEMENTS.—Any statement or representation made by an employee or agent of a domestic facility or foreign facility to an entity accredited under this subsection shall be subject to section 1001 of title 18, United States Code.

“(v) IMMEDIATE NOTIFICATION.—If, at any time during an inspection by an entity accredited under this subsection, the entity discovers a condition that could cause or contribute to an unreasonable risk to the public health, the entity shall immediately notify the Secretary of the identity of the facility subject to inspection and such condition.

“(5) REQUIREMENTS OF THE SECRETARY.—

“(A) PUBLICATION OF LIST OF ACCREDITED ENTITIES ON INTERNET.—

“(i) IN GENERAL.—The Secretary shall publish on the Internet Web site of the Food and Drug Administration lists of entities that are accredited under this subsection in each category established under this subsection.

“(ii) UPDATING LISTS.—The lists described in clause (i) shall be updated to ensure that the identity of each entity accredited under this subsection, and the particular category for which the entity is accredited, is known to the public. The lists shall be updated not later than 30 days after the date on which—

“(I) an entity is accredited under this subsection;

“(II) the accreditation of an entity under this subsection is suspended or withdrawn; or

“(III) the particular category for which an entity is accredited under this subsection is modified.

“(B) AUDITS; WITHDRAWAL; DEBARMENT.—

“(i) IN GENERAL.—To ensure that entities accredited under this subsection continue to meet the standards of accreditation, the Secretary shall—

“(I) audit the performance of such entities on a periodic basis through the review of inspection reports and inspections by the Secretary to evaluate the compliance status of a

domestic facility or foreign facility and the performance of entities accredited under this subsection; and

“(II) take such additional measures as the Secretary determines to be appropriate.

“(ii) WITHDRAWAL.—

“(I) IN GENERAL.—The Secretary may withdraw accreditation of an entity accredited under this subsection, after providing notice and an opportunity for an informal hearing, if—

“(aa) such entity is substantially not in compliance with the standards of accreditation;

“(bb) such entity poses a threat to public health;

“(cc) such entity fails to act in a manner that is consistent with the purposes of this subsection; or

“(dd) the Secretary determines that there is a financial conflict of interest in the relationship between such entity and the owner or operator of a domestic facility or foreign facility that the entity has inspected under this subsection.

“(II) SUSPENSION.—The Secretary may suspend accreditation of an entity during the pendency of the process under subclause (I).

“(iii) DEBARMENT.—If the Secretary determines that an entity accredited under this subsection has violated section 301(y), the Secretary—

“(I) shall withdraw such entity’s accreditation under this subsection; and

“(II) may permanently debar a responsible person for such entity from being accredited and from carrying out inspection activities under this subsection.

“(6) FEES.—An entity accredited under this subsection may charge a domestic facility or foreign facility reasonable fees for inspection services.

“(7) SYMBOL INDICATING INSPECTION BY AN ACCREDITED ENTITY.—The Secretary may by regulation establish one or more tamper-resistant symbols indicating that an article of food was produced in a domestic or foreign facility that passed an accredited third party inspection. Such a symbol may be affixed on the packaging of such an article.

“(8) ELECTRONIC IMPORT CERTIFICATES.—If the standards, processes, and criteria to certify articles of food used by a foreign regulatory authority of an exporting country or an entity accredited under this subsection are sufficient to ensure compliance with this Act, the Secretary shall enter into agreements with such regulatory authority or such accredited entity to electronically certify each food shipment or class of shipments of designated food for compliance with this Act prior to shipment. Such agreements shall include provision of electronic certificates from such regulatory authority or such accredited entity to accompany each shipment. The Secretary shall provide criteria for such certificates to ensure a secure system that prevents counterfeiting of the certificates and takes into consideration possible transshipment of products as a way to avoid certification.

“(9) CONSIDERATION.—Notwithstanding any other provision of law, the Secretary shall consider inspections performed by accredited entities under this subsection, as well as other private food safety contracts, when determining the overall inspection schedule of the Food and Drug Administration in order to focus on higher-risk facilities.”

(b) PROHIBITED ACTS.—Section 301(y) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(y)) is amended—

(1) in paragraph (1), by inserting “or an entity accredited under section 704(h)” after “523”;

(2) in paragraph (2)—

(A) by inserting “or an entity accredited under section 704(h)” after “523”; and

(B) by inserting “or entity” after “such person”; and

(3) in paragraph (3)—

(A) by inserting “or an entity accredited under section 704(h)” after “523”;

(B) by inserting “or entity” after “by such person”; and

(C) by inserting “or entity” after “to such person”.

#### SEC. 10. ENTRY OF FOOD FROM FACILITIES INSPECTED BY AN ACCREDITED THIRD PARTY.

Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following:

“(p) ENTRY OF FOOD FROM FACILITIES INSPECTED BY AN ACCREDITED THIRD PARTY.—If an article of food is being imported or offered for import at a port of entry into the United States and such article of food is from a foreign facility at which an inspection by an entity accredited under section 704(h) was completed prior to the production of such article of food at such facility and—

“(1) the results of the inspection were no official action indicated, the Commissioner of Food and Drugs agrees with the results of the inspection, and such facility has a certificate described under section 704(h)(8), then the article of food shall be presumed to be admissible into the United States and shall not be detained or refused admission but shall receive permission for expedited entry into the United States;

“(2) the results of the inspection were voluntary action indicated and the Commissioner of Food and Drugs agrees with the results of the inspection, then the article of food shall be subject to increased random inspection at the border; or

“(3) the results of the inspection were official action indicated and the Commissioner of Food and Drugs agrees with the results of the inspection, then the article of food shall—

“(A) be—

“(i) held at the port of entry for the article without physical examination and refused admission if the inspection failure was due to a condition presenting a reasonable probability that the use of or exposure to the article of food will cause serious adverse health consequences or death; or

“(ii) placed on import alert if the inspection failure was due to a condition in which use of or exposure to the article of food may cause temporary or medically reversible adverse health consequences or where the probability of serious adverse health consequences is remote; and

“(B) be subject to other actions as provided under this Act.”

#### SEC. 11. ACTIVITIES WITH OTHER GOVERNMENTS.

(a) MEETINGS AND AGREEMENTS.—

(1) IN GENERAL.—In carrying out the functions of the Office of International Programs of the Food and Drug Administration, the Secretary of Health and Human Services referred to in this section as the “Secretary”—

(A) shall regularly participate in meetings with representatives of foreign governments to discuss and reach agreement on methods and approaches to harmonize regulatory requirements; and

(B) may enter into an agreement with a foreign entity to facilitate commerce in food between the United States and such entity—

(i) consistent with the requirements of this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); and

(ii) in which the Secretary shall encourage the mutual development and recognition of—

(I) good manufacturing practice regulations; and

(II) other regulations and testing protocols as the Secretary determines to be appropriate.

(2) JOINT INSPECTION.—An agreement entered into pursuant to paragraph (1)(B) may include joint inspection missions where an inspection team is composed of individuals from regulatory authorities of both countries.

(b) REDUCTION OF REGULATION BURDEN AND HARMONIZATION OF FOOD REGULATORY REQUIREMENTS.—The Secretary shall support the Office of the United States Trade Representative, in consultation with the Secretary of Commerce, in meetings with representatives of foreign governments to discuss methods and approaches to reduce the burden of regulation and harmonize food regulatory requirements if the Secretary determines that such harmonization continues consumer protections consistent with the purposes of this Act and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

#### SEC. 12. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

**SA 4697.** Mr. COBURN (for himself, Mrs. McCASKILL, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . FISCAL YEARS 2011 THROUGH 2013 EARMARK MORATORIUM.

(a) BILLS AND JOINT RESOLUTIONS.—

(1) POINT OF ORDER.—It shall not be in order to—

(A) consider a bill or joint resolution reported by any committee or a bill or joint resolution reported by any committee with a report that includes an earmark, limited tax benefit, or limited tariff benefit; or

(B) a Senate bill or joint resolution not reported by committee that includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the bill or joint resolution shall be returned to the calendar until compliance with this subsection has been achieved.

(b) CONFERENCE REPORT.—

(1) POINT OF ORDER.—It shall not be in order to vote on the adoption of a report of a committee of conference if the report includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the conference report shall be returned to the calendar.

(c) FLOOR AMENDMENT.—It shall not be in order to consider an amendment to a bill or joint resolution if the amendment contains an earmark, limited tax benefit, or limited tariff benefit.

(d) AMENDMENT BETWEEN THE HOUSES.—

(1) IN GENERAL.—It shall not be in order to consider an amendment between the Houses if that amendment includes an earmark, limited tax benefit, or limited tariff benefit.

(2) RETURN TO THE CALENDAR.—If a point of order is sustained under this subsection, the amendment between the Houses shall be returned to the calendar until compliance with this subsection has been achieved.

(e) **WAIVER.**—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(f) **DEFINITIONS.**—For the purpose of this section—

(1) the term “earmark” means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term “limited tax benefit” means any revenue provision that—

(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; and

(3) the term “limited tariff benefit” means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(g) **FISCAL YEARS 2011 THROUGH 2013.**—The point of order under this section shall only apply to legislation providing or authorizing discretionary budget authority, credit authority or other spending authority, providing a federal tax deduction, credit, or exclusion, or modifying the Harmonized Tariff Schedule in fiscal years 2011 through 2013.

(h) **APPLICATION.**—This rule shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality, or congressional district.

**SA 4698.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

On page 222, between lines 4 and 5, insert the following:

**SEC. 212. REPORT ON FOOD FRAUD.**

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act and annually thereafter, the Commissioner of Food and Drugs shall prepare and submit to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Health, Education, Labor, and Pensions, the Committee on Commerce, and the Committee on Appropriations of the Senate and to the Committee on Energy and Commerce, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives a written report on food fraud.

(b) **CONTENTS OF REPORT.**—The report described in subsection (a) shall include—

(1) a list of food fraud complaints filed with the Food and Drug Administration;

(2) a list of food fraud investigations conducted by the Food and Drug Administration;

(3) penalties for food fraud assessed by the Food and Drug Administration;

(4) resources of the Food and Drug Administration that are used to combat food fraud, including staffing and equipment;

(5) field reports of food fraud investigations conducted by the Food and Drug Administration; and

(6) recommendations of resources the Food and Drug Administration could use to combat food fraud.

(c) **FOOD FRAUD DEFINITION.**—For purposes of this section, the term “food fraud” means an act of producing a food product designed for human consumption that is intentionally mislabeled, adulterated, or otherwise not of the nature, substance, or quality expected by consumers.

**SA 4699.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

On page 222, between lines 4 and 5, insert the following:

**SEC. 212. FOOD FRAUD INVESTIGATION TASK FORCE.**

Chapter IV (21 U.S.C. 341 et seq.), as amended by section 207, is further amended by adding at the end the following:

**“SEC. 424. FOOD FRAUD INVESTIGATION TASK FORCE.**

“(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a Food Fraud Investigation Task Force (referred to in this section as the ‘Task Force’), headed by the Commissioner, to investigate suspected cases of food fraud.

“(b) **TASK FORCE INVESTIGATIVE AUTHORITY AND DUTIES.**—The duties of the Task Force shall include—

“(1) developing and maintaining a toll-free telephone hotline and a reporting form on the Internet website of the Food and Drug Administration for individuals to report suspected cases of food fraud to the Secretary;

“(2) establishing a rapid response investigation team to investigate suspected cases of food fraud reported to the Secretary; and

“(3) establishing a surveillance program to randomly inspect food in the marketplace in order to identify cases of food fraud.

“(c) **CONSULTATION.**—In carrying out this section, the Task Force shall consult with the Secretary of Agriculture and the heads of relevant agencies and offices within the Department of Agriculture.

“(d) **CONSIDERATIONS.**—In carrying out the duties under this section, the Task Force shall consider—

“(1) the use of DNA testing equipment, isotope ratio testing equipment, and other devices to accurately detect instances of food fraud; and

“(2) partnering with third parties to assist in the detection of food fraud.

“(e) **BIENNIAL REPORTING.**—The Task Force shall prepare and submit to the Committee on Health, Education, Labor, and Pensions, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate and the Committee on Agriculture, the Committee on Appropriations, and the Committee on Energy and Commerce of the House of Representatives a biennial report containing findings by the Task Force with respect to food fraud and recommendations on how to combat food fraud in the marketplace.

“(f) **FOOD FRAUD.**—For purposes of this section, the term ‘food fraud’ means an act of producing a food product designed for human consumption that is intentionally mislabeled, adulterated, or otherwise not of the nature, substance, or quality expected by consumers.”.

**SA 4700.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**SEC. \_\_\_\_ . SENSE OF THE SENATE ON CATFISH FOOD SAFETY.**

(a) **IN GENERAL.**—It is the sense of the Senate that—

(1) Congress enacted section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section to improve catfish inspection following multiple discoveries of banned substances;

(2) subsection (b) of that section includes amendments that require the Secretary of Agriculture to provide inspection activities under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) for farm-raised catfish, by adding catfish to the list of amenable species (as that term is defined in section 1 of that Act (21 U.S.C. 601));

(3) it is imperative that the Secretary of Agriculture and the Director of the Office of Management and Budget implement those amendments to improve food safety procedures and protect consumers in the United States; and

(4) the Secretary of Agriculture and the Director of the Office of Management and Budget should promulgate regulations to complete implementation of section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2130) and the amendments made by that section.

(b) **RELATIONSHIP TO OTHER ACTIVITIES.**—In establishing the grading and inspection program for catfish in accordance with the amendments made by section 11016 of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246; 122 Stat. 2130), the Secretary of Agriculture shall ensure that the program does not duplicate, impede, or undermine any food safety or product grading activity conducted by the Secretary of Commerce or the Commissioner of Food and Drugs.

**SA 4701.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**SEC. \_\_\_\_ . SENSE OF THE SENATE ON FOOD, CONSERVATION, AND ENERGY ACT OF 2008.**

It is the sense of the Senate that—

(1) the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8701 et seq.) was enacted on June 18, 2008, and it is critical that action be taken to fully implement that Act and the amendments made by that Act; and

(2) the Director of the Office of Management and Budget should promulgate any remaining regulations relating to food safety and inspection that are necessary to complete implementation of that Act and the amendments made by that Act.

**SA 4702.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE V—SMALL BUSINESS PAPERWORK REDUCTION**

**SEC. 501. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.**

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

**SEC. 502. RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, \$39,000,000,000 in appropriated discretionary funds are hereby permanently rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(c) EXCEPTION.—This section shall not apply to the unobligated funds of the Department of Defense or the Department of Veterans Affairs.

**SA 4703.** Mr. NELSON of Nebraska (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 904. MEMBERSHIP OF CHIEF OF THE NATIONAL GUARD BUREAU ON THE JOINT CHIEFS OF STAFF.**

(a) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau.”

(b) CONFORMING AMENDMENTS.—Section 10502 of such title is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) MEMBER OF THE JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau is a member of the Joint Chiefs of Staff, and shall perform the duties prescribed as a member of the Joint Chiefs of Staff under section 151 of this title.”

**SA 4704.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1082. WEEKLY INCREASE IN THE REWARD FOR CAPTURE OF OSAMA BIN LADEN.**

(a) FINDING.—Congress finds that a foremost objective of United States counterterrorism policy should be protecting United States persons and property by capturing or killing Osama bin Laden, and other leaders of the al Qaeda network, and by destroying the al Qaeda network.

(b) WEEKLY INCREASE IN REWARD.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is amended by adding at the end the following new sentence: “The amount of the reward under the previous sentence shall be increased by \$1,000,000 every seven days after the date of the enactment of this sentence until September 30, 2015.”

**SA 4705.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title V, add the following:

**SEC. 594. DEFERRAL OF DEPLOYMENT OF MEMBERS OF THE ARMED FORCES WHO GIVE BIRTH TO A CHILD.**

(a) DEFERRAL.—A member of the Armed Forces who gives birth to a child may not be deployed or otherwise temporarily assigned to a location away from the permanent duty station or homeport of the member during such period beginning on the date of birth as the Secretary of the military department concerned shall specify with respect to the member.

(b) MINIMUM PERIOD.—The minimum period specified with respect to a member under subsection (a) shall be six months.

(c) WAIVER OF DEFERRAL BY MEMBER.—A member may waive a deferral of deployment or assignment under subsection (a), in whole or in part.

(d) WAIVER OF APPLICABILITY OF DEFERRAL.—The Secretary of Defense may waive the applicability of subsection (a) to a member otherwise covered by that subsection if the Secretary determines that the waiver is in the national security interests of the United States. Waivers under this subsection shall be made on a case-by-case basis.

(e) REGULATIONS.—This section shall be administered in accordance with regulations prescribed by the Secretary of Defense. Such regulations shall, to the extent practicable, apply uniformly across the Armed Forces.

(f) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to members of the Armed Forces who give birth on or after that date.

**SA 4706.** Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 548, between lines 10 and 11, insert the following:

(h) REPAYMENT OF FUNDS PROVIDED.—

(1) FINDINGS.—Congress makes the following findings:

(A) The Iraq Security Forces Fund (ISSF) is intended to provide funding in areas where the United States is in a position to make a unique contribution to Iraqi security.

(B) Starting in 2008, Congress called for Government of Iraq to increase the level it

financed its own security forces in light of increases in oil revenues and unspent funds.

(C) Iraq has an available surplus of \$11,800,000,000, according to a September 2010 report by the Government Accountability Office. The report, entitled “Iraqi-U.S. Cost Sharing”, projected a budget surplus of \$52,100,000,000 through the end of 2009, with estimated outstanding advances of \$40,300,000,000.

(D) In addition, the security ministries of Iraq did not use between \$2,500,000,000 and \$5,200,000,000 of their budgeted funds from 2005 through 2009, which could have been used to address security needs, according to the same Government Accountability Office report.

(E) The fiscal year 2011 budget request of the President for the Iraq Security Forces Fund was \$2,000,000,000.

(F) The United States has authorized \$707,000,000,000 for military operations in Iraq since 2003, of which \$24,000,000,000 has been provided for training, equipment, supplies, facility construction, and other services for the Iraqi security forces.

(G) Iraq has the third largest oil reserve in the world, providing a steady source of revenue that has led to budget surpluses even during a period of global economic hardship.

(H) The Government of Iraq should assume responsibility for the costs associated with building its security forces.

(I) The United States budget deficit for fiscal 2010 is estimated at slightly less than \$1,300,000,000,000 by the Congressional Budget Office, and the projected deficit for fiscal 2011 is \$980,000,000,000.

(J) The United States cannot continue to fund security activities for the Government of Iraq, which now possesses the resources and ability to provide for itself.

(2) PROVISION OF ASSISTANCE AFTER FISCAL YEAR 2010 THROUGH LOANS.—United States funds made available from the Iraq Security Forces Fund after the date of the enactment of this Act shall be provided in the form of loans subject to full repayment to the Government of the United States.

(3) REPAYMENT.—The Secretary of State shall, in conjunction with the Secretary of Defense, seek to enter into negotiations with the Government of Iraq in order to enter into an agreement under which the Government of Iraq agrees to repay the United States Government the United States funds provided from the Iraq Security Forces Fund, including United States funds provided before the date of the enactment of this Act and United States funds provided as loans under paragraph (2).

(4) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to Congress a report describing the status of negotiations described in paragraph (3), including any details of the repayment agreement entered into as a result of such negotiations.

**SA 4707.** Mr. NELSON of Nebraska (for himself, Mr. WICKER, Mr. CASEY, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3454, to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 713.



**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON ARMED SERVICES**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, November 17, 2010, at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2010, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FINANCE**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Strengthening Medicare and Medicaid: Taking Steps to Modernize America's Health Care System."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON FOREIGN RELATIONS**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 17, 2010, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on November 17, 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., to conduct a hearing entitled "Securing Critical Infrastructure in the Age of Stuxnet."

The PRESIDING OFFICER. Without objection, it is so ordered.

**COMMITTEE ON THE JUDICIARY**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 17, 2010, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judicial and Executive Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

**SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET**

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 17, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

**PRIVILEGES OF THE FLOOR**

Mr. DURBIN. Mr. President, I ask unanimous consent that Bill McConagha, a detailee in the Senate HELP Committee Majority Health Office, be granted floor privileges for the duration of S. 510, the FDA Food Safety Modernization Act.

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

**ASIAN CARP PREVENTION AND CONTROL ACT**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 366, S. 1421.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant editor of the Daily Digest read as follows:

A bill (S. 1421) to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1421

*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 "Asian Carp Prevention and Control Act".

**SEC. 2. ADDITION OF SPECIES OF CARP TO THE LIST OF INJURIOUS SPECIES THAT ARE PROHIBITED FROM BEING IMPORTED OR SHIPPED.**

Section 42(a)(1) of title 18, United States Code, is amended by inserting "of the big-head carp of the species *Hypophthalmichthys nobilis*;" after "Dreissena polymorpha;"

**GLOBAL ENTREPRENEURSHIP WEEK/USA**

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 681, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant editor of the Daily Digest read as follows:

A resolution (S. Res. 681) designating the week of November 15 through 19, 2010, as "Global Entrepreneurship Week/USA."

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 681) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 681

Whereas more than ½ of the companies on the 2009 Fortune 500 list were launched during a recession or bear market;

Whereas 92 percent of Americans believe that entrepreneurs are critically important to job creation and 75 percent believe that the United States cannot have a sustained economic recovery without another burst of entrepreneurial activity;

Whereas the economy and society of the United States, as well as the country as a whole, have benefitted greatly from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week is an initiative aimed at inspiring young people to embrace innovation and creativity;

Whereas Global Entrepreneurship Week helps the next generation of entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2009, more than 160,000 individuals participated in the more than 2,300 entrepreneurial activities held worldwide during Global Entrepreneurship Week;

Whereas, in 2009, more than 1,100 partner organizations participated in Global Entrepreneurship Week, including chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2010, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, inform, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 15 through 19, 2010, as “Global Entrepreneurship Week”; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

#### ORDERS FOR THURSDAY, NOVEMBER 18, 2010

Mr. WHITEHOUSE. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, November 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, there be a period of morning business for one hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to S. 510, the FDA Food Safety Modernization Act, postcloture; and the Senate recess from 12:30 until 3 p.m., with the time during recess, adjournment, or period of morning business counting postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. WHITEHOUSE. Mr. President, the postcloture debate time on the motion to proceed to the food safety bill will expire late tomorrow afternoon. In the meantime, we will continue to work on an agreement to consider amendments to the bill. We wish to reach agreement so we can complete action on this important legislation this week.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MEASURES READ THE FIRST TIME—S. 3962 AND S. 3963

Mr. WHITEHOUSE. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 3962) to authorize the cancellation of removal and adjustment of status of

certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

A bill (S. 3963) to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

Mr. WHITEHOUSE. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read for the second time on the next legislative day.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:58 p.m., adjourned until Thursday, November 18, 2010, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF STATE

DANIEL L. SHIELDS III, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

JOSEPH M. TORSELLA, OF PENNSYLVANIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

JOSEPH M. TORSELLA, OF PENNSYLVANIA, 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.

##### DEPARTMENT OF JUSTICE

ANDREW L. TRAYER, OF ILLINOIS, TO BE DIRECTOR, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES. (NEW POSITION)

##### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

##### DEPARTMENT OF STATE

LOUIS JOHN FINTOR, OF FLORIDA  
BETH ANNE MITCHELL, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

##### DEPARTMENT OF STATE

LESLIE WILLIAMS DOUMBIA, OF ALABAMA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

##### DEPARTMENT OF COMMERCE

PERRY A. DAVIS, OF ILLINOIS  
LAWRENCE J. PANIGOT, OF TEXAS  
DONALD P. PEARCE, OF NEW YORK

##### DEPARTMENT OF STATE

YVON ACCIUS, OF FLORIDA  
OMAR S. AHMED, OF NEW YORK  
DRU ALEJANDRO, OF ILLINOIS  
CHRIS E. ANDERSON, OF THE DISTRICT OF COLUMBIA  
RACHEL ATWOOD, OF NORTH DAKOTA  
CALEB DANIEL BECKER, OF TEXAS  
GEOFFREY BENLISHA, OF VIRGINIA  
THOMAS DEE BEVAN, OF UTAH  
CORI BICKEL, OF ARKANSAS  
DOREL V. BINDEA, OF VIRGINIA

CARLO WISE BOEHM, OF TEXAS  
THOMAS CHARLES BOLLATI, OF NEW YORK  
M. ALLYN BROOKS-LASURE, OF VIRGINIA  
BRENDAN E. BROWN, OF VIRGINIA  
ANYA YAKHEDT'S BRUNSON, OF FLORIDA  
MELODY BULLOCK, OF VIRGINIA  
JIHI JULIETA BUSTAMANTE, OF VIRGINIA  
CHRISTINE BUZZARD, OF OKLAHOMA  
DENEEN KAY CASTLE, OF ILLINOIS  
DANJIE CHEN, OF VIRGINIA  
YUSHIN CHOI, OF CALIFORNIA  
DIANA CHU, OF ARIZONA  
PAUL COLOMBINI, OF MARYLAND  
EMMA CONDON, OF MINNESOTA  
PATRICK EVANS CONNALLY, OF WASHINGTON  
JOSEPH G. CORDARO, OF TENNESSEE  
SETH CORNELL, OF PENNSYLVANIA  
LOGAN RISHARD COUNCIL, OF NORTH CAROLINA  
CHRISTOPHER D. COURT, OF VIRGINIA  
EMILY GRACE CRAWFORD, OF ILLINOIS  
TODD WILSON ARDELL CRAWFORD, OF OREGON  
JOAQUIN CROSLIN, OF TEXAS  
ANDREW CROSSON, OF TENNESSEE  
EMILEE M. CUMMINGS, OF VIRGINIA  
STEWART E. DAVIS, OF THE DISTRICT OF COLUMBIA  
CARRIE A. DENVER, OF VIRGINIA  
REBECCA DICKENS, OF MASSACHUSETTS  
WILLIAM A. DIEFENBACH, OF VIRGINIA  
AMANDA WICKHAM DIXON, OF TENNESSEE  
COURTNEY ELIZABETH DOGGART, OF NEW YORK  
DONYA S. ELDRIDGE, OF INDIANA  
OMAR FAROOQ, OF VIRGINIA  
JASON M. FLEMING, OF VIRGINIA  
LISBETH L. FOUSE, OF MARYLAND  
YAN GAO, OF MASSACHUSETTS  
PHYLLIS GEORGE, OF VIRGINIA  
JEFFREY GRIESSMANN, OF VIRGINIA  
ANDREW GRILLOS, OF CALIFORNIA  
JAMES WILLIAM HALLOCK, OF NEW YORK  
JASON M. HAMMONTREE, OF NEW HAMPSHIRE  
JEFFREY HANLEY, OF PENNSYLVANIA  
JANESSA H. HARPER, OF CONNECTICUT  
ERIN M. HART, OF VIRGINIA  
MICHAEL D. HAUSE OF FLORIDA  
DAVID B. HEATON, OF VIRGINIA  
ADAM G. HELLER, OF THE DISTRICT OF COLUMBIA  
JUSTIN EDWARD HINTZEN, OF VIRGINIA  
CHRISTIN HO, OF MASSACHUSETTS  
JAMES WESLEY JEFFERS, OF WEST VIRGINIA  
CHRISTOPHER A. JONES, OF VIRGINIA  
ANDREA R. KALAN, OF TEXAS  
RYAN WILLIAM KAY, OF CALIFORNIA  
KAMILAH MARESSA KEITH, OF GEORGIA  
UZMA FATIMAH KHAN, OF NORTH CAROLINA  
JOHN M. KIPP, OF VIRGINIA  
AHMED KORON, OF NEW YORK  
DEREK R. KOLB, OF CALIFORNIA  
VALERIE A. LABOY, OF TEXAS  
JESSE L. LASWELL, OF VIRGINIA  
STEPHEN FROLING LECOMPTE, OF MARYLAND  
KRISTINA LESZCZAK, OF OHIO  
BONNIE M. MACE, OF IOWA  
DANIELLE ANNE MANISCALCO, OF MASSACHUSETTS  
MATTHEW J. MARCHANT, OF THE DISTRICT OF COLUMBIA

LYNNE MARTIN, OF VIRGINIA  
ROYDEN MASCARENHAS, OF VIRGINIA  
REBECCA E. MCCALL, OF VIRGINIA  
FRISCO JOHNSON MCDONALD, OF ARKANSAS  
DEBORAH M. MCFARLAND, OF VIRGINIA  
MEGHAN E. MERCIER, OF FLORIDA  
MEREDITH T. METZLER, OF TEXAS  
MOLLY LYNN MITCHELL—OLDS, OF NORTH CAROLINA  
JAIME LYNETTE MOODY, OF LOUISIANA  
EVAN MORRISEY, OF WASHINGTON  
JULIE NAUMAN, OF FLORIDA  
ELIZABETH ANN NOLL, OF VIRGINIA  
KRYSTLE WANITA ONIKE NORMAN, OF VIRGINIA  
BRANDON RENE NUGENT, OF VIRGINIA  
ANY PAABUS, OF THE DISTRICT OF COLUMBIA  
JACK PAN, OF NEVADA  
LEONARD K. PAYNE IV, OF VIRGINIA  
MICHAEL PERIARD, OF VIRGINIA  
MICHAEL POLYAK, OF MICHIGAN  
ROBERT RADEMEYER, OF VIRGINIA  
RENE MICHELLE RAGIN, OF NEW YORK  
SHANKAR RAO, OF COLORADO  
KEDENARD MADEWILL RAYMOND, OF MARYLAND  
BRIAN OWEN ROBERTS, OF WEST VIRGINIA  
TANIA J. ROMANOFF, OF MASSACHUSETTS  
ARCA H'LAEL SAMPSON, OF CALIFORNIA  
TIMOTHY L. SAVAGE, OF CALIFORNIA  
BRIAN J. SAWICH, OF NEW HAMPSHIRE  
ANDREW J. SCHEINSON, OF VIRGINIA  
CHRIS SCISSORS, OF FLORIDA  
ELIZABETH ELIANOR SHACELFORD, OF MISSISSIPPI  
SUJATA PRADEEP SHARMA, OF MASSACHUSETTS  
JAMES JONAS SHEA, OF THE DISTRICT OF COLUMBIA  
STEPHANIE SHORE, OF NEW YORK  
THOMAS LAMAR SHREVE, OF VIRGINIA  
TIMOTHY SHRIVER, OF IOWA  
SHANE M. SIEVERS, OF MARYLAND  
SILVIA FREYER SRING, OF THE DISTRICT OF COLUMBIA  
ANDREW STABLES, OF WASHINGTON  
KRISTEN L. STOLT, OF VIRGINIA  
FREDERICK STRUBER, OF VIRGINIA  
GEORGE JAMES SULLIVAN, OF NEW YORK  
THOMAS C. SUSMAN, OF VIRGINIA  
SHAWN TENBRINK, OF OHIO  
JAMES PORTER THROWER, OF FLORIDA  
EVELINE W. TSENG, OF NEW YORK  
AMY MICHELLE VALENTI, OF THE DISTRICT OF COLUMBIA

CHARLES F. VETTER, OF ILLINOIS  
CYNTHIA H. WANG, OF CALIFORNIA  
GEORGE BYRNE PAGE WARD III, OF MARYLAND  
RONALD P. WARD, OF FLORIDA

JASMINE N. WHITE, OF OHIO  
MATTHEW D. YARRINGTON, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

FRONTIS B. WIGGINS, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JUAN A. ALSACE, OF VIRGINIA  
PAUL S. BEIGHLEY, OF FLORIDA  
THOMAS F. GRAY, JR., OF FLORIDA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

#### DEPARTMENT OF AGRICULTURE

ALAN HALLMAN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA.

#### DEPARTMENT OF STATE

JESSICA LYNN ADAMS, OF OHIO  
MARY E. ALEXANDER, OF TEXAS  
ROBERT T. ALTER, OF OHIO  
ROBERT E. ANDERSON, OF OREGON  
GILLIAN R. APPEL, OF WASHINGTON  
GREGORY D. AURT, OF NEVADA  
DAVID AVERY, OF NEW HAMPSHIRE  
BRIAN THOMAS BEDELL, OF WISCONSIN  
MONICA ALEXANDRA BODUSZYNSKI, OF CALIFORNIA  
LISA ARUNEE BUZENAS, OF TEXAS  
ERIC CARLO CAMUS, OF OREGON  
TOM CARD, OF VIRGINIA  
STEVEN WILLIAM CARROLL, OF CALIFORNIA  
CHARLES C. CARSON, OF VIRGINIA  
CHRISTOPHER RONALD CARVER, OF OREGON  
LAURA E. CHAMBERLIN, OF NEW MEXICO  
ANDREW H. CHOI, OF VIRGINIA  
DANIEL Y. CHU, OF CALIFORNIA  
DANIEL ROBERT CISEK, OF FLORIDA  
NILES COLE, OF FLORIDA

STACY L. COMP, OF SOUTH DAKOTA  
MARC STEVEN COOK, OF THE DISTRICT OF COLUMBIA  
AFONSO GONZALES CORTES, OF NEW YORK  
JONATHAN JOEL CRAWFORD, OF INDIANA  
JOHN EDWARD CRIPPEN, OF ARKANSAS  
RAMONA S. CRIPPEN, OF ARKANSAS  
MICHAEL ALBERT DSCHBACH, OF ARIZONA  
SCOTT M. DRISKEL, OF VIRGINIA  
CAROLYN R. DUBROVSKY, OF VIRGINIA  
DAVID A. EPSTEIN, OF NEW YORK  
AARON LEE FEIT, OF MICHIGAN  
EMILY STEARNS FERTIK, OF MASSACHUSETTS  
ANN CLEMENTI FLYNN, OF CALIFORNIA  
EDWARD A. GALLAGHER, OF VIRGINIA  
JAMES T. GALLAGHER, OF VIRGINIA  
NICOLE E. GALLAGHER, OF MARYLAND  
MICHELLE MARIE G. STAUN, OF VIRGINIA  
LAWRENCE H. GEMMEL, OF MAINE  
LEAH GEORGE, OF NEW YORK

KRISTIN MICHELE GILMORE, OF CALIFORNIA  
LEWIS GITTER, OF THE DISTRICT OF COLUMBIA  
STEPHEN GLASER, OF CALIFORNIA  
KRISTOFOR E. GRAF, OF TEXAS  
MICHAEL D. GUINAN, OF VIRGINIA  
REVA GUPTA, OF MARYLAND  
REBECCA HAAS, OF PENNSYLVANIA  
CAROLINE ADAIR HAMILTON, OF TEXAS  
ROBERT W. HARELAND, OF NEVADA  
KAREN E. HELMSMITH, OF ILLINOIS  
JUSTIN MATTHEW HICKEL, OF NEW YORK  
ERIC D. HEYDEN, OF TENNESSEE  
PAUL ALLEN HINSHAW, OF MISSISSIPPI  
A. DIANE HOLCOMBE, OF FLORIDA  
REBECCA KATHERINE HUNTER, OF FLORIDA  
KAREEM N. JAMBOON, OF MISSOURI  
JAMES J. JAY, JR., OF ILLINOIS  
RICHARD B. JOHN, OF TEXAS  
JENAE DENISE JOHNSON, OF VIRGINIA  
NICOLE C. JOHNSON, OF WISCONSIN  
ERIC A. JORDAN, OF KANSAS  
STEVEN MARK KENOYER, OF CALIFORNIA  
HESTER ANN KERKSIEK, OF TEXAS  
KEELY ZWART KILBURG, OF VIRGINIA  
SCOTT O. KOENIG, OF CALIFORNIA  
DIANA LYNN KRAMER, OF ILLINOIS  
LESLIE A. LINNEMIER, OF VIRGINIA  
TISHA R. KOEPEL-VITI, OF THE DISTRICT OF COLUMBIA  
CHARLES C. MARTIN, OF KENTUCKY  
PAUL J. MARTINEK, OF FLORIDA  
MCKENZIE A. MILANOWSKI, OF PENNSYLVANIA  
NICOLE A. NUCCELLI, OF VIRGINIA  
ROBERT C. PALMER, OF CALIFORNIA  
LAUREN ADKINS PERLAZA, OF VIRGINIA  
MEGAN MARIE PHANEUF, OF MICHIGAN  
ANTHONY V. PIRNOUT, OF NEW YORK  
MICHAEL H. QUINN, OF ALASKA  
JAMIE WILLIAM RAVETZ, OF PENNSYLVANIA  
MIRANDA RINALDI, OF OHIO  
AARON JOHN RUPERT, OF OHIO  
SARAH HANSEN RUPERT, OF VIRGINIA  
ERIK MARTINUS RYAN, OF TEXAS  
MANJU K. SADARANGANI, OF NEW YORK

MARCELYN ELIZABETH SANCHEZ, OF CALIFORNIA  
THOMAS M. SCHMIDT, OF MISSOURI  
WAYNE D. SCHMIDT, OF IDAHO  
ANJALINA MIREILLE SEN, OF NEW YORK  
DENISE SHEN, OF VIRGINIA  
RICHARD ROSS SILVER, OF CALIFORNIA  
DIANA MARIA SITT, OF CALIFORNIA  
JIMMI NICOLE SOMMER, OF IDAHO  
PAUL GLEN STAHL, OF TEXAS  
SARAH CLAIRE STEWART, OF ARIZONA  
JENNIFER SKOUSEN SUDWEKES, OF TEXAS  
ELIZABETH A. SUNDAY, OF PENNSYLVANIA  
HUGUETTE THORNTON, OF FLORIDA  
BENJAMIN A. TIETZ, OF VIRGINIA  
LAURA A. TILL, OF WASHINGTON  
JAMES M.A. TIRA, OF KANSAS  
MIRIAM E. TOKUMASU, OF WASHINGTON  
NYREE ALYSE TRIPPTREE, OF GEORGIA  
ARIEL REBECCA VAAGEN, OF TEXAS  
CHRISTOPHER ALLEN VAN BEEBER, OF CALIFORNIA  
ANGEL A. VENTLING, OF NEW YORK  
VAIDA VIDUGIRIS, OF NEW YORK  
KERRY M. WALD, OF CONNECTICUT  
MATTHEW EARL WALL, OF ALABAMA  
JENNIFER A. WHITE, OF THE DISTRICT OF COLUMBIA  
DIANE WHITTEN, OF NEBRASKA  
STEWART A S WIGHT, OF NEW YORK  
TODD ANDREW WILDER, OF WASHINGTON  
BRANDON WILSON, OF TEXAS  
SUSAN ANDREA WILSON, OF VIRGINIA  
DEBORAH WINTERS, OF NEW JERSEY  
KIMBERLY E. WRIGHT-KING, OF NEW YORK  
PETER YONGJIN YOON, OF VIRGINIA  
SUZANNE MARIE YOUNTCHI, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF COMMERCE

HAROLD H. BRAYMAN, JR., OF VIRGINIA  
FLORENTINO J. GAI, OF VIRGINIA  
CHRISTIAN P. HOBART, OF VIRGINIA  
NICHOLAS A. LOVRIEN, OF MINNESOTA  
RAFAEL A. PATINO, OF CALIFORNIA  
KALPANA B. REDDY, OF MARYLAND  
STEPHEN T. RIBAUDO, OF NEW YORK  
EVERETT G. WAKAI, OF CALIFORNIA

#### DEPARTMENT OF STATE

DINA J. ABAA-OGLEY, OF CALIFORNIA  
ANDREW PAUL ABBAN, OF VIRGINIA  
LESLIE ABITZ, OF WISCONSIN  
ANA VEYTTA ADLER, OF FLORIDA  
ERIC L. ADLER, OF CALIFORNIA  
MAROOF P. AHMED, OF FLORIDA  
THOMAS ASH, OF TEXAS  
ANDREW CORNELL AYERS, OF THE DISTRICT OF COLUMBIA  
ANDREW C. BAKER, OF VIRGINIA  
CHRISTOPHER I. BARNES, OF VIRGINIA  
NAZANIN BERARPOUR, OF CALIFORNIA  
JONATHAN MCCARTHY BEUTLER, OF CALIFORNIA  
KIMLANG CHAN BISSANNETTE, OF VIRGINIA  
ROBERT EDWARD BLAKESLEE, OF FLORIDA  
JAMES R. BOOTERBAUGH, OF VIRGINIA  
ELBERT MOYE BOND III, OF THE DISTRICT OF COLUMBIA  
JEANETTE BRACKETT, OF COLORADO  
DUSTIN W. BRADSHAW, OF HAWAII  
CHERONDA E. BRYAN, OF TEXAS  
DAVID A. BUTLER, OF VIRGINIA  
JAMES CERVEN, OF VIRGINIA  
MEREDITH L. CHAMPLIN, OF VIRGINIA  
ISABELLE CHAN, OF MINNESOTA  
JACOB CHRIQUO, OF CALIFORNIA  
ROY CLIFFORD CLARK, OF VIRGINIA  
BRAD COLEY, OF TEXAS  
EDWARD J. COX, OF OREGON  
CORRIN R. COZAD, OF VIRGINIA  
DAVID JUDE CUMMINGS, OF COLORADO  
TABARI DOSSETT, OF CALIFORNIA  
NAKASHA CHERISE DUNNER, OF SOUTH CAROLINA  
EVAN ELLIOTT, OF COLORADO  
DANIEL EVENSEN, OF UTAH  
DAVID CALDWELL EVERETT III, OF VIRGINIA  
JOHN JOSEPH FARLEY, OF VIRGINIA  
JEROME FIELDS, OF MINNESOTA  
JOEL ALLEN FIPIELD, OF VIRGINIA  
KENT DAVID FISHER, OF FLORIDA  
SAMUEL N. FONTELA, OF VIRGINIA  
BENJAMIN T. FORD, OF VIRGINIA  
PATRICK SCOTT GAN, OF VIRGINIA  
NICHOLAS GAZULIS, OF VIRGINIA  
THOMAS MICHAEL GODDARD, OF MICHIGAN  
ERIN GORDON, OF OHIO  
MATTHEW S. GORDON, OF NEW JERSEY  
DILLON MICHAEL GREEN, OF LOUISIANA  
JOHN PATRICK GUERIN, OF VIRGINIA  
KOFI GWIRA, OF NEW JERSEY  
PETER D. HAGGERTY, OF THE DISTRICT OF COLUMBIA  
JOHN RICHARD HALL, OF TEXAS  
KATHLEEN E. HANLON, OF THE DISTRICT OF COLUMBIA  
B. CAID HARRELSON, JR., OF GEORGIA  
JOHN REGINALD HARRIS, OF VIRGINIA  
LARINA MARIE HELM, OF IDAHO  
JOHN POWELL HESFORD, JR., OF VIRGINIA  
EVA E. HOLM, OF WASHINGTON  
AMEROSIA M. HOPKINS, OF VIRGINIA  
JENNY H. HSU, OF TEXAS  
BRENDAN CREAGH JAMES, OF FLORIDA  
STEPHANIE ANGELA JENSBY, OF VIRGINIA  
BRITT JONES, OF FLORIDA  
MIN G. KANG, OF VIRGINIA  
MICHELLE MARGOT KAYSER, OF VERMONT

JOSEPH C. KELLY, OF SOUTH CAROLINA  
MAURA M. KENISTON, OF ALASKA  
JOHN C. KNETTLES, OF WASHINGTON  
ADAM KOTKIN, OF VIRGINIA  
ALLISON MARIE KOWALSKI, OF VIRGINIA  
ERIC KYANKO, OF VIRGINIA  
NANCY ELIZABETH LAMANNA, OF CALIFORNIA  
MARITA L. LAMB, OF PENNSYLVANIA  
AUSTIN CAREY LAU, OF CALIFORNIA  
YOUNG EUN LEE, OF NEW JERSEY  
ERIC DARRYL LEKUS, OF VIRGINIA  
JOSHUA P. LERNER, OF VIRGINIA  
SHANNON LIBURD, OF NEW YORK  
MY LU, OF CALIFORNIA  
JOZANNE ML MALONEY, OF UTAH  
KENNETH WAYNE MCBRIDE, OF MINNESOTA  
KELLY RABELLO MCCAULEB, OF VIRGINIA  
PAUL A. MCDEERMOTT, OF TEXAS  
DEENA L. MCDORMAN, OF VIRGINIA  
THOMAS B. MCDORMAN III, OF VIRGINIA  
CHRISTOPHER K. MICKS, OF ILLINOIS  
RYAN S. MILLER, OF OHIO  
KIMITO MISHINA, OF VIRGINIA  
HOMEYRA NAVEEN MOKHTARZADA, OF THE DISTRICT OF COLUMBIA

MEAGHAN C. MONFORT, OF OHIO  
VI LUAT NHAN, OF WASHINGTON  
JESSE SCOTT NOLTEN, OF THE DISTRICT OF COLUMBIA  
SARAH LUNDQUIST NUUTINEN, OF TEXAS  
SERGEY OIHOVSKY, OF NEW JERSEY  
KATHERINE EARHART ORDONEZ, OF GEORGIA  
ELIJAH ERNEST OWEN, OF VIRGINIA  
MANUEL G. PABON, OF VIRGINIA  
JASON LEE PARK, OF NEW JERSEY  
MAREN E. PAYNE—HOLMES, OF VIRGINIA  
ANDREW M. PELKEY, OF THE DISTRICT OF COLUMBIA  
CARLOS D. PETERSEN, OF VIRGINIA  
URFA QADRI, OF THE DISTRICT OF COLUMBIA  
LAURA QUINN, OF NEW YORK  
CATHERINE REIN, OF VIRGINIA  
JOSANNE REYNOSO, OF VIRGINIA  
AUSTIN RICHARDSON, OF COLORADO  
BRIGID JULIA RYAN, OF MARYLAND  
RAPHAEL SAMBOU, OF CALIFORNIA  
FELIX PASTOR SANCHEZ, OF ILLINOIS  
MICAH M. SAVIDGE, OF PENNSYLVANIA  
GEORGINA M. SCARLATA, OF THE DISTRICT OF COLUMBIA

SOLMAZ SHARIFI, OF CALIFORNIA  
ADAM SIGELMAN, OF MASSACHUSETTS  
ADAM SILVER, OF NEW JERSEY  
SETH SONNONSTINE, OF VIRGINIA  
KERRI P. SPINDLER—RANTA, OF MASSACHUSETTS  
RAJ SRIRAM, OF NEW YORK  
KRISTIN STATHAM, OF THE DISTRICT OF COLUMBIA  
ELIZABETH A. STEINBERG, OF VIRGINIA  
JACOB DARYL STEVENS, OF OREGON  
MAXWELL H. STONEMAN, OF VIRGINIA  
SCOTT JOSEPH STUFEM, OF VIRGINIA  
WALLACE F. STURM III, OF THE DISTRICT OF COLUMBIA  
JOHN C. SWEDA, OF VIRGINIA  
MIA FRANCESCA TER HAAR, OF CALIFORNIA  
CHRISTINA IRENE TILGHMAN, OF VIRGINIA  
J. BARRETT TRAVIS, OF TEXAS  
MATTHEW CARL UNDERWOOD, OF CALIFORNIA  
ANDREEA D. URSU, OF NEW YORK  
LEE BENJAMIN VANDUYN, OF THE DISTRICT OF COLUMBIA  
JOHN H. VAN KAN, OF MARYLAND  
DANIELLE SHENAE VARNELL, OF VIRGINIA  
MELISSA D. VONHINKEN, OF VIRGINIA  
JACQUELINE V. WALTON, OF VIRGINIA  
NATHAN WEBBER, OF UTAH  
JEREMY R. WISEMILLER, OF FLORIDA  
ERIC R. WOLFE, OF VIRGINIA  
TREVOR LEWIS WYSONG, OF MARYLAND  
WON YOON, OF VIRGINIA  
JAY J. ZAGURSKY, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE JANUARY 17, 2010:

DANIEL RUBINSTEIN, OF CALIFORNIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE OCTOBER 12, 2008:

RICHARD G. SIMPSON, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

LLOYD S. HARBERT, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

DARYL A. BREHM, OF WISCONSIN

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

*To be lieutenant commander*

DENISE J. GRUCCIO

PAUL W. KEMP  
MICHAEL G. LEVINE  
JEFFREY D. SHOUP  
HECTOR L. CASANOVA  
NICOLE M. MANNING  
ERIC T. JOHNSON  
AMANDA M. HANCOCK  
NATASHA R. DAVIS  
JOHN J. LOMNICKY  
ERICH J. BOHABOY  
LINDSAY R. KURELJA

IN THE ARMY

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 brigadier general*

COL. JEFFREY L. BAILEY

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 brigadier general*

COL. CURT A. RAUHUT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624, 3037, AND 3064:

*To be brigadier general, judge advocate general's corps*

COL. FLORA D. DARPINO

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIGADIER GENERAL JOSEPH L. CULVER  
BRIGADIER GENERAL FRANCIS P. GONZALES  
BRIGADIER GENERAL DAVID L. HARRIS  
BRIGADIER GENERAL JAMES R. JOSEPH  
BRIGADIER GENERAL JEFF W. MATHIS III  
BRIGADIER GENERAL HENRY C. MCCANN  
BRIGADIER GENERAL STEVEN N. WICKSTROM

*To be brigadier general*

COLONEL JAMES A. ADKINS  
COLONEL DEBORAH A. ASHENURST  
COLONEL ELIZABETH D. AUSTIN  
COLONEL LINDA C. BODE  
COLONEL DARLENE M. GOFF  
COLONEL SCOTT A. GRONEWOLD  
COLONEL BRIAN C. HARRIS  
COLONEL JAMES M. HARRIS  
COLONEL SAMUEL L. HENRY  
COLONEL JAY J. HOOPER  
COLONEL KEITH E. KNOWLTON  
COLONEL FRANCIS S. LAUDANO III  
COLONEL RUSTY L. LINGENFELTER  
COLONEL JUDD H. LYONS  
COLONEL EUGENE L. MASCOLO  
COLONEL MICHAEL W. MCHENRY  
COLONEL KEVIN L. MCNEELY  
COLONEL GLEN E. MOORE  
COLONEL OLIVER L. NORRELL III  
COLONEL WILLIAM J. O'NEILL  
COLONEL VICTOR S. PEREZ  
COLONEL HARVE T. ROMINE  
COLONEL JOANNE F. SHERIDAN  
COLONEL PAUL G. SMITH  
COLONEL PETER C. VANAMBURGH  
COLONEL KATHY J. WRIGHT

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be major general*

BRIGADIER GENERAL RICKY G. ADAMS  
BRIGADIER GENERAL BARBARANETTE T. BOLDEN  
BRIGADIER GENERAL GLENN H. CURTIS  
BRIGADIER GENERAL STEPHEN C. DABADIE  
BRIGADIER GENERAL JONATHAN E. FARNHAM  
BRIGADIER GENERAL LEODIS T. JENNINGS  
BRIGADIER GENERAL SCOTT W. JOHNSON

*To be brigadier general*

COLONEL DOMINIC D. ARCHIBALD  
COLONEL ARTHUR G. AUSTIN, JR.  
COLONEL CRAIG A. BARGFREDE  
COLONEL COURTNEY F. CARR  
COLONEL JOEL D. CUSKER  
COLONEL PATRICK J. DOLAN  
COLONEL DAVID A. GALLOWAY  
COLONEL SCOTT F. GEDLING  
COLONEL KEVIN S. GERDES  
COLONEL JUAN L. GREGO  
COLONEL RALPH H. GROOVER III  
COLONEL STEPHEN R. HOGAN  
COLONEL DANIEL R. HOKANSON  
COLONEL GARY E. HUFFMAN  
COLONEL RUTH A. IRWIN  
COLONEL STEPHEN E. JOYCE  
COLONEL RICHARD F. KEENE  
COLONEL TERRY A. LAMBERT  
COLONEL DANIEL B. LEATHERMAN  
COLONEL ELTON LEWIS  
COLONEL TIMOTHY M. MCKEITHEN  
COLONEL PAUL J. PENA  
COLONEL MATTHEW T. QUINN

COLONEL DENISE T. ROONEY  
COLONEL MARK A. RUSSO  
COLONEL ORLANDO SALINAS  
COLONEL BRYAN L. SAUCERMAN  
COLONEL MICHAEL D. SCHWARTZ  
COLONEL TIMOTHY L. SHEPPARD  
COLONEL REX A. SPITTLER  
COLONEL DONALD B. TATUM  
COLONEL JAMES E. TAYLOR

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 156:

*To be rear admiral (lower half)*

CAPT. JAMES W. CRAWFORD III

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

JOSEPH T. FETSCH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

SUZANNE M. HENDERSON

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 colonel*

CHARLES R. CORNELISSE  
DONDI E. COSTIN  
DAVID M. FITZPATRICK  
GERALD D. MCMANUS

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 581(A):

*To be lieutenant colonel*

ENEYA H. MULAGHA

*To be major*

RAMONA R. HUNT  
DWIGHT L. JOHNSON  
JORGE A. LALOMASANCHEZ  
JOHN M. OHARGAN  
JENNY P. SPAHR  
CLAUDIA P. ZIMMERMANN

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*

LENA R. HASKELL  
EDWIN N. JUSINO  
STEVEN D. KIEFFER  
GREGORY T. MACDONALD  
THOMAS P. MARTIN, JR.  
JOSEPH M. PAYNER  
JOHN W. ROYAL  
WILLIAM A. SOBLE

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*

DAVID LEWIS BUTTRICK  
ALAN CHOUET  
HENRY E. CLOSE III  
CALVIN D. DIXON  
CLYDE DYSON  
THOMAS J. ELBERT, JR.  
RANDALL W. ERWIN  
RICHARD FITZGERALD  
BRYAN S. HOCHHALTER  
JOHN P. KENYON  
BOYD C. SHORT, JR.  
JOHN F. TILLERY  
ROBERT D. WARD  
THEADORE L. WILSON

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 colonel*

RANDON H. DRAPER  
STEVEN DOUGLAS DUBRISKE  
SCOTT T. ECTON  
NORINE PATRICI FITZSIMMONS  
DEREK IVAN GRIMES  
JOHN EUGENE HARTSELL  
PATRICIA A. MCHUGH  
MARK W. MILAM  
WILLIAM C. MULDOON, JR.  
CHARLES L. PLUMMER  
MARLESA K. SCOTT  
PETER W. TELLER  
JERRY A. VILLARREAL  
ANDREW S. WILLIAMS

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 colonel*

JANELLE E. COSTA

PAUL R. GARDETTO  
JEFFREY C. GILLEN  
FRANK A. GLENN  
DAVID A. HAMMILL  
JEFFERY A. JOHNSON  
MICHAEL T. KINDT  
SUBRINA V. S. LINSOCOMB  
JAMES A. MULLINS  
KATHERINE S. REARDEN  
HANS V. RITSCHARD  
CHRISTOPHER S. ROBINSON  
JOSEPH S. ROGERS  
JILL R. SCHECKEL  
JOSEPH G. WEAVER  
JEROME E. WIZDA

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*

MARTIN D. ADAMSON  
JAMES B. ANDERSON  
MARTIN R. BOOTH  
ROBERT E. BORGER  
WILLIAM J. BRASWELL  
BRIAN K. CLOUSE  
GARY A. COBURN  
DARREN B. DUNCAN  
ELBERT A. FADALLAN  
LANCE K. GIANNONE  
DAVID B. KRUSE  
MARSHALL E. MACCLELLAN  
SHAWN L. MENCHION  
ROBERT J. MONAGLE  
ERIK W. NELSON  
RONALD R. RAGON  
STEVEN R. RICHARDSON  
JOHN G. SACKETT  
HERBERT C. SHAO  
JOHN MARION VON ALMEN

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*

WILLIAM J. ANNEXSTAD  
LAURA S. BARCHICK  
MICHAEL A. BLACKBURN  
CHRISTOPHER A. BROWN  
CHAD C. CARTER  
MICHAEL JOHN COCO  
W. SHANE COHEN  
PAUL R. CONNOLLY  
ERIK C. COYNE  
PAUL E. CRONIN  
GRADY A. CROOKS  
THOMAS H. DOBBS  
JOEL F. ENGLAND  
GREGORY J. PIKE  
JIN HWA LEE FRAZIER  
GLEN L. PUNKHOUSER, JR.  
REBECCA MINA GAWARAN  
PAULA M. GRANT  
KENNETH L. HOBBS  
JOHN J. HOPKINS III  
DEBORAH L. HOUGHINS  
CONRAD L. HUYGEN  
JENNIFER C. HYZER  
DARRIN K. JOHNS  
JUDY L. KING  
CHRISTINE A. LAMONT  
TERESA G. LOVE  
JENNIFER A. MACEDA  
JAMES J. MARSH  
TERRENCE J. MCCOLLOM  
HEIDI L. OSTERHOUT  
JEFFREY G. PALOMINO  
TODD W. PENNINGTON  
JULIE L. PITVORIC  
ANDREA K. RFERULLI  
DALE A. RIEDEL  
JULIE L. RUTHERFORD  
MICHAEL W. SAFKO  
CHRISTOPHER TAYLOR SMITH  
RONALD L. SPENCER, JR.  
JUSTIN H. TRUMBO  
MARVIN WARREN TUBBS II  
DAVID E. VERCELLONE  
STACEY J. VETTER

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*

RYAN J. ALBRECHT  
JOHANNA A. ASTLE  
CHRISTOPHER JAMES BAKER  
BRIAN V. BANAS  
JEFFREY T. BILLER  
OWEN B. BISHOP  
KELLYANN H. BOEHM  
MICHAEL C. BREAKFIELD  
CHRISTOPHER S. BROWNWELL  
KEVIN G. BURKE  
MICHAEL P. CARRUTHERS  
CHRISTOPHER D. CAZARES  
JACQUELYN M. CHRISTILLES  
DAVID ANTHONY COGIN, JR.  
ANTHONY M. DAMIANI  
DANIEL L. DEAN  
JEREMY D. DEROXAS  
BRADFORD M. DEVOE  
AARON M. DRAKE  
MATTHEW E. DUNHAM

CHRISTOPHER A. EASON  
 LOUIS D. ELDREDGE, JR.  
 DARIN C. FAWCETT  
 DAVID E. FEITH  
 NEAL B. FRAZIER  
 RICHARD G. FREUDENBERG  
 JOSHUA A. GOINS  
 LAURA L. HANSEN  
 ERICA L. HARRIS  
 JEREMY H. HARRIS  
 CHARLES HASBERRY, JR.  
 JARED N. HAWKINS  
 ELIZABETH MARIE HERNANDEZ  
 RYAN D. HILTON  
 MEGLENA I. HRISTOV  
 GEORGE O. IWU  
 SHARON P. K. JAMESON  
 SCOTT C. JANSEN  
 ALLAN L. JUNGELS  
 PETER SEAN KEZAR  
 STEVEN G. KOESTER  
 PHILLIP T. KORMAN  
 JOSEPH J. KUBLER  
 RHEA ANN LAGANO  
 ERIN T. X. LAI  
 BRETT A. LANDRY  
 DUSTIN C. LANE  
 LARISSA N. LANIGAR  
 JAMES R. LISHER II  
 RICHARD W. LITTLEFIELD  
 DANIEL C. MAMBER  
 WESLEY E. MCCONNELL  
 SHAYLA L. MCNEILL  
 SHELLY STOKES MCNULTY  
 GLEN R. MILLER  
 JULIA J. MUEDEKING  
 NICOLE M. NAVIN  
 NINA R. PADALINO  
 KYLE A. PAYNE  
 GABRIEL DAVIS PEDRICK  
 KARIN B. PELLING  
 JENNIFER E. POWELL  
 MICHAEL T. RAKOWSKI  
 JAMES M. REED  
 AMANDA SEIDEL ROCKERS  
 DEREK A. ROWE  
 RENEE DIANE SALZMANN  
 HEATHER L. SCHERBA  
 DANIEL E. SCHOENI  
 JACOB S. SIMPSON  
 LANCE R. SMITH  
 LEAH M. SPRECHER  
 ROBERT D. STUART  
 MATTHEW D. TALCOTT  
 CHRISTOPHER CARL THOMPSON  
 MICHAEL L. TOOMER  
 DANIEL P. TULL  
 GRANT TIMOTHY WAHLQUIST  
 JOHN B. WARNOCK  
 PILAR G. WENNRICH  
 BRIAN A. YOUNG  
 GABRIEL MATTHEW YOUNG

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ROBERT C. DORMAN

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*

DAVID A. NIEMIEC

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*

WILLIAM L. VANASSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

GEORGE A. CARPENTER

THE FOLLOWING OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

SUSAN A. CASTORINA

THE FOLLOWING NAMED INDIVIDUALS 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*

THERESA C. COWGER  
 MARIE N. WRIGHT

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*

PAULA S. OLIVER

*To be major*

GARY D. RIGGS

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*

JOSEPH C. CARVER

*To be major*

DEBORAH AARON  
 HARRY E. CARTER  
 GARY L. PAULSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JOHN E. JOHNSON II

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

ANDREW S. DREIER

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*

KEVIN D. ELLSON

*To be major*

BRETT A. AYVAZIAN  
 KEIDA L. MASSEY-MURRAY  
 JULIE A. MAXWELL  
 STEVEN J. OLSON

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

PHILLIP R. GLICK  
 RAY D. KELLEY  
 CHARLES D. LAWHORN  
 PAUL D. MCALLISTER  
 RONALD N. MCKAY  
 FRANK M. RICE  
 KENNETH G. ROSADO  
 SCOTT A. STSAUVER  
 WILLIAM G. SUVER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

KEVIN ACOSTA  
 BJORN E. ANDERSON  
 BRYAN L. BAIN  
 JONATHAN D. BEARD  
 PATRICK BOND  
 PATRICK O. BRILEY  
 JAMES E. CLEMONT, JR.  
 PAUL B. CONNOR  
 GARY H. DAVIS  
 RICHARD L. DUBREUIL  
 PETER H. EVANS  
 STEWART R. FEARON  
 KENNETH J. FIELDS  
 EDELMIRO FONSECA  
 JEFFREY C. GARROTT  
 JIMMY E. HALL  
 QUINCY V. HANDY  
 ROBERT D. HARTER  
 JOHN B. HASHEM  
 JAMES M. HEARLEY  
 MONA R. HENRYBENNETT  
 ANNIE JACKSON  
 ROY M. JEWELL  
 GARY E. KAYSER  
 KENNETH E. KOPS  
 HUBERT H. KWON  
 ROBERT W. LEVALLEY  
 ROGER LINTZ  
 WARD E. LITZENBERG  
 DENISE L. LORING  
 ANGELLE A. MANAOIS  
 ANGELA S. MCCARGO  
 SHERRY MCCLOUD  
 GORDON T. MCCILLAN  
 PHILLIP T. MICKLES  
 SEAN F. MULCAHEY  
 STEVEN W. NOTT  
 BARBARA L. OWENS  
 MICHAEL J. PAPPAS  
 ERNEST T. PARKER  
 ROBERT J. RICHTMYRE  
 ALBERTO RIVERA  
 JOSEPH K. ROBERTS  
 ADAM S. ROTH  
 JEFFREY C. SCHMIDTMAN  
 VIRVITINE SHARPE  
 PAUL G. SHELTON  
 VINCENT T. SIMMONS  
 RHONDA D. SMILLIE  
 BRIAN N. SMITH

PENELOPE H. SPEED  
 WILLIAM M. STENKIRCHNER  
 JAMES B. STEPHENSON  
 BRIAN R. TACHIAS  
 RICHARD P. TAKISHITA  
 RICK W. TAYLOR  
 KURT F. WAGNER  
 WANDA J. WALKER  
 TODD R. WELSCH  
 ROBERT O. WILEY  
 MARC S. WILSON  
 ROBERT K. YIM

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

MARY E. ABRAMS  
 ALFRED F. ABRAMSON III  
 SKIP ADAMS  
 STEVEN L. ALLEN  
 DELMAR G. ANDERSON  
 JOE E. ARNOLD, JR.  
 ROBERT E. BACKMAN  
 WILLIAM J. BAILEY  
 MICHAEL T. BARKETT  
 ROBERT L. BARNES, JR.  
 SAMUEL C. BLANTON III  
 TIMOTHY J. BOEMECKE  
 ROBERT D. BREM  
 ANTONIO BROWN  
 HAROLD A. BUHL, JR.  
 JAMES D. BURDICK  
 JAMES K. CHOUNG  
 CHARLES COBS III  
 RYMOND K. COMPTON  
 JOHN P. CONWAY  
 JOSEPH R. CORLETO  
 DENNIS V. CRUMLEY  
 ROBERT W. CURRAN  
 PATRICK J. DAILEY  
 KIMBERLY J. DAUB  
 GERALD R. DAVIS, JR.  
 JENNY W. DAVIS  
 CHARLES P. DEASE  
 JAMES P. DELANEY  
 SHEILA C. DENHAM  
 JOSEPH P. DUPONT  
 DAVID C. DUSTERHOFF  
 RICHARD A. ELLIS  
 MATTHEW J. FERGUSON  
 HEATHER L. GARRETT  
 HOLLY A. GAY  
 ELYUN GINES  
 GORDON L. GRAHAM  
 DAVID W. GRAUEL  
 PETER M. HAS  
 DWAYNE A. HARRIS  
 JOE L. HART, JR.  
 ROBERT L. HATCHER, JR.  
 DAVID A. HATER  
 RANDOLPH G. HUFU  
 TIMOTHY J. HOLTAN  
 KENNETH R. HOOK  
 TERRENCE L. HOWARD  
 TONIE D. JACKSON, SR.  
 JAYNE V. JANSEN  
 JENNIFER L. JENSEN  
 CURTIS A. JOHNSON  
 JOHN W. JONES  
 DAVID M. KACZMARSKI  
 JAMES E. KAZMIERCZAK  
 MARK B. KELLY  
 JAMES L. KENNEDY, JR.  
 ROBERT E. KING  
 LEONA C. KNIGHT  
 GREGORY W. KOLLER  
 WILLIAM M. KRAHLING  
 JOHN D. KUENZLI  
 JOSEPH E. LADNER  
 ROBERT J. LEHMAN  
 THEODORE M. LENNON  
 VINCENT F. MALONE II  
 JOHN C. MATTHEWS  
 KEVIN M. MCKENNA  
 SEAN P. MCKENNEY  
 BRUCE B. MCPHEAK  
 MANUEL C. MENO, JR.  
 STEPHEN T. MILTON  
 JAMES S. MORE, JR.  
 ROBERT F. MORTLOCK  
 BERNARD L. MOXLEY, JR.  
 MARTY L. MUCHOW  
 THOMAS P. MURPHY  
 MICHAEL P. NAUGHTON  
 CHARLES E. NEWBEGIN  
 MICHAEL W. NEWELL  
 GERALD NIXON  
 KYLE P. NORDMEYER  
 BENJAMIN M. NUTT  
 ANGELA M. ODOM  
 MARK A. PAGET  
 BRIAN A. PATTERSON  
 WILLIAM C. RAMSEY  
 SCOTT J. RAUER  
 MATTHEW D. REDDING  
 ERIC T. REINKOBER  
 JON K. RICKEY  
 JAMES S. ROMERO  
 JAMES A. RUPKALVIS  
 SAMUEL L. RUSSELL  
 THOMAS J. SEELIG  
 THOMAS W. SEIFERT  
 MARK C. SHADE  
 EUGENE SHEARER  
 SETH L. SHERWOOD

JOHN P. SILVERSTEIN  
SARA V. SIMMONS  
MICHAEL E. SLOANE  
SPENCER L. SMITH  
NANCY SPENCER  
GEOFFREY D. STEVENS  
DOUGLAS F. STITT  
TIMOTHY J. STRANGE  
KEITH J. SYLVIA  
MICHAEL J. THURSTON  
JAMES H. UTLEY II  
GORDON T. WALLACE  
KENNETH D. WATSON  
DARREN L. WERNER  
BRADLEY A. WHITE  
INES N. WHITE  
ANTHONY K. WHITSON  
DERRIN E. WILLIAMS  
DAVID WILSON  
ALAN D. WOODARD  
MICHAEL A. WRIGHT  
WILLIAM R. WYGAL  
MARTIN A. ZYBURA  
D010093  
D001470  
D002043

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

TIMOTHY P. ALBERS  
PATRICK S. ANDERSON  
LYNETTE M. ARNHART  
CHRISTOPHER D. BAKER  
ROBERT S. BARKER  
JOHN C. BASKERVILLE  
KIRKLIN J. BATEMAN  
JONATHAN R. BATTLE  
CARLOS G. BERRIOS  
SHELLEY A. BERRYHODNE  
MARI A. BLANK  
JAMES P. BIENLIEN  
RALPH T. BLACKBURN  
EDWARD M. BONFOEY III  
JOHN E. BOX  
STEVEN D. BRETON  
DARIN L. BROCKINGTON  
GREGORY J. BROECKER  
MICHAEL I. BROWNFIELD  
JAMES J. BRUHA  
SUSAN F. BRYANT  
JENNIFER G. BUCKNER  
JOHN J. BUREBANK  
ANTHONY P. BURGESS  
RICHSON BUSH  
LEO P. BUZZERIO  
BRYAN K. CHAPMAN  
JAY K. CHAPMAN  
JAMES F. CHAPPLE  
JOHN A. CONWAY  
PAUL J. COOK  
RICARDO CRISTOBAL  
BENJAMIN D. CROCKETT  
PHILLIP R. CUCCIA  
PATRICK L. DANIEL, JR.  
CHARLES E. DAVIS  
DAVID W. DETATA  
DAVID W. DINGER  
JAMES A. DONNELLY  
MICHAEL E. DONNELLY  
JOSEPH J. DWORACZYK  
GRANT EDWARDS  
MARK B. ELFENDAHL  
STEPHEN A. ELLI  
KRISTIN A. ELLIS  
NELSON L. EMMONS, JR.  
JOSE A. ESPINOSA  
DERRICK B. FARMER  
WADE A. FOOTF  
PETER C. FOWLER  
ALFRED E. FRANCIS  
PAUL H. FREDENBURGH  
MICHAEL G. FREIBURGER  
NORMAN H. FUSS III  
BRYANT D. GLANDO  
JOHN C. GOETZ II  
JOHN M. GRAHAM, JR.  
JOHN G. GREAVES  
CHARLES E. GRINDLE  
LEE K. GRUBBS  
TERRY A. GULLD  
ANTHONY R. HALE  
JOSEPH G. HALISKY  
PATRICK D. HALL  
JOSEPH P. HANUS  
WILLIAM T. HARMON  
HUGHIE B. HARRIS  
JOHN M. HAYNICZ  
CHRISTOPHER V. HERNDON  
MARK A. HINDS  
DAVID HUDAK  
PETER S. IM  
JEROME W. JACKSON III  
GREGORY M. JAKSEC  
JOHN R. JONES  
WILLIAM D. JONES III  
MARK M. KARAS  
TODD E. KEY  
DAVID T. KIM  
JOHN S. KIM  
ROBERT S. KIMBROUGH  
MARK E. KJORNNESS  
HEINO KLINCK  
ERNEST C. LEE  
LELAND A. LIEBE

STEWART W. LILES  
HOWARD Y. LIM  
NORMAN P. LITTERINI  
ARTUR M. LOUREIRO  
CHRIS L. LUKASEVICH  
KRISTIAN M. MARKS  
STEVEN M. MARROCCO  
BRIAN R. MCCULLOUGH  
CHAD A. MCGOUGAN  
RYAN P. MCMULLEN  
DANIEL C. MILLER  
RALPH E. MILLER  
BRADLEY K. MITCHELL  
JONATHAN R. MOELTER  
RICHARD M. MONNARD  
ARMIDA MONTEMAYOR  
DANIEL L. MORRIS  
JOHN C. NELSON  
SUZANNE C. NIELSEN  
SHAWN M. NILIUS  
MAUREN J. OCONNOR  
DOUGLAS J. ORSI  
TROY D. OTTO  
DONOVAN D. PHILLIPS  
DIRK E. PLANTE  
BENNIE J. POKEMIRE  
EDWARD T. POWERS  
EDWARD C. PREM  
CHRISTOPHER N. PRIGGE  
KENNETH A. RECTOR  
LARRY J. REDMON  
STEVEN D. REHN  
BRETT E. REISTER  
CHARLES C. RIMBEY  
GLORIA A. RINCON  
RENE R. RODRIGUEZ  
PAUL H. ROSS  
JOSEPH F. ROYBAL  
TODD C. RUNYON  
THOMAS G. RYAN  
MARK A. SCHREIBER  
RICHARD A. SCHUENEMAN  
MATTHEW B. SCHWAB  
LISA A. SHAY  
DANIEL M. SHRIMPSON  
EUGENE SIMON  
ALICIA G. SMITH  
PHILIP W. STANLEY  
CLAIRE E. STEELE  
MICHAEL P. STONEHAM  
MICHAEL D. STROZIER  
FERN O. SUMPTER  
JONATHAN E. SWEET  
WILEY C. THOMPSON  
DAVID C. TRYBULA  
JOHN C. ULRICH  
LAURA R. VARHOLA  
PAUL R. WALTER  
CHRISTOPHER P. WATKINS  
CHARLES J. WATSON  
ANDREW J. WEATE  
THOMAS M. WEAVER  
PAUL L. WEBBER  
WILBURN C. WILLIAMS, JR.  
GEORGE D. WINGFIELD  
WILLIAM T. WINKLBAUER  
GREGORY S. WINSTON  
WADE S. YAMADA  
DANIEL E. ZALEWSKI  
DARRELL H. ZEMITIS  
G001330  
G001187

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE RESERVE OF THE  
ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ELLEN J. ABBOTT  
MAHER M. ABERD  
WILLIAM R. ALDRIDGE  
MYLES E. ALTIMUS  
DUNCAN D. AUKLAND  
TOMMY H. BAKER  
JAMES A. BELASTI  
EMMANUEL BELLY, JR.  
RAYMOND M. BILLY, JR.  
PAUL N. BIRD, JR.  
ANDREW T. BLAIR  
SCOTT J. BOESPFLUG  
JOSE F. BORACRUZ  
DAVID J. BRADY  
STEVEN A. BRAGORGOS  
TIMOTHY D. BRANDT  
JEFFERY L. BROWN  
TODD D. BROWN  
WILLIAM K. BROWN  
CHARLES B. BUNTIN  
JOHN H. BURKE  
CHRISTOPHER M. BURNS  
JOHN H. CAMPBELL  
JOHN K. CAPELLLO  
RITA B. CASEY  
DANIEL R. CATON  
RONALD G. CHEW  
GARY T. CHRISTIANSON  
ROBERT J. CHURCH  
ALBERT J. COLE  
EDAM N. COLON  
IRIS D. COLONRIVERA  
FRANK A. CORNELIO  
WILLIAM S. CROSSEN  
ROBERT J. DAMBRINO III  
SAMUEL J. DARWIN  
JOHN M. DAVIS  
STEVEN A. DAVIS  
GREGORY V. DEBERNARD

CARLA H. DECKER  
ENRIQUE M. DELAPAZ  
TOMAS DELEON  
ROBERT A. DERMANN  
DAMIAN T. DONAHOE  
LEONARD H. DYER, JR.  
WAYNE P. ECKMAN  
JEFFERY R. EDGE  
BARBARA J. ELMER  
TONY L. FERGUSON  
EARL W. FLANAGAN  
KENNETH J. FORAND  
CARL L. FRANKS, JR.  
EMMA A. FRISTOE  
TIMOTHY G. GARDNER  
DOMENICK A. GARZONE  
TIMOTHY A. GLYNN  
ANTONIO R. GONZALEZ  
MICHAEL R. GONZALEZ  
EUGENE T. GORMLEY  
ROMMEL A. GUERRERO  
SANTOS GUZMAN  
THOMAS E. HAIDET  
ANTHONY L. HALL  
DARCIE D. HANDT  
JAMES B. HARDY  
GREGORY H. HARGETT  
JOE D. HARGETT  
ROBERT A. HEDGEPETH  
DONNA J. HENDERSON  
ALBERTO M. HIGUERA  
MICHAEL HOGUE  
RANDALL F. HOLBROOK  
RUSSELL W. HOWE  
ROBERT M. HOWLAND  
JONATHAN S. HUBBARD  
MARVIN T. HUNT  
DANIEL J. IVERSON  
KELLY S. JACKSON  
RUFUS D. JARRIEL  
AARON C. JOHNSON  
ANTHONY W. JOHNSON  
JEFFREY P. JOHNSON  
JOHN M. JOHNSTON  
DAVID L. JONES  
PAUL T. KASTNER  
CLARENCE S. KELLY, JR.  
DAVID R. KELLY  
JOHN T. KELLY  
PETER Y. KIM  
STEVEN T. KING  
JAMES S. KLAUBER  
STEVEN K. KNUITZEN  
WILLIE A. KYLES  
HALDANE E. LAMBERTON  
PAUL M. LANDRY  
DONALD P. LAUCIRICA  
JAVIER LAZARO  
FREDERICK A. LEINWEBER  
JANE M. LENGEL  
GEORGE A. LEONE  
STEVEN A. LEWIS  
DEANNE E. LINS  
ANITA E. LONG  
ROBERT A. MAGNANINI  
MITCHELL G. MALONE  
FREDERICK J. MARLAR  
RICHARD P. MARTIN  
CARLOS R. MARTINEZ  
MICHAEL G. MARTINEZ  
KENNETH L. MCCREARY  
JAMES P. MCADDEN  
BERNARD H. MCCLAUGHLIN, JR.  
DAVID R. MEAKINS  
FRANTZ MICHEL  
THOMAS J. MILLER  
PAMELA P. MOODY  
CHARLES W. MOORE  
MARLYN A. MOORES  
MARYBET MORCIGLIO  
ADRIAN M. NAGEL  
MARTY R. NICHOLS  
JAMES S. NIUMATALOLO  
JAMES A. NORTH  
MICHAEL H. NOYES  
PATRICK J. NUGENT  
ROBERT K. OCONNOR  
BRIAN C. OLSON  
VINCENT D. ONEILL  
GERVASIO ORTIZLOPEZ  
HOLLY A. OTTENSEN  
JOAQUIN S. PANGELINAN  
ANDREW C. PAYORD  
MARK W. PETERSEN  
MICHAEL S. PIAZZONI  
GREGORY A. PICKELL  
MARK A. PITERSKI  
KEVIN L. PLAGMAN  
RICHARD P. POOLE  
MARK A. PRESTON  
TERRY C. QUIST  
GEORGE M. RAND  
FRANCIS T. RILEY  
JOSE A. RIVERAHERNAIZ  
CLARK R. ROBERTS  
CHARLYNN V. SAIGUID  
GREGORY S. SALISBURY  
FRANK A. SANTORE, JR.  
VERNON L. SCARBROUGH, JR.  
DAVID A. SCHALL  
RANDALL J. SCOTT  
SHARON S. SCOTTI  
TIMOTHY J. SENECAUT  
JOHN F. SHEARD  
BRIAN E. SHERIDAN  
SHARON R. SIMS  
JAMES L. SISSON

DAVID A. SKALICKY  
WILLIAM B. SMITH, JR.  
MATTHEW O. SNYDER  
JEFF D. SORACCO  
SPYROS L. SPANOS  
MATTHEW P. SPRENGER  
JEFFREY T. SQUIRES  
MICHAEL A. STACEY  
DOUGLAS E. STALL  
ANDREW M. STEWART  
STEVEN E. STIVERS  
RONALD E. STRAHLE  
DREW P. SULLINS  
STEPHEN G. SWEET  
TIMOTHY J. SYMONDS  
ROBERT A. TAMPLET  
JOHN B. TANNERHILL  
JOHN F. TAYLOR, JR.  
DEREK J. TOLMAN  
MARK A. TOLZMANN  
MARK A. VANDYKE  
COURTNEY B. VARESLUM  
NELSON R. VELEZ  
TIMOTHY K. WALKER  
DALE T. WALTMAN  
ALMA E. WATKINS  
RAYMOND V. WATTS  
DAVID B. WEISNIGHT  
BILL G. WELCHER  
RICKEY L. WEST  
LARRY A. WHEELER  
GALEN D. WHITE  
MYLES T. WILLIAMS  
JOHN T. WILTSE  
MICHAEL E. WINKLER  
GLENN C. WIRTH  
DAVID E. WOOD  
MICHAEL W. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

JOHN C. ALLRED  
SCOTT R. ALPETER  
EDWARD J. AMATO  
JEFFERY A. ANDERSON  
MATTHEW R. ANDERSON  
QUINTON J. ARNOLD  
ROBERT L. BAILLES  
HUGH D. BAIR  
GREGORY BENDEWALD  
WILLIAM E. BENSON  
NICHOLAS O. BERNHARDT  
MARK D. BIEGEN  
JOHN E. BIRCHER IV  
CAROLYN S. BIRCHFIELD  
JIMMY F. BLACKMON  
SCOTT R. BLEICHWEHL  
SHANNON L. BOEHM  
JOHN V. BOGDAN  
DOUGLAS A. BOLLTUC  
JEFFERY D. BROADWATER  
WILLIAM T. BROOKS  
JAMES A. BRYANT  
TIMOTHY W. BUSH  
THOMAS H. BYRD  
MATTHEW R. CARRAN  
KENNETH R. CASEY  
DAVID L. CHASE  
PATRICK A. CLARK  
DAVID R. CLONTS  
DARIN S. CONKRIGHT  
TERRY P. COOK  
REGINALD W. COTTON  
CLEMENT S. COWARD, JR.  
CHARLES J. DALCOURT, JR.  
MICHAEL N. DAVEY  
FRANCIS J. DAVIDSON  
JOSEPH D. DAVIDSON  
THOMAS A. DAVIS  
BRANDT H. DECK  
CHRISTOPHER DELAROSA  
ANTHONY G. DEMARTINO  
MARK J. DESCHENES  
MARIO A. DIAZ  
ANTHONY C. DILL  
ROBERT N. DILLON  
ALAN M. DODD  
IGNATIUS M. DOLATA, JR.  
JOHN F. DUNLEAVY  
MICHAEL R. EASTMAN  
MATTHEW G. ELLEDGE  
NATHANIEL W. FARMER  
DAVID S. FLECKENSTEIN  
MICHAEL J. FORSYTH  
ROBERT A. FORTE  
MICHAEL L. FOSTER  
DAVID J. FRANCIS  
GEORGE L. FREDRICK  
MICHAEL P. GABEL  
JESSE D. GALVAN  
CHRISTOPHER C. GARVER  
WILLIAM A. GEIGER  
GEORGE A. GLAZE  
STUART P. GOLDSMITH  
STEPHEN J. GREEN  
RICHARD G. GREENE, JR.  
JOHN H. GREENMYER III  
KEVIN F. GREGORY  
JOHN P. GRIMES  
ERIC D. HANDY  
ROBERT M. HANLEY  
RANDALL L. HARRIS  
KENNETH A. HAWLEY  
RANDALL I. HAWS

TIMOTHY P. HEALY  
TAMMY A. HEATH  
SCOTT W. HEINTZELMAN  
KEVIN D. HENDRICKS  
MATTHEW S. HERGENROEDER  
DARYLE J. HERNANDEZ  
KEVIN C. HICKS  
JAMES M. HIGGINS  
STEVEN L. HITE  
HORACE C. HODGES  
DIANA M. HOLLAND  
CLAUDE E. HOUSE  
MIGUEL D. HOWE  
DANIEL S. HURLBUT  
HEYWARD G. HUTSON  
PATRICK J. HYNES  
TERRY A. IVESTER  
MARK A. JACKSON  
BRETT C. JENKINSON  
GREGORY R. JICHA  
CHRISTOPHER B. JOHNSON  
OMAR J. JONES IV  
ROBERT A. JONES  
JOSEPH R. JORDAN  
MATTHEW G. KARRER  
CHRISTIAN M. KARSNER  
NICHOLAS W. KATERS  
VALERY C. KEAVENY, JR.  
TIMOTHY F. KEHOE  
ROBERT L. KELLEY, JR.  
DANIEL J. KING  
MARK S. KNERAM  
GARY M. KOLB  
TROY D. KRINGS  
CHRISTIAN T. KUBIK  
KIMBERLY S. KUHN  
JOHN R. LAKSO  
JOHN K. LANGE  
BRUCE E. LEAHY  
KYLE E. LEAR  
SIOBAN J. LEDWITH  
DAVID A. LESPERANCE  
CHRISTOPHER LESTOCHI  
JOHN F. LIGHTNER  
BERNARD R. LINDSTROM  
LAURENCE C. LOBDELL  
MICHAEL R. LWIN  
ROBERT W. LYONS  
THOMAS H. MACKREY  
MICHAEL J. MAMMAY  
JAMES C. MARKOWSKI  
DAVID A. MATSELS  
THOMAS S. MATSELS  
BENJAMIN M. MATTHEWS  
JIMMY L. MCCONICO  
BERRIEN T. MCCUTCHEEN, JR.  
GEORGE R. MCDONALD  
JOSEPH S. MCLAMB  
RONALD W. MCNAMARA  
WILLIAM E. MCRNAE  
CORY A. MENDENHALL  
ROBERT L. MENTTI  
GENE D. MERRETH  
JAMES D. MILLER  
MARK A. MILLER  
MATTHEW C. MINGUS  
STEVEN J. Miska  
KEVIN J. MOPPETT  
RICARDO O. MORALES  
MICHAEL T. MORRISSEY  
SEAN F. MULLEN  
DAVID L. MUSGRAVE  
ANDREW C. MUTTER  
JONATHAN T. NEUMANN  
FREDERICK M. O'DONNELL  
PAUL B. OLSEN  
THOMAS W. OSTEEEN  
PAUL E. OWEN  
RICHARD P. PANNELL  
STEVEN L. PARKER  
LEON F. PARROTT  
DENNIS N. PASTORE  
MICHAEL S. PATTON  
LARRY D. PERRINO  
SCOTT A. PETERSEN  
JOHN P. PETKOSIEK  
SALVATORE J. PETROVIA  
GEORGE S. PITT  
BILLINGSLEY G. POGUE III  
JOHN S. PRAIRIE  
LOUIS B. RAGO II  
MITCHELL L. RAMBIN  
JAMES F. RECKARD III  
JOHN W. REYNOLDS II  
JOHN B. RICHARDSON IV  
WARLINE S. RICHARDSON  
WILLIAM S. RIGGS  
PATRICK B. ROBERSON  
GARY A. ROSENBERG  
DEREK R. ROUNDTREE  
DAVID J. RUDE  
WALTER T. RUGEN  
DAVID E. SALTER  
JEFFREY M. SANBORN  
FRANK N. SANDERS  
GEORGE H. SARABIA  
PAUL S. SARAT, JR.  
ERIC B. SCHWEGLER  
JOHN M. SCOTT  
TORY L. SCOTT  
BURTON K. SHIELDS  
MICHAEL S. SHROUT  
JOHN W. SILKMAN  
MICHAEL D. SIMLEY  
DENNIS C. SMITH  
KENT B. SOBBING  
MARK W. SOLOMON

BENJAMIN O. SOLUM  
KELLY C. SPILLANE  
RICHARD D. SPRINGETT  
JOHN P. STACK, JR.  
THOMAS H. STAUSS  
ROBERT T. STEIN  
DONALD P. TAYLOR, JR.  
MICHAEL T. TETU  
RICHARD THEWES, JR.  
MICHAEL R. THOMAS  
TOMMY G. THOMPSON  
PAUL D. TOUCHETTE  
MICHAEL F. TRONOLONE, JR.  
KEVIN A. VIZZARRI  
JOHN G. VOORHEES, JR.  
DONALD L. WALKER  
GLENN A. WATERS  
DALE E. WATSON  
TIMOTHY F. WATSON  
ARTHUR G. WEEKS  
DEAN M. WEILER  
JOHN C. WHITE  
SAMUEL E. WHITEHURST  
ROBERT F. WHITTLE, JR.  
RICHARD A. WILSON  
WILLIAM S. WOZNIAK  
DARRON L. WRIGHT  
PAUL L. YINGLING  
LOUIS A. ZEISMAN  
D001776  
D001129  
D010582  
D004397  
D002934  
D005048  
D001821

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JOHN W. AARSEN  
CAROLINE L. ABSHIER  
HOLTORF R. ALONSO  
THOMAS M. ANDREJCAK  
RICHARD H. ANTONISSE  
TREVOR A. AUSTIN  
RONALD A. BACON  
HENRY J. BANKER  
MICHAEL J. BARCOMB  
VINCENT J. BARKER  
DAVID M. BARNETT  
DAVID C. BARRETT  
DALE H. BARTLETT  
RODNEY S. BERRY  
RUSSELL H. BITTLE, JR.  
JAMES A. BLANKENHORN  
GLENN L. BLONDIN  
ROBERT S. BOBROSKI  
TIMOTHY P. BOBROSKI  
BARRY C. BORT  
KATHLEEN S. BURR  
OTTO A. BUSHNER III  
DONALD W. CANADAY  
SEAN J. CANNON  
JOHN C. CASE  
DAUPHIN V. CHILDS III  
DAVID L. CHURCH  
ARLEEN A. COATES  
KAREN L. COCCIO  
JEFFREY C. COGGIN  
ALFONSO COLBOURNE  
JOE L. COMBS, JR.  
ROBERT S. CONFORTO  
PETER L. CONNELLY  
MICHAEL A. COOK  
IVAN CORNIELLE  
CARY M. COSTA  
DAVID A. COZZIE  
JERRY L. CRANDALL  
QUENTIN K. CRANK  
WILLIAM Y. CRAVEN  
OSCAR K. CREASY II  
JAMES H. CROSBY  
THOMAS C. CROSS  
FRANCIS J. CURTIS, JR.  
MARK E. CUTTLE  
TIMOTHY S. DAMICO  
MARIO DAVILA, JR.  
SCOTT J. DAVIS  
ANTHONY H. DEMOLINA  
JAY A. DESCAMPS  
DEAN A. DISBIO  
PAUL G. DIXON  
CHRISTOPHER C. DOLT  
GEORGE A. DOMS  
SYLVIA A. DRAYTON  
JOHN M. DUGUAY  
RICHARD S. DUKES  
KIMO J. DUNN  
JOSEPH P. EBERT  
RAYMOND K. ELDERD III  
ANTHONY J. ESCOTT  
WILLIAM E. EVANS  
INGA S. EWING  
JOHN D. FARON  
JOSEPH R. FAUCETT  
RICHARD A. FAULKNER, JR.  
KIRK M. FERNITZ  
OTTO C. FIALA  
MELVIN FLEMING  
MICHAEL A. FOLEY  
JAMES C. FREEMAN  
JOHN P. FRYE  
MARC A. GARCIA  
RONALD J. GAUSE

SCOTT D. GEMELING  
 ROBERT A. GOLEY  
 PETER W. GOODRICH  
 NATHAN GORN  
 MARY E. GRAF  
 LEELEA J. GRAY  
 EDITH M. GREENE  
 ENRIQUE M. GUERRA  
 STEPHEN J. HAGER  
 CHARLES D. HALE  
 DARWIN R. HALE, JR.  
 DWIGHT A. HALL  
 JOHN E. HALVORSON  
 JOHN H. HAMLETTE III  
 DAVID M. HAMMONS  
 ALVIN M. HARRIS  
 MOLLY R. HARRIS  
 WILLIAM T. HARRIS  
 SAMUEL C. HARTWELL  
 TERI A. HASSELL  
 GLENWOOD A. HENCE  
 KRISTAN L. HERICKS  
 PAUL F. HICKS, JR.  
 FRANK E. HIMSL  
 STEVEN C. HOLCOMB  
 ALPHONSO HOLT  
 RANDALL L. HORTON  
 DOUGLAS L. HOWELL  
 DAVID S. HOWEY  
 ERIK E. IMAJO  
 WILTON C. JACKSON  
 EDDIE C. JACOBSEN  
 THOMAS K. JARVIS  
 WILLIAM J. JEFFERSON  
 CARL D. JOHNSON  
 CHARLES E. JOHNSON  
 CRAIG M. JOHNSON  
 ERIC M. JOHNSON  
 PAULA Z. JONES  
 JEFFREY W. JURASEK  
 ANDREW R. KEIRN  
 JAMES J. KELLY  
 RICHARD D. KILLIAN  
 KI H. KIM  
 KENNETH E. KING  
 NICHOLAS E. KRUPA  
 STEVEN E. KUKLIN  
 JEFFREY J. KWIECINSKI  
 HAROLD H. KWON  
 GREGORY A. LAEMMRICH  
 LUCINDA H. LANE  
 JAMES P. LAVERY  
 JOHN P. LAWLOR  
 MARY M. LEE  
 MARY L. LEMASTERS  
 STUART K. LHOMMEDIEU  
 MARIO LIJOI  
 TERRY K. LINDSEY  
 DAVID W. LING  
 CHARLES T. LINVILLE  
 JOHN T. LISTERMANN  
 LOUIS F. LONG III  
 RAYMOND F. LOO  
 DANNY E. LOVELADY  
 PROFIT LUCY  
 STEVEN S. LYONS  
 DOUGLAS R. MACMILLAN  
 DANIL C. MAGPANTAY  
 PETER W. MALIK  
 LOLA M. MANN  
 NICK MASTROVITO  
 DAVID B. MATTHEW  
 PHILIP A. MAULDIN  
 DAVID A. MCCRACKEN  
 KATHLEEN A. MCDONNELL  
 JOHN F. MCFASSEL  
 ROBERT W. MCKENRICK  
 REGINALD L. MCKENZIE  
 DAVID J. MENEGON  
 TERRY R. MEYER  
 JAMES E. MILLER  
 VERNON M. MIRANDA  
 ROBIN C. MORALES  
 SCOTT R. MORCOMB  
 GREGORY J. MOSSER  
 PETER R. MUCCIARONE  
 KEITH P. NADIG  
 ANTHONY NAPLES  
 ANTHONY J. NEAVERTH  
 PETER F. NORSETH  
 JOSEPH L. OCONNELL  
 DALLAS P. OLSON  
 TANYA R. OLSON  
 KAREN OSSORIO  
 RICHARD W. PACIOUS  
 DANIEL M. PATTON  
 MICHAEL C. PEETERS  
 BRYAN G. PETERSON  
 JOHN D. PILOT  
 ROBERT W. PINCKARD

DARYL W. PING  
 MICHAEL F. PODRATSKY  
 CHRISTOPHER D. POKORNY  
 JAY R. POPEJOY  
 SHAWN D. POWELL  
 TIMOTHY S. PRESLEY  
 MARY K. PROPHIT  
 PATRICK D. QUENGA  
 JORGE QUINONES  
 DOUGLAS J. QUIVEY  
 JAMES E. RAMSEY  
 WILLIAM J. REILLY  
 BERNARD C. REINWALD, JR.  
 WILLIAM RENALDO  
 DIANE P. RICHIE  
 JANET E. RILEY  
 LUIS A. RIOS  
 NORMA E. RIVERA  
 WILLIAM L. ROBERTS III  
 CULEN K. ROBINSON  
 JONATHAN ROBINSON  
 MOLINEAUX ROBINSON  
 STEPHANIE A. ROGERS  
 DEAN J. RONDEAU  
 KARL E. ROSBOROUGH  
 PAUL C. ROSSER, JR.  
 SEWAPHORN K. ROVIRA  
 DOUGLAS H. RUDD  
 RODNEY A. RUSSO  
 STEPHEN M. RUTNER  
 ROBERT A. RYAN  
 GREGORY W. SACKMAN  
 HAROLD L. SAMS  
 JAMES A. SAMS  
 BERNARD SAMUEL, JR.  
 MICHAEL J. SCANTLING  
 LISA A. SCHIEFERSTEIN  
 THOMAS R. SCHOTT  
 DAVID A. SCHROEDER  
 KARL A. SCHWARTZ  
 GORDON A. SCOTT  
 GARRETT V. SCOTTMILLER  
 ANTHONY P. SCOTTO  
 LAUREEN G. SENDELGRANT  
 JANET A. SEUFERT  
 TEDDY T. SHELTON  
 GEOFFREY S. SHURE  
 KATHRYN A. SIVERLING  
 CURT N. SLICK  
 LARRY H. SMITH  
 GEORGE S. SOLOMON  
 PERRY N. SOSA  
 PABLO SOTORIVERA  
 CAMMIE L. SPENCE  
 ALAN K. STEMPPEL  
 MARK S. STEVENS  
 THOMAS G. STICKNEY  
 CHRISTOPHER W. STOCKEL  
 KEVIN M. SULLIVAN  
 SCOTT R. SWANSON  
 STEVEN N. THOMAS  
 GREGORY I. THOMPSON  
 JOHN A. THOMPSON  
 HUNTER W. THRASHER  
 CHRISTOPHER H. TILLEY  
 LUIS E. TORRES  
 JANET E. TOWNLEY  
 TERESA A. TOWNSEND  
 CAMERONE L. TRENT  
 STEFANOS G. VENABE  
 CHRISTINE L. VUSKALNS  
 JASON L. WALRATH  
 BENNY H. WALTERS  
 JON R. WALTERS, JR.  
 CHRISTOPHER L. WARNER  
 STEPHEN H. WARNOCK  
 RUSSELL H. WEBB  
 THOMAS P. WEIKERT  
 GREGG L. WESTERBERG  
 DAVID B. WHALING  
 JAMES R. WHITE  
 ROBERT A. WHITE  
 ANDREW W. WICHERS  
 VANESSA M. WILLIAMS  
 CATHERINE N. WILSON  
 MICHAEL L. WOJTA  
 BRIAN W. WOOD  
 BARBARA L. WOOTENJOYCE  
 MICHAEL M. YANAK  
 JOHN J. ZENKOVICH  
 LOREN T. ZWEIG

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

JOHN G. FELTZ  
 MICHAEL R. KINNISON

SCOTT G. PERRY  
 CHRISTIAN F. REES  
 LOUIS W. WILHAM

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

FREDERICK G. PANICO

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be captain*

DANIEL J. TRAUB

*To be commander*

BRADLEY G. OLSEN

*To be lieutenant commander*

WAYNE M. BURR

THE JUDICIARY

CATHY BISSOON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE THOMAS M. HARDIMAN, ELEVATED.

VINCENT L. BRICCETTI, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE KIMBA M. WOOD, RETIRED.

ROY BALE DALTON, JR., OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE HENRY LEE ADAMS, JR., RETIRED.

SARA LYNN DARROW, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE JOE B. MCDADE, RETIRED.

JOHN A. KRONSTADT, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE FLORENCE-MARIE COOPER, DECEASED.

KEVIN HUNTER SHARP, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE, VICE ROBERT L. ECHOLS, RETIRED.

DEPARTMENT OF JUSTICE

S. AMANDA MARSHALL, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE KARIN J. IMMERGUT, TERM EXPIRED.

ESTEBAN SOTO III, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE STEPHEN THOMAS CONBOY, RESIGNED.

EDWIN DONOVAN SLOANE, OF MARYLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE GEORGE BREFFNI WALSH, TERM EXPIRED.

JOSEPH CAMPBELL MOORE, OF WYOMING, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS, VICE JAMES ANTHONY ROSE, TERM EXPIRED.

RUSSEL EDWIN BURGER, OF OREGON, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS, VICE DENNIS CLUFF MERRILL, TERM EXPIRED.

CHARLES EDWARD ANDREWS, OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE WILLIAM SMITH TAYLOR, TERM EXPIRED.

DARRELL JAMES BELL, OF MONTANA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MONTANA FOR THE TERM OF FOUR YEARS, VICE DWIGHT MACKAY, TERM EXPIRED.

WILLIAM BENEDICT BERGER, SR., OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE THOMAS DYSON HURLBERT, JR., TERM EXPIRED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on November 17, 2010 withdrawing from further Senate consideration the following nomination:

MARSHA TERNUS, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2012, VICE ROBERT A. MILLER, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 13, 2010.



## EXTENSIONS OF REMARKS

### CALLING ON TURKISH-OCCUPIED CYPRUS TO PROTECT RELIGIOUS ARTIFACTS

SPEECH OF

**HON. BILL DELAHUNT**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 28, 2010*

Mr. DELAHUNT. Madam Speaker, I am concerned that the voice vote passage of H. Res. 1631, on September, 28, 2010, "Calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom," may be detrimental to efforts at reunification of Cyprus.

While the Cyprus dispute is between Greek Cypriots and Turkish Cypriots, it has commanded the attention of other countries for decades. In that time, negotiations over Cyprus have involved not only the Cypriot communities, but also Turkey, Greece, the United Kingdom, the United States, the United Nations, and the European Union. The impasse over Cyprus has had a number of implications, including the continuing stalemate on Turkey's accession to the European Union.

While sponsors of H. Res. 1631, spoke about religious tolerance, this legislation is clearly intended to target Turkey and Turkish Cypriots directly. No mention was made about the destruction of Turkish-Muslim cultural sites in the Republic of Cyprus, or the fact that both Greek and Turkish Cypriot communities have been working to tackle this problem together since 2008, under a Technical Committee established jointly by the leaders of the two communities.

Turkey, a friend of the United States and a NATO ally, has been supportive of the current discussions within the global community and between the two Cypriot leaders. The continuation of these efforts should be encouraged.

Passage of H. Res. 1631 at this time, could provoke a highly negative reaction and completely sidetrack the ongoing reunification process. Instead of a one-sided resolution, this House should commend and endorse the steps taken by both parties to resolve their longstanding dispute and settle their differences together.

### RECOGNITION OF SHIRLEY H. KEENAN DILL

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. PALLONE. Madam Speaker, I rise today to commemorate the life of Mrs. Shirley Keenan Dill. Mrs. Dill, an active member of her community, passed away on January 16, 2010 at the age of 81. She was a model citizen and adored by her colleagues. Her faithful dedication and commitment toward others is unquestionably worthy of this body's recognition.

Mrs. Dill was a lifelong resident of the Parlin section of Sayreville, New Jersey. She was predeceased by her three sisters, Claire Glnsky, Evelyn Szarvas and Joan Dooling and by two brothers, George and William Keenan. Surviving are her husband Homer Dill and daughter and son-in-law Sandi and Wayne Krainski. She also had three grandchildren and three great-grandchildren. Mrs. Dill attended Our Lady of Victories School and is an alumna of Sayreville War Memorial High School. Proud to represent her Irish heritage, Mrs. Dill was recognized for her role as the Welcome Home Queen in 1946 following World War II.

Mrs. Shirley Kennan Dill has an exceptional record of community service. Mrs. Dill served as President of the Sayreville Lady Dems for eighteen years. Throughout her life, she also worked on numerous political campaigns, most notably that of former Governor Jim McGreevey. She was best known for making the campaigning process fun and organized unique events such as pep rallies and parades. Similarly, she also led the Democrats to organize multiple volunteer efforts, many of which benefited terminally ill children. Mrs. Dill was also involved with the Sayreville Historical Society, Sayreville Senior Citizens Thursday Club, Middlesex County Federation of Democratic Women and the New Jersey State Federation of Democratic Women. Mrs. Dill was best known for her wit and standing up for what she believed in. She is remembered as an individual who poured her heart and soul into the community and was best known for advocating on behalf of the people of Sayreville. Her persistence served as motivation to other women interested in pursuing political opportunities. Mrs. Dill's hard work has undoubtedly touched many lives and has helped countless people throughout central New Jersey.

As a result of her exceptional work, Mrs. Dill was the recipient of the Peg Roberts Award from the New Jersey Federation of Democratic Women. This award is presented to an individual who promotes the Democratic Party and is involved with government and volunteering. Mrs. Dill was the first woman from Middlesex County to be bestowed with this honor.

Madam Speaker, Shirley Keenan Dill dedicated her life to community activism and her actions have touched the hearts and minds of countless men, women and children. Her legacy has served as an inspiration to us all and she will be truly missed.

### JUDGE SAMAC RICHARDSON

**HON. GREGG HARPER**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. HARPER. Madam Speaker, I rise today in recognition of Judge Samac Richardson for his exceptional public service career in my home state of Mississippi.

Judge Richardson currently lives in Brandon, Mississippi in the Third Congressional District, where his reputation for fair and just judgment led to a post as Circuit Judge for Mississippi's 20th Judicial District in Madison and Rankin Counties. Mississippi's Circuit Court serves 22 districts with 49 judges, trying both felony criminal cases and civil actions.

Prior to his thirteen years of elected service on the Circuit Court, Judge Richardson spent five years as Rankin County Court Judge, six years as Assistant District Attorney, five years as a public defender, five years as Rankin County School Board hearing officer and three years as Pearl, Mississippi City Attorney.

Judge Richardson's conservative interpretation of the Mississippi Constitution is without doubt a reflection of his Mississippi upbringing. He received his Juris Doctorate in 1975 from the former Jackson School of Law, now Mississippi College School of Law, completed his undergraduate studies in Accounting at Mississippi State University, attended courses at East Central Community College and graduated from Philadelphia High School in 1965. Additionally, Judge Richardson is a 1993 graduate of the National Judicial College.

Judge Samac Richardson will retire from the bench in December leaving behind a legacy of impartiality. Judge Richardson has dedicated his life to a career of public service and for this, Madam Speaker, this Member of Congress thanks him.

### HONORING SENATOR STEVEN C. PANAGIOTAKOS

**HON. NIKI TSONGAS**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Ms. TSONGAS. Madam Speaker, I rise today to honor Senator Steven C. Panagiotakos from the Fifth District of Massachusetts for his exemplary service to the citizens of the City of Lowell and the towns of Tyngsboro, Westford, Groton, Dunstable and Pepperell as a Massachusetts State Representative and Senator.

Senator Panagiotakos was elected to the Massachusetts State Senate in 1996. Prior to that Senator Panagiotakos served two terms in the Massachusetts House of Representatives and two terms as a member of the Lowell School Committee. Rising through the ranks to become Chairman of the Senate Committee on Ways and Means, Senator Panagiotakos was charged with the oversight to develop and guide the Commonwealth's budget through one of the worst fiscal crises since the Great Depression.

Senator Panagiotakos has exhibited a lifelong commitment to the City of Lowell and the communities he represents. Known for his leadership style of compromise with Democrats and Republicans, he was able to help secure funding for local projects such as the

• 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.

Hamilton Canal District, the Emerging Technology Center at the University of Massachusetts Lowell, the redevelopment of the Lawrence Mills and the Julian D. Steele public housing project.

Senator Panagiotakos and his wife, Christine, along with their two daughters, Giana and Alexandria, live in the Highlands neighborhood in Lowell, just two streets over from his childhood home. As Senator Panagiotakos said it best, "The thing that made me the most proud was not being called 'Senator' or 'Mr. Chairman,' but when they said 'Steve Panagiotakos, from Lowell.'"

Upon his retirement, I wish to thank him for his friendship, recognize him for his unyielding leadership in the Massachusetts Senate, and congratulate him for his distinguished career.

IN HONOR OF THE NAVAL SURFACE WARFARE CENTER, CARDEROCK DIVISION—SHIP SYSTEM ENGINEERING STATION (NSWCCD-SSES) PHILADELPHIA

### HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. SESTAK. Madam Speaker, I rise to recognize the 100th Anniversary of the Naval Surface Warfare Center, Carderock Division—Ship System Engineering Station, NSWCCD-SSES, at the Philadelphia Naval Business Center. Since 1910, when Secretary of the Navy Beekman Winthrop authorized the first funding be directed to what is now the Ship Systems Engineering Station, SSES, that organization has served our community, Navy and nation with great distinction.

Today, SSES executes a budget of over \$380 million and employs 1,600 engineers, scientists, technicians and support personnel. That workforce reflects the hard working, industrious nature of dedicated patriotic Americans throughout the Delaware Valley. The results of their labor are a stronger nation and safer world. With the singular purpose of sending USN Bluejackets to sea with the best possible equipment, this proud organization, under the leadership of Rear Admiral Jim Shannon, Captain Alexander Desroches and Patricia Woody maintains a covenant between our citizens and Sailors. It guarantees that our Navy will always be better designed, built and maintained than any other in the world. In conflicts for a century, our Navy has sailed into harms way with a quantitative advantage in readiness that is the result of those talented, dedicated professionals of SSES Philadelphia and their 54,000 colleagues of the Naval Sea Systems Command, NAVSEA, located in 34 cities across the United States and Asia. Together they help fulfill the vision of General George Washington, who wrote to Marquis De Lafayette nearly two hundred thirty years ago, "It follows that as certain as the night succeeds the day that without a decisive naval force we can do nothing definitive, and with it everything honorable and glorious."

As NAVSEA and NSWCCD-SSES work today to support our naval forces in two conflicts, it is my honor to join all the good citizens of the 7th Congressional District of Pennsylvania and Americans throughout this great nation in recognizing their 100 years of excel-

lence in naval engineering and wish them another century of continued success in every endeavor.

HONORING JAMES GREEN

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize James Green. James is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 38, and earning the most prestigious award of Eagle Scout.

James has been very active with his troop, participating in many scout activities. Over the many years James has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, James contributed to his community through his Eagle Scout project. James planned and constructed a picnic shelter for visitors and staff at the Saint Joseph Fire Museum in Saint Joseph, Missouri.

Madam Speaker, I proudly ask you to join me in commending James Green for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF TIM SMITH AND ALAN COLE

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize two innovative Delaware entrepreneurs, Tim Smith and Alan Cole, of Delmarva Digital, a leading web application software company based in Laurel, Delaware and serving the Mid-Atlantic Region.

The son of a United States Air Force veteran and a public school teacher, Tim Smith is the definition of success. Tim is co-founder and Chief Executive Officer of Delmarva Digital. But Tim Smith is more than just successful in business; he is also a devoted husband and a pillar in his community, contributing his time to charitable causes including traveling to developing countries to teach aspiring entrepreneurs how to achieve their dreams.

Alan Cole is the son of a State Police officer and a professor at Delaware Technical and Community College. He is a highly decorated combat veteran having served in Operation Desert Shield and Desert Storm. As a Military Intelligence Officer with the National Security Administration, Alan held the highest security clearance that exists. Alan is a founder and Chief Technology Officer of Delmarva Digital, where he is the lead software and systems architect, network and security expert, and the manager of operations.

I am proud to join the Laurel Chamber of Commerce in recognizing exceptional Delaware entrepreneurs like Tim Smith and Alan Cole. I thank them for their hard work in busi-

ness and for their dedication to their community.

IN RECOGNITION OF WARREN SLOCUM

### HON. JACKIE SPEIER-

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Ms. SPEIER. Madam Speaker, I rise to honor Warren Slocum for his 23 exceptional years of public service to the residents of San Mateo County.

Warren has demonstrated a commitment to serving the public's interest ever since he took office in 1987. He is a graduate of San Diego State University, and has studied at both Harvard and Stanford Universities. Throughout his career, he has remained deeply committed to enhancing democracy through streamlining and bringing greater efficiency to the way people vote. He conducted California's first Poll Worker Academy, its first Internet Voting Demonstration Project, and founded the California Trial Court Training Institute at Stanford University.

Madam Speaker, Warren Slocum is that rarest of all public officials—a policy wonk and green eyeshade administrator with a delightful personality. For example, he was passionate about helping people vote by mail. When others argued that it would be fraught with problems or high costs, Warren disputed this assertion through detailed—some would argue painfully explicit—discussions of the inner workings of modern voting. Warren's bottom line is always the same: The right of people to govern must always be supported by secure voting systems that make it easier to express the will of the people.

Madam Speaker, in an era when no one understood butterfly ballots or chads, Warren Slocum promoted the sound use of computerized equipment, and he also did something innovative—he hired high school workers to help run the voting machines. My staff reported a sharp contrast between a computerized polling place in Orange County and one in San Mateo. In Orange County, one of the baby boomer voters kicked the electric plug out of the socket at 7 p.m. on election night and a dozen computerized voting machines crashed. The result? 100 baby boomers scratching out their ballots on paper because the baby boomer poll workers couldn't get the machines up and running again. In San Mateo County, by contrast, the teenagers hired by Warren Slocum would simply roll their eyes with that, 'What will our parents do next?' look, and then reboot the computers. Madam Speaker, sometimes the old lead the young by example, but in the world of Warren, the savvy lead us all in pursuit of a better democracy, whether the savvy are old or young.

Warren Slocum is also the co-founder of the Smart Voter Project, a revolutionary website that was the first to offer personalized election information based on a voter's address. He created efficiencies in the valuation of property in his role as the county's tax assessor. He actively reduced the assessments of homes when values fell during times of economic hardship, and he found highly competent personnel to value newly-purchased property and improvements of property in a timely manner.

The result? Property tax assessments in San Mateo County are fair and governments receive a reliable stream of revenue for essential services.

Warren Slocum celebrated the right of all adults to marry, and was a leader in ensuring that the courthouse door was open for those who wished to formalize their relationships. In San Mateo County, we proudly welcome into our hearts all those who Warren's office welcomed into its lobby.

During his tenure, Warren's office has been called the "Office of the People," and rightly so. His career of excellence in public service has been a living tribute to the mission of delivering smart, efficient, and accessible government to the people of California.

Madam Speaker, Warren Slocum is a remarkable Californian: he's a husband, a father, a veteran, an innovator, and a devoted public servant. It is indeed fitting that he receives special recognition for his retirement as the Chief Elections Officer & Assessor-County Clerk-Recorder on November 18, 2010.

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GENE ROSSI REMEMBERED

**HON. TIM RYAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. RYAN of Ohio. Madam Speaker, I rise today in recognition Gene Rossi. A long-time personal friend, a model citizen and a beloved father, grandfather, and great-grandfather, Mr. Rossi will be truly missed by the many people whose lives he has touched. Born on May 12 1926, Mr. Rossi was part of our greatest generation and his life story embodies that to the fullest. Gene's accomplishments began early, notably at Warren G. Harding High School where he was the senior class president and captain of the basketball team, an All-Ohio selection that year.

It was not long after Gene was leading his high school basketball team that he was fighting for our freedom as an Army soldier in the Battle of the Bulge. Returning after the conclusion of World War II, Gene received an honorable discharge from the U.S. Army and returned to Warren, Ohio where, throughout the 1940s, he worked as a timekeeper for Mullins Manufacturing, played semi-pro basketball with the Warren Coaches and later graduated from Youngstown College with a B.S. degree in business administration.

It was 62 years ago this September that Gene and his wife, Ginny, were married in 1948.

A veteran of war, a college graduate, and a newlywed, Gene in 1950 founded Warren's Rossi Insurance Agency, from which he never retired. His accomplishments in the insurance business included those of trustee of the Independent Insurance Agents of Ohio and president of the Trumbull County Independent Insurance Agents. His membership in the Trumbull County Association of Life Underwriters included more than 50 years of service as a respected agent of the Equitable Life Assurance Society.

Gene loved sports—baseball, basketball, football, tennis and golf. It is in sports where he distinguished himself as a 1992 inductee into and trustee of the Warren Sports Hall of Fame. In 1999, he received the Man of the

Year Award from the Mahoning Valley Chapter of the National Italian-American Sports Hall of Fame.

Gene's membership in local clubs and organizations included BOE Lodge 295, American Legion Post 278, VFW Post 1090, Knights of Columbus 620, where he was past Grand Knight, Buckeye Club, Trumbull Country Club and Notre Dame Subway Alumni.

A member of Blessed Sacrament Parish, Gene's faith was paramount. For his devoted participation, he received the honor Cross Pro-Ecclesia Et Pontifex (Cross for the Church and Pontiff) in 2000, served on the Youngstown Diocese Financial Advisory Board and was a member of the Board of Trustees of the Oblate Sisters of the Sacred Heart.

A man who could have hung his hat up time and time again after service to his country, family, and community, Gene never stopped giving back. Gene loved and served his community and was noted numerous times for his efforts. In 1986, he served as president of the Warren Area Chamber of Commerce and was recipient of its Distinguished Citizen award. In 2001, he was named president of the Mahoning Valley Economic Development Corp. and was recipient of its Person of the Year award. In 2006, he was an inductee into the Warren Harding Distinguished Hall of Fame. Gene also served as a trustee for the St. Joseph Development Foundation, YSU Foundation and CSC, Copperweld, Scholarship Foundation.

On August 17, 2010, at the age of 84, Gene Rossi passed away from complications of prostate cancer. He is survived and sorely missed by the family he devoted so much of his life to, his wife of over sixty years, Ginny; their four sons and daughters-in-law, Michael and Rosanne, E. Jeffrey and Carol, Dennis and Luann, and Gregory and Leslie, all of Warren; 13 grandchildren; six great-grandchildren; sisters, Mary Louise Rose and Elaine Wallace; and brother, Anthony G. (Marilyn) Rossi.

It is hard to sum up the life of a man like Gene Rossi—a man who truly lived the American dream. He bore the hardships of the Great Depression, fought in one of the deadliest battles in American history, and returned home to spend a lifetime of devotion building a wonderful family and a successful business all while being a man of faith and a pillar in his community. Madam Speaker I want to thank Gene Rossi, for his service to his country abroad, his service to his community at home, and for his dear friendship.

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CALLING ON JAPAN TO ADDRESS  
CHILD ABDUCTION CASES

SPEECH OF

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 28, 2010*

Mr. SMITH of New Jersey. Mr. Speaker, I would like to submit the names of the children abducted to Japan whose left-behind American parent has contacted me directly.

M.B., abducted to Japan July 21, 1995

E.B., abducted to Japan July 21, 1995

Ezra Lui, abducted to Japan November 13, 1999

Kaira Kelly Litwiller, abducted to Japan June 10, 2003

Takoda Tei Weed, abducted to Japan January 16, 2004

Tiana Kiku Weed, abducted to Japan January 16, 2004

Kento Didier Touboule, abducted to Japan October 15, 2005

Mary Victoria Lake, abducted to Japan August 2005

Kai Hachiya, abducted to Japan December 28, 2006

Masahiro Brown, abducted in Japan since April of 2007

David N. Gessleman, abducted to Japan May 13, 2007

Joshua K. Gessleman, abducted to Japan May 13, 2007

Kaya Summer Xiao-Lian Wong, abducted to Japan August 2007

Wayne Kosaku Sawyer, abducted to Japan December 15, 2008

Yuuki Patrick McCoy (Kojima), abducted in Japan August 17, 2008

Keisuke Christian Collins, abducted to Japan June 16, 2008

Sean Hillman, abducted to Japan July 5, 2008

Kana Sugiyama-Gomez, abducted to Japan April 10, 2008

Joe Yamada, abducted to Japan September 1, 2008

Grace Danielle Starr, abducted to Japan January or February 2009

Brian Senna Starr, abducted to Japan January or February 2009

"Mochi" Atomu Imoto Morehouse, abducted to Japan June 23, 2010

Mr. Speaker, the United States is currently seeking the return of at least 136 abducted American children.

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RECOGNIZING COUNCILMEMBER  
BOB CAMPBELL ON THE OCCA-  
SION OF HIS RETIREMENT FROM  
THE VISTA CITY COUNCIL

**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. ISSA. Madam Speaker, I rise today to recognize the public service of Councilman Bob Campbell on the occasion of his retirement from the City of Vista. I commend Councilman Campbell's distinguished career and offer my thanks for his more than 20 years of dedicated public service to the City of Vista.

As a native Californian, Mr. Campbell received an undergraduate degree from Stanford University and a graduate degree from the Graduate School of Business Administration at the University of Washington. He also served eight distinguished years in the U.S. Coast Guard and Coast Guard Reserve.

Prior to joining the City of Vista, Mr. Campbell worked with newspaper publishers for sixteen years before starting his own computer systems consulting firm, Buena Vista Services, Inc., in 1980. It was in 1985 that Mr. Campbell began serving as Chairman of a city panel. Under Councilman Campbell's leadership, the panel's redevelopment plan was successfully approved by voters in 1987.

As Vista's Economic Development Director for nearly 10 years, Councilman Campbell's leadership resulted in the attraction of more than 500 firms and commercial and retail

projects to the City. In 1998, Councilman Campbell also formed and spearheaded the San Diego North Economic Development Council (EDC) where he served for three years.

In 2002 Mr. Campbell became a Vista City Councilmember. In this position Councilman Campbell fought for the construction of the new Vista Civic Center and two new fire stations. Councilman Campbell also worked tirelessly with Mayor Morris Vance and the City Council to lead the initiative in converting Vista into a Charter City to gain maximum local authority.

Councilman Campbell has remained an active community leader having participated on the Board of Directors for the Vista Chamber of Commerce, the Vista Boys' Club, the Vista Rotary Club, the Economic Development Association, the Boy Scouts of America and the Vista YMCA.

I offer Councilman Campbell my congratulations and may he enjoy a rewarding retirement with his family.

Madam Speaker, I ask you to please join me in honoring Councilman Bob Campbell and his 20 years of admirable public service to the City of Vista.

IN HONOR AND RECOGNITION OF  
THE POLONIA FOUNDATION OF  
OHIO, INC. AND THE ANNUAL PU-  
LASKI DAY OBSERVANCE

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the Polonia Foundation of Ohio as they unite the community in remembrance and celebration of General Casimir Pulaski, for his legacy of courage and selfless dedication to the people of Poland and the people of the United States of America.

Born on March 4, 1747 in Warzka, Poland, General Pulaski achieved great military success in Poland with his focused leadership and brilliant strategies in fighting the Russian domination of Poland. By 1777, General Pulaski had become one of the most renowned cavalrymen in Europe. While in Paris that year, he was actively recruited by Benjamin Franklin to assist in the American quest for liberation.

Sympathetic to the American cause, General Pulaski sailed to America and was made head of the newly formed American cavalry during the Revolutionary War. General Pulaski's deep level of commitment to the American cause was framed by energy and style. He reportedly wore a plumed hat, flashing saber, and an elaborate uniform, and spent his own money to feed and equip his troops. General Pulaski was involved in many significant battles during the Revolution. His ultimate stand took place in Savannah, Georgia in October 1779, where he led a valiant charge against British artillery. General Pulaski was shot and died a few days later.

Madam Speaker and colleagues, please join me in honor and remembrance of General Casimir Pulaski, who made the ultimate sacrifice in his valiant fight to secure the ideals of the American Revolution. An American hero,

General Pulaski's life and legacy serves as a significant reminder of the vital contributions and great achievements by Polish immigrants within our Cleveland community, and throughout America.

REMEMBERING JOHN KURZWEIL

**HON. TOM McCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. McCLINTOCK. Madam Speaker, I rise today to remember the life of John Kurzweil, whose passing is a great loss for California and our country. I can only hope that his passion and love for his family, his country and life in general will endure among the countless lives he touched. It was my privilege to know him, my joy to work with him, and today it is my honor to celebrate his life.

John's longtime friend and colleague Bill Saracino offered a moving tribute in John's memory:

JOHN KURZWEIL: THE PASSING OF A PATRIOT  
(By William Saracino)

America lost a true patriot and conservatism lost a fierce warrior and leader on November 9th with the passing of John Kurzweil.

While known to most as the publisher and editor of the California Political Review magazine, John's political involvement dates to the 1970s and Ronald Reagan.

Having just graduated from California State University Humboldt, John was appalled at the state of the country and the national Republican Party in 1974-75. Deciding to do something about it, he walked in an office of Young Americans for Freedom, volunteered to help, and worked the rest of his life advancing conservative ideas and strengthening the conservative movement.

John worked in both the 1976 and 1980 Reagan for President campaigns, as a media writer and spokesman and grassroots college organizer both in California and around the country. His work in 1976 took him to North Carolina, where he became a favorite of Senator Jesse Helms. John returned to the Tar Heel state in 1978 to help in Helms' first re-election campaign.

1980 also started John's association with State Senator H.L. Richardson, who made John the Press Director for the Law and Order Campaign Committee (LOCC). The Committee concentrated on publicizing and campaigning against the "soft on crime" philosophy that permeated California's judiciary at the time.

Before serving a stint as the Communications Director for the California Republican Party, John also was the Editor of Policy Digest for the Heritage Foundation and Senior Editor for the National Catholic Register.

It was then that he formed the California Public Policy Foundation and started publishing the California Political Review. The magazine has just celebrated its 20th anniversary of providing Republicans and conservatives in California with their only state-based source of news, opinion, practical politics and humor. The magazine became a staple in the Capitol and anywhere in California where politics was the topic.

Perhaps more important than any of the above, John was a faithful friend, mentor and helper to hundreds of those who have been and are leaders of the GOP and the conservative movement in the state, fulfilling Ronald Reagan's observation that there is no limit to what could be accomplished if you don't care who gets the credit.

ON THE OCCASION OF THE REPUBLIC OF TURKEY'S 87TH ANNIVERSARY

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. COHEN. Madam Speaker, on October 29, 2010—while this House was in recess—the Republic of Turkey celebrated Republic Day, and observed the 87th anniversary of its founding. As a co-chair of the Congressional Caucus on Turkey and Turkish Americans, I take this opportunity to belatedly congratulate our Turkish friends and recognize the long-standing friendship between the United States and the Republic of Turkey.

For over fifty years, Turkey has stood shoulder-to-shoulder with the United States, making significant contributions to the peace, security, and prosperity of both its immediate neighborhood and the wider world. An ally in the global struggle against Communism during the Cold War, Turkey has and continues to contribute a great deal to our efforts in Iraq and Afghanistan as we act to secure those countries and give them the tools to chart their own courses and become constructive members of the community of nations.

Turkey's international contributions reflect the visions of its founder, Mustafa Kemal Ataturk, of a vibrant secular democracy. In times of great change and uncertainty, while there may be questions or differences of opinion about the threats we face, this should be seen as the actions of a mature ally. I do not believe that anyone can question Turkey's commitment to easing tensions, resolving some of the key issues of our time, and its friendship with the United States.

As new members of the Congressional Caucus on Turkey and Turkish Americans have come to discover, Turkish Americans are also playing an important role in strengthening the bonds between our two countries. Turkish Americans come from all backgrounds and make important contributions to all sectors of our society. Additionally, they are participating in greater numbers in the social, political, and economic aspects of our national life. I welcome this engagement, and know that it enriches us as a people.

Again, my congratulations to Turkey and all of its friends in this country on the observance of another Republic Day.

RECOGNIZING MILITARY MEDICAL  
AND AIR CREWS

SPEECH OF

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 28, 2010*

Mr. RANGEL. Mr. Speaker, I rise today to express my support for H. Res 1605, a bill recognizing the service of the medical and air crews in helping our wounded warriors make the expeditious and safe trip home to the United States.

These physicians, nurses, technicians, and flight air crews represent squadrons of the Air Force Reserve, Air Force National Guard, and Air Force Active Duty. I thank my colleague,

Congressman Mike Thompson, for introducing this bill, which gives us the opportunity to pay tribute to the dynamic support these crews provide to our troops. We commend these Air Force members for their commitment to the well-being of all our service men and women.

Aeromedical services are essential to the success of our Armed Forces, contributing to a survival rate of 98 percent—the lowest mortality rate of any war in U.S. history. Medical and air personnel closely tend to the urgent medical needs of our troops ensuring that they return home with their lives intact. We salute them.

RECOGNIZING RANNEY SCHOOL'S  
50TH ANNIVERSARY

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. PALLONE. Madam Speaker, I rise today to congratulate Ranney School in Tinton Falls, New Jersey as they celebrate their 50th anniversary. Ranney School continues to promote academic excellence and encourages a well-rounded education, as well as the development of the student's intellectual, personal, creative and moral promise.

Ranney School founder, Mr. Russel G. Ranney's visions have remained the foundation for the school's small class sizes, curriculum choices, student life activities and campus building expansion. Twelve years after opening the Rumson Reading Institute, Ranney School was founded with seven students and three full-time teachers. College preparation was the main focus of the curriculum. By 1963, Ranney School's increasing student body created the need for an Upper and Middle School, located at Trinity Episcopal Church in Asbury Park, New Jersey. In 1965, Ranney School proudly conferred diplomas on the first class of graduates, which also included Ranney School's first National Merit finalist. Ranney School soon moved to its current location on Hope Road in Tinton Falls, New Jersey. Renovations at the new location included work on the Annex, formerly utilized as a horse barn, and included the addition of the Searle Library and a science lab. A multi-purpose lunchroom, study hall and play area were built to further develop the theater arts program and accommodate the 375 enrolled students and 41 teachers. In 1974, Ranney School became accredited by the New Jersey Association of Independent Schools and National Association of Independent Schools. Between 1975 and 1979, the facility, currently known as the Gerhard Pavilion for Athletics, was constructed to provide a recreation center for students. Enrollment soon reached an impressive 549 students and plans for a full-service summer camp, to begin the summer of 1979, were later announced.

In April 1987, Mr. Ranney passed away, leaving behind a firmly established and well respected institution. The Commons Building, which completed its construction on April 10, 1987, served as a fitting tribute to Mr. Ranney's life and work as an innovating educator and visionary. Margaret Mahon succeeded Mr. Ranney and served as Head of School until 1993. During her tenure, Ranney School achieved a number of "firsts," includ-

ing the establishment of the Ranney School Parents Association.

In 1993, Dr. Lawrence S. Sykoff assumed the position and currently presides as Head of School. Dr. Sykoff's vision has been to create an environment for every student to include a wide range of educational opportunities. The launch of the Foundations for Learning campaign further confirmed Dr. Sykoff's commitment to the future development and enhancement of Ranney School. Academic programs have expanded while an infusion of traditions and ceremonies have been brought forward to further enhance the Ranney School curriculum. Relationships with the Parents Association and alumni have also helped to expand and provide a community building, family interaction and school pride. Today, Ranney School is home to 800 students in three divisions, which range from beginners through grade 12.

Madam Speaker, please join me in congratulating Ranney School as the students, faculty and staff celebrate its 50th anniversary. Ranney School has provided many years of unyielding commitment to academic achievement and is a tremendously valued academic institution.

SAM SACCO POST OFFICE  
BUILDING

SPEECH OF

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2010*

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of H.R. 6387, a bill to designate the facility of the United States Postal Service located at 337 West Clark Street in Eureka, California, as the "Sam Sacco Post Office Building".

Sam Sacco served as Mayor of the City of Eureka from 1975–1979. He owned and operated an insurance agency in Eureka, where he served the community for 30 years—helping families and responding to every crisis with warmth and generosity that is remembered to this day. Sacco was an ardent advocate for working families and fought vigorously to make sure their interests were protected. His life's mission was to put an end to injustice and help those less fortunate. Mayor Sacco is survived by his wife, Mary Beth; sons, Jim and Sam; and daughter, Lisa. He is fondly remembered by his community.

I am honored to bring this bill to the floor and hope that Sam Sacco's legacy will live on, encouraging others to serve their community to the best of their ability.

HONORING MRS. JOYCE MADELINE  
BUTLER

**HON. GARY G. MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. GARY G. MILLER of California. Madam Speaker, I rise to honor Mrs. Joyce Madeline Butler, a 40-year Southern California resident and a beacon of service to her community.

Mrs. Butler was born July 22, 1943 right here in Washington, DC.

After spending her childhood in DC, Mrs. Butler moved to Hemet, CA. In the late 1960s she met her husband George, and they were married in 1968. When they arrived in Chino Hills, California years later they raised a variety of animals including rabbits, pigs, cows, and chickens. Mrs. Butler joined the Future Farmers of America shortly after cementing her love of animals.

In 1995, Mrs. Butler suffered a heart attack and was given a five-way bypass procedure in January of 1996. After her recovery, she continued to serve her family and was actively involved in her community of Chino Hills.

In 2002, Mrs. Butler took part in the formation of the Los Serranos Neighborhood Group, and in 2005 founded the Support Our Area Residents, SOAR, a group formed to provide area residents with home repairs and yard maintenance. She was recognized as a Chino Hills Citizen of the Year in 2007, and in her final years volunteered for Friends of the Library and Habitat for Humanity.

Mrs. Butler was diagnosed with lung cancer in 2008, and was called home to the Lord on November 9, 2010 at the age of 67 at her home in Chino Hills. She was surrounded by friends and family who maintain she was as comfortable as could be possible.

Madam Speaker, I respectfully ask that this Congress join me in honoring the life of Mrs. Joyce Butler for her years of selfless service to her community.

HONORING JACOB R. COGAN

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Jacob R. Cogan. Jacob is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Jacob has earned the rank of Senior Patrol Leader in his troop and the World Conservation Award. Jacob also has contributed to his community through his Eagle Scout project. Jacob planted flowering shrubs above a retaining wall and installed a park bench at Benner Park in Weston, Missouri.

Madam Speaker, I proudly ask you to join me in commending Jacob R. Cogan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR AND RECOGNITION OF  
JULIA JOZEPHA HADAM KUSEK

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor of Julia Jozepha Hadam

Kusek, lifelong resident of Cleveland's historic Tremont neighborhood, as we join with her in celebration of her 96th birthday. Mrs. Kusek was born on October 2, 1914 to Polish immigrant parents. Three years earlier, in 1911, her mother, Jozepha and father, Ignatz, made the long journey across the Atlantic, far from their Polish homeland, and settled in Cleveland, Ohio, like thousands of immigrants did—with the common dream and hope for a better life in America.

They raised Julia and her two younger siblings with an unwavering connection to, and abiding love for, the culture, language and traditions of their beloved Polish homeland. By the time she was in the 8th grade, the Great Depression had severely devastated most communities across the country, including Cleveland. With her family struggling to survive, Mrs. Kusek had to quit school in the 8th grade to go to work to help provide for the family. Her lifelong love of fashion, along with her determined spirit, led her to work while taking classes and later graduate from the Darvis School of Fashion and Design, where she graduated with honors. She designed and made beautiful clothes for her family; her talent reflected in her daughters' dresses, worn at school events, holidays and special occasions.

Mrs. Kusek married Stanley Kusek on June 24, 1939. They were devoted to each other until his passing in 1985. Together, they raised three children: Thaddeus, Diane and Carol. Ahead of her time, she worked in May Company's toy department while raising her children and was a loyal employee for forty years. Beyond her family and career, she made time to volunteer at St. John Cantius rectory, school and convent, and cooked for every special event. Her family, faith and Polish heritage continue to be the foundation of her life she remains very close to her children, eight grandchildren and eight great-grandchildren.

Madam Speaker and colleagues, please join me in honor and celebration of Julia Jozepha Hadam Kusek of the Tremont neighborhood in Cleveland, as we celebrate her 96th birthday. Her kindness and joy for living continues to be a shining example for all of us to follow.

RECOGNITION OF MOUNT OLIVE  
BAPTIST CHURCH

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. PALLONE. Madam Speaker, I rise today to recognize the accomplishments of The Mount Olive Baptist Church in Plainfield, New Jersey, and to commemorate their 140 years of service to their community. Throughout the organization's rich history, Mount Olive Baptist Church continues to perform admirably in the areas of home and foreign missions, education and religion. I applaud The Mount Olive Baptist Church and its worshipers, as their achievements and dedication should serve as an inspiration to us all.

In 1870, Mount Olive Baptist Church was formed based upon the desire by Plainfield residents interested in expressing their individual freedom of religion and creating their own house of worship. Mount Olive Baptist

Church began as a scion of the First Baptist Church of Plainfield and remained a mission until Reverend Mitchell's pastorate. During Reverend John Mitchell's tenure, he laid the foundation for an independent and self-supporting church. Along with structural remodeling, the goals set forth by Reverend Mitchell saw completion. These actions laid the foundation for the church's future success.

During the next few years, Mount Olive Baptist Church continued to build and grow both structurally and spiritually. By 1963, further embellishments were added to the structure of Mount Olive Baptist Church and spiritual ties throughout the community continued to grow stronger. June 2000 led the way for the development of the Fellowship Hall and classrooms. Upon its completion in 2002, a new area of worship became available for students and worshipers to learn and practice. The organization has also led the way for the creation of three other Baptist Churches in the city of Plainfield: Shiloh, Calvary and Community Baptist Church. The Mount Olive Baptist Church continues to make a great contribution by teaching its worshipers that religion is practiced, lived and displayed in everyday life.

Currently under the leadership of Reverend Donald DeWitt Nicholas, Sr., Mount Olive Baptist Church and its leadership have worked diligently to ensure that persons joining the church become engaged members. During his tenure, Reverend Nichols has seen a tremendous urgency in addressing the problems facing the Plainfield community. Through acts of volunteerism, the Liberty CDC group was formed. Its mission is to partner with other community organizations to improve the quality of life and to promote the social and economic welfare of the citizens within Plainfield.

Madam Speaker, please join me in leading this body in acknowledging The Mount Olive Baptist Church and their 140 years of service. Their contributions to civic life as well as charitable and religious organizations make them a tremendously valued organization in my district and the State of New Jersey.

HONORING MARIE HIBLER

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to recognize the contributions made by Marie Hibler to the thousands of families who have children with mental illness.

More than 35 years ago, the Hibler family found themselves with a new challenge. Roger Hibler, their son, had experienced a very public schizophrenic event. The family knew nothing about mental illness. They did not know where to turn. As Marie once noted, at the time she had to go to the dictionary to find out what schizophrenia was.

At that time, serious mental illness, particularly schizophrenia, were viewed with ignorance, shame and guilt by the public. Those afflicted and their families suffered from the same attitudes. Parents and family were often viewed as the cause of their child's illness rather than its solution. Professional psychiatrists and psychologists had primary responsibility for diagnosis and treatment. Parents and families had little say in the care and treat-

ment of their family member. Before psychotropic medication, individuals with serious mental illness were often locked away under deplorable conditions in inadequate institutions.

When the Hibler family looked for help, they found a system that provided almost no family support. Marie decided that was not acceptable. Although Marie and her late husband Keith did not have training in psychiatry, they did know about families. They knew that they had to turn to their family and friends to find the best possible care for their son.

Marie, a mother and homemaker, came to be one of the prime founders of PAMI, Parent of Adult Mentally Ill. She gave speeches and wrote articles. I know this because I was a neighbor and my mother was Marie's volunteer typist and editor.

The organization she helped create turned into a national movement to inform and educate the country about mental illness. They advocated for the rights and care of mentally ill family members and helped change the way we think about, treat and care for mental illness. Parent volunteers helped each other and those in their families suffering from mental illness.

That organization, PAMI, evolved into NAMI, the National Alliance on Mental Illness, with active chapters in every state.

NAMI is celebrating its 35th year this November. While many challenges remain for those who suffer from mental illness and their families, the support and treatment of those with mental illness has greatly improved.

It is especially fitting at this 35th anniversary to thank those parent volunteers who stood up to be counted when there was little help for them, or their sons and daughters. Marie Hibler is someone who fearlessly stepped forward. She wasn't an expert in psychiatry. She was a mother who loved her son. That made all the difference.

H. RES. 1631 WILL HARM REUNIFICATION EFFORTS IN CYPRUS

**HON. BILL DELAHUNT**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. DELAHUNT. Madam Speaker, I am concerned that the voice vote passage of H. Res. 1631, on September 28, 2010, "Calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom," may be detrimental to efforts at reunification of Cyprus.

While the Cyprus dispute is between Greek Cypriots and Turkish Cypriots, it has commanded the attention of other countries for decades. In that time, negotiations over Cyprus have involved not only the Cypriot communities, but also Turkey, Greece, the United Kingdom, the United States, the United Nations, and the European Union. The impasse over Cyprus has had a number of implications, including the continuing stalemate on Turkey's accession to the European Union.

While sponsors of H. Res. 1631 spoke about religious tolerance, this legislation is clearly intended to target Turkey and Turkish Cypriots directly. No mention was made about the destruction of Turkish-Muslim cultural sites

in the Republic of Cyprus, or the fact that both Greek and Turkish Cypriot communities have been working to tackle this problem together since 2008, under a Technical Committee established jointly by the leaders of the two communities.

Turkey, a friend of the United States and a NATO ally, has been supportive of the current discussions within the global community and between the two Cypriot leaders. The continuation of these efforts should be encouraged.

Passage of H. Res. 1631 at this time could provoke a highly negative reaction and completely sidetrack the ongoing reunification process. Instead of a one-sided resolution, this House should commend and endorse the steps taken by both parties to resolve their longstanding dispute and settle their differences together.

PROVIDING FOR CONSIDERATION  
OF H.R. 5566 AND THE SENATE  
AMENDMENT THERETO

SPEECH OF

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, November 15, 2010*

Mr. GALLEGLY. Madam Speaker, I strongly support H.R. 5566, which would stop the sale of animal crush videos.

Nearly everyone agrees that Congress must stop the creation and distribution of animal crush videos, which graphically depict the abuse and killing of animals. In 1999, legislation I introduced to prohibit crush videos was signed into law by President Bill Clinton. This bill effectively shut down the crush video industry. Unfortunately, after the Supreme Court ruling that struck down this law as too broad, however, crush videos came back on the market.

H.R. 5566 passed the House July 20, 2010, by a 416–3 vote. The Senate passed a slightly modified version in September by unanimous consent. But instead of passing the Senate version, the House passed a resolution agreeing to the Senate version but with an amendment.

The House amendment would strip language that makes it a federal crime, punishable by up to seven years in jail, to attempt or conspire to create or distribute a crush video. Under current statute, it is already a federal crime to conspire to violate any federal criminal law, with punishment up to five years in jail.

Given the few remaining days left in this session of Congress, I am concerned that after the House passes this legislation, the Senate will not consider this bill once again and crush videos will continue to proliferate.

I look forward to working with my friends on both sides of the aisle to enact a new law to ban crush videos as soon as possible.

DAVE NIEHAUS: FEBRUARY 19,  
1935–NOVEMBER 10, 2010

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. REICHERT. Madam Speaker, I rise today somberly, recognizing a larger-than-life

entertainer and broadcaster in the Pacific Northwest who passed away on Wednesday, November 10. Dave Niehaus, the fantastic voice of the Seattle Mariners, will be remembered as a terrific husband, father, and grandfather, a loyal employee, and a broadcaster who left an indelible mark in Seattle and beyond.

It's a true honor to know Dave was a constituent of the 8th District of Washington, the District I represent. His wife Marilyn, along with many of Dave's family members and friends remain in the District. I offer my sincere condolences for their loss and thank them for allowing Dave to share his profound gifts with all of us. The public lost an astounding sportscaster on November 10, Madam Speaker, but his family lost a remarkable friend. I wish them all the best in the future.

After word of Dave's death reached the public, Madam Speaker, a Seattle sportswriter wrote this: "The pleasure of listening to him on a stormy day in April or one of those long, lush nights in July always has felt like an inalienable right of being a sports fan in Seattle . . . What a voice!" I can attest to the power of his voice. My family, friends, and staff can as well. We all welcomed him into our homes on summer evenings like a member of the family. The talent he possessed was both enviable and cherished, Madam Speaker. When the Seattle Mariners take the field on Opening Day next year, every individual on and off the field will be thinking of Dave.

The Seattle Mariners have played 5,385 games since they became a franchise in 1977. Dave Niehaus called 5,284 of those games, Madam Speaker. What a legacy! I doubt an organization anywhere can depend on an employee like the Mariners depended on Dave. And he didn't just show up, Madam Speaker. He defined his profession and he finally earned the ultimate recognition in 2008: Major League Baseball Hall of Fame's Ford C. Frick award, the highest honor a baseball broadcaster can achieve—an honor he richly deserved.

Madam Speaker, Dave is one of the finest sportscasters of all time, regardless of the sport. His Hall-of-Fame career will never be forgotten. Children in middle school right now will be telling their grandkids about listening to Dave on the radio—reminiscing on his classic voice and truly incredibly talents. His catches phrases will be immortalized and his unflinching optimism will never die. God bless his wonderful family and, Madam Speaker, I speak for millions of baseball fans when I say Dave will be greatly missed, thank you.

HONORING GERALD JENKINS

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the people of Ohio's Seventh Congressional district to honor the life and memory of Specialist Gerald Jenkins.

Gerald Jenkins, of Circleville, Ohio, joined the U.S. Army at age 17. He served as a combat engineer assigned to the 1st Brigade Special Troop Battalion, 1st Brigade Combat Team, 101st Airborne Division in Fort Campbell, Ky. Most recently, Gerald served with his division on deployment in Afghanistan.

On October 20th, 2010, Gerald Jenkins died in the line of duty while his unit was on foot patrol in Maquan, Zhari district.

Gerald Jenkins, 19, was a young man dedicated to his friends, family and country. His family remembers him as always putting others first and for the pride he took in serving this nation. He excelled in his job and aspired to make a career in service in the Armed Forces.

During his service, Gerald was the recipient of many awards including the Army Achievement Medal; Army Commendation Medal; National Defense Service Medal; Global War on Terrorism Service Medal; Army Service Ribbon and Combat Action Badge.

Gerald Jenkins will be remembered for his selflessness, his bravery and for his life of service to this country.

HONORING DR. DENNIS FISHER

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize the 2010 Missouri Superintendent of the Year, Dr. Dennis Fisher.

Dennis has served as the Superintendent of Park Hill School District since 2005. Under Dennis' leadership, Park Hill has become one of the most distinguished school districts in Missouri. The school district was the first in the state to receive the Missouri Quality Award and has continued to receive the Distinction in Performance Award each year from the state. Dennis has also provided leadership to numerous professional advisory committees, helping school districts throughout the state provide a higher quality of education to the leaders of tomorrow.

Dennis is respected by not only his staff and students, but also the parents and community. He is a leader in the community and plays an active role in the development and betterment of the area. Under his direction, the staff and students strive to the highest of character.

Madam Speaker, I proudly ask you to join me in commending Dr. Dennis Fisher for his accomplishments and for his efforts put forth in serving the students of Park Hill School District.

IN HONOR AND RECOGNITION OF  
TOM JELEPIS

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of my friend Tom Jelep, devoted family man and community leader. His dedicated service and civic contributions continue to make a positive difference throughout our community.

Mr. Jelep was born in Cleveland and raised in nearby Lakewood, Ohio. His parents, Joanne and Leonard, raised his siblings and him with a focus on family, faith and service to others, values that Mr. Jelep continues to carry with him today. He attended Cuyahoga

Community College and Cleveland State University before joining the United States Marine Corps. Following three years of honorable military service, he successfully ran for public office and served for two terms as the Mayor of Bay Village. Following his time as Mayor, he helped develop a small business which he operates today.

In addition to his public and professional accomplishments, Mr. Jelepis' focus on family has never wavered. He is the dedicated husband of Beverly and devoted father of Elizabeth and Caitlin. His commitment to charity is reflected at St. Raphael Catholic Church, where he and his family are longtime members and volunteers.

Madam Speaker, please join me in honor and recognition of Mr. Tom Jelepis, who lives his life with energy, kindness and service to our community. Mr. Jelepis is a true gentleman known for his integrity, generosity and kind nature. His friendship has touched the lives of many, including my own.

IN RECOGNITION OF NEW BRUNSWICK POLICE DEPARTMENT 175TH ANNIVERSARY

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. PALLONE. Madam Speaker, I rise today to honor the New Brunswick Police Department as its family and friends gather to celebrate the organization's 175th Anniversary. Since its founding in 1835, the New Brunswick Police Department has faithfully protected the local residents, businesses and visitors in the City. Their honorable actions are undoubtedly deserving of this body's recognition.

The New Brunswick Police Department has a proud and long standing history. From its humble beginnings, in which two officers patrolled the City, the New Brunswick Police Department has grown exponentially. The Department has continued to provide a safe and peaceful environment in the City through effective and impartial law enforcement. They are also committed to meeting the needs of residents and businesses through active participation and community partnerships. Today, more than 130 dedicated men and women nobly protect the community as part of the New Brunswick Police Department.

Madam Speaker, please join me in honoring the New Brunswick Police Department on its 175th Anniversary and thanking the thousands of men and women who have served and protected the City of New Brunswick.

CONGRATULATING THE COPPELL HIGH SCHOOL MARCHING BAND FOR THEIR ACHIEVEMENTS AT THE 2010 STATE MARCHING BAND CONTEST

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. MARCHANT. Madam Speaker, I seek recognition to congratulate the Coppell High School Marching Band from Coppell, Texas

for their outstanding season of competition and reaching the Finals in the 2010 5A State Marching Band Contest.

The 350-member Coppell High School Marching Band has been a great source of pride for the citizens of Coppell for many years. Since the 1990s, the band has brought home gold and bronze medals from the State Championship, performed in the Pasadena Tournament of Roses Parade, won several regional marching contests, marched St. Patrick's Day parades in New York and Dublin, and continued a tradition of excellence that develops character, discipline, and leadership on and off the marching field.

In early August, not only will you find the football team beginning two-a-days at Coppell High, but you will likewise see the marching band practicing twice a day in the school parking lot. As a long-time resident of North Texas, I can tell you being outside hours at a time in 100-degree heat is the last thing most people would want to do in August. But every year, this dedicated group of students braves the elements and commits themselves entirely in the spirit of competition, their love of music, and devotion toward each other, their school, and their town.

It is this level of dedication and hard work that earned Coppell the honor of performing in the Finals of the 5A State Marching Band Contest this year. Reaching that point required several rounds of competition where, out of the 250 public high schools under the 5A classification, only 10 reached the Finals in the Alamo Dome in San Antonio on the night of November 2, 2010. Though Coppell did not take a place on the podium that night, the honor and thrill of being one of the last remaining bands should be a source of pride and respect for all the students who participated.

I want to specifically congratulate Scott Mason, Director of Bands for the Coppell Independent School District, his outstanding staff of directors and instructors, the drum majors, the section and squad leaders, and captains of the colorguard and drumline for leading their students through another successful year. Their continued accomplishments are well-deserved and hard-won.

I wish further success for these young people in their future pursuits in music and in life. I hope the important lessons learned by these students will remain with them forever.

CONGRATULATING THE KNIGHTS OF COLUMBUS, OUR LADY OF CHARITY ASSEMBLY 3089 OF SARASOTA, FLORIDA

**HON. VERN BUCHANAN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. BUCHANAN. Madam Speaker, today, I want to congratulate the Knights of Columbus, Our Lady of Charity Assembly 3089 of Sarasota, Florida, for receiving the Knights of Columbus "To Be a Patriot" Award for its service to our Nation's veterans.

The "To Be a Patriot" Award recognizes the three best international patriotic programs conducted by Fourth Degree assemblies. Assembly 3089 received the 2009–2010 award for its assistance at indigent funerals within the Sarasota National Cemetery.

The assembly was recognized for its efforts to ensure that every indigent buried at Sarasota National Cemetery has someone available at their funeral to accept the U.S. Flag. During the ceremony, an assembly member dressed in tuxedo with the social baldric voluntarily accepts the veteran's flag as a show of honor to those who selflessly served in our military.

On behalf of the people of Florida's 13th District, I thank Our Lady of Charity Assembly 3089 for helping to ensure that our veterans are laid to rest with the honor and dignity these heroes deserve.

It is with great pleasure that I acknowledge it has rightfully received this prestigious award.

HONORING TERRY E. CALDWELL

**HON. HOWARD P. "BUCK" McKEON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. McKEON. Madam Speaker, I rise today to recognize the accomplishments of outgoing Victorville City Councilmember, and nine-time Mayor, Terry E. Caldwell.

Terry was first appointed to the Victorville City Council on April 20, 1972, and completed eight consecutive terms. Born in Riverside, California, Terry graduated from Barstow High School in 1956 and went on to study at Taft College, San Jose State University, did MBA work at the University of Southern California, and obtained his law degree from the Southern California School of Law.

Terry's distinguished career in public service spans nearly forty years. He helped grow Victorville from a small town into a sprawling community, greatly improving the quality of life of families throughout the valley. Never shying away from new challenges, Terry took on responsibilities with the State Regional Water Quality Control Board, served over 10 years as Vice Chairman and Chairman of the Victor Valley Economic Development Authority, worked on the Victorville Planning Commission, Victorville Sanitary District, and the Parks and Recreation Advisory Committee.

Terry also played a vital role in the acquisition of the former George Air Force Base—now the Southern California Logistics Airport—from the U.S. Air Force. This included the purchase of 5,000 acres and the development of a long-range economic development plan. Other major accomplishments for the Victor Valley under Terry's leadership include: Construction of the Bear Valley Road Interchange, bringing Victorville the Mall of Victor Valley, growth of the Bear Valley Redevelopment Area, and development of the Auto Park at Valley Center. All of these accomplishments brought jobs, economic development, and a growing number of residents to Victorville.

Terry leaves behind a remarkable legacy of public service and lasting impact on the residents of Victorville. I want to congratulate Terry, his wife Pat, and his three children, Christie, Carrie, and Leon for helping create a vibrant future for the Victor Valley.



SUPPORTING GOLD STAR  
MOTHERS DAY

SPEECH OF

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 28, 2010*

Mr. RANGEL. Mr. Speaker, I rise today to express my support in recognition of Gold Star Mothers Day, which is celebrated the last Sunday of September. These mothers have given the supreme sacrifice for their country: they have lost a son or daughter serving in the Armed Forces. But instead of mourning alone, these courageous women have taken their personal loss and used it to help others in the same situation.

Several weeks ago, I hosted the Congressional Black Caucus Annual Legislative Conference, along with Rep. CORRINE BROWN of Florida and Rep. SANFORD BISHOP of Georgia. At that conference, we were honored to have here with us Ms. Aseneth Blackwell, a former President of the Gold Star Wives of America, a sister organization of the Gold Star Mothers. Both members of these organizations have lost loved ones in service for their country.

These honorable women provide support to those who may not know who to turn to. They provide a listening ear and sympathetic voice to the bereaved, because they have been there too. They assist veteran's families in understanding and obtaining the benefits provided by the government for veteran's families. And they make sure that the Nation never forgets those sacrifices made by the men and women of the Armed Forces.

My condolences go out to any family member that has lost a spouse, a child, or a parent in the service of their country. That is why I am proud to speak today on behalf of this bill that recognizes the sacrifice made by mothers of this country, by observing Gold Star Mothers Day. I also commend President Obama for his proclamation on September 24th, asking the public to observe this special day with them.

## PERSONAL EXPLANATION

**HON. PATRICK J. KENNEDY**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. KENNEDY. Madam Speaker, I regret that I was unable to participate in a series of votes on the floor of the House of Representatives on Tuesday, November, 16, 2010.

Had I been present to vote on rollcall No. 569, on the motion to suspend the rules and agree to H. Res. 716, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 570, on the motion to suspend the rules and agree to H. Res. 1475, I would have voted "aye" on the question.

Had I been present to vote on rollcall No. 571, on the motion to suspend the rules and agree to H. Res. 1428, I would have voted "aye" on the question.

CONGRATULATING JEANNA  
WALKER**HON. FRED UPTON**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. UPTON. Madam Speaker, I rise today to congratulate the Portage Northern High School Library Media Center and Media Center Specialist Jeanna Walker for being selected by the American Association of School Libraries as the most outstanding library program in the State of Michigan and one of the top 35 programs in the nation.

The media center was remodeled last summer to fully envision the goal of delivering 21st century skills to both students and teachers. With a media classroom and three classroom areas all equipped with the technology-enhanced classroom model, the media center and learning commons are overflowing with teaching and learning on a daily basis. The media center is an active learning environment for the student population and is being used by approximately 4,000 students per week.

The media center's cutting-edge technology gives students the opportunity to work with and learn from off campus groups and experiences. With the help of social studies teacher Stacie Phillips, Jeanna Walker teamed with Western Michigan University's Haworth College of Business to bring online collaborative tools to Portage Northern American history classes. Also, access to live video conference capability gave students the ability to watch an autopsy through the Columbus Center for Science and Industry.

In honor of this national recognition, the media center will be featured on the American Association of School Libraries Vision Tour, an initiative by the association's President, Dr. Nancy Everhart, to visit school media centers across the United States in order to provide the public with examples of what exceptional school media centers offer students and communities.

On behalf of all residents of southwest Michigan, congratulations again to the Portage Northern High School Library Media Center, Media Specialist Jeanna Walker, and the entire Portage Community on this worthy achievement. Go Huskies!

## HONORING DONNA C. NASH

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Donna C. Nash. Donna has served as Platte County Collector since 1982 and will be retiring from office on February 28, 2011.

Since first being appointed to office by Governor Kit Bond in 1982, Donna has been elected as Platte County Collector seven times. During her time in this role, she has sought to provide Platte County the technology and leadership needed to become a top-tier county in Missouri. Her office was the first in Missouri to allow taxpayers to pay their taxes via credit card or online and print their receipt online. She has also provided leadership as the first

female President of the Missouri County Collectors Association as well as being involved with the Missouri Association of Counties, the National Association of Collectors, the Treasurers and Finance Officers, and the National Association of Counties. She has generously donated her time to such causes as the Daughters of the American Revolution and the Red Cross, among many other organizations she has supported through the years. I personally would like to thank Donna for her support and insight during my time in office and for being the first Platte County official to endorse me when I first ran for Congress in 2000.

Madam Speaker, I proudly ask you to join me, her husband Karlton, their two children, and three grandchildren, in commending Donna C. Nash for her accomplishments and for her efforts put forth in serving Platte County, Missouri.

IN HONOR AND RECOGNITION OF  
ROBERT RICE AND GARY RICE  
OF LAKEWOOD, OHIO**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of Robert Rice and his son Gary of Lakewood, Ohio, for their longtime service on behalf of our community and our nation.

Robert Rice, a devoted family man, World War II veteran, dedicated teacher, composer, musician and civic activist has touched the lives of many throughout our community as a music teacher in the Lakewood Public Schools until his retirement in 1983. His wife, the late Betty Rice, was also musically gifted. Together they raised their son Gary with an abiding appreciation for the arts, music, and public service.

Gary Rice followed in his father's path and became a teacher and a musician. Despite being born with hearing and speech impediments, Gary became a talented vocalist and musician, performing numerous times on stage throughout Greater Cleveland. Both Robert and Gary made a profound impact upon the lives of countless students, colleagues and parents. To this day, Robert and Gary continue to share their passion for music by tutoring students, composing, and performing for various schools, senior organizations and veterans groups throughout the Greater Cleveland area. Robert and Gary recently completed an original composition, a march in honor of United States' veterans entitled "The American Veterans' Last Salute March." It has already been performed on several occasions.

Madam Speaker and colleagues, please join me in honor and recognition of Robert Rice and his son Gary for their service to our community and our country. Their strong father-son bond is reflected through their shared love of music and shared spirit of volunteerism. Their work and passion brings music, inspiration and joy into the lives of countless individuals—young and old—throughout our community.

## RECOGNIZING RODNEY MORRIS

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. PALLONE. Madam Speaker, I rise today to recognize Mr. Rodney Morris. Mr. Morris is a Corrections Officer with the Monmouth County Sheriff's Department and an active member of the Long Branch, New Jersey community. On October 1, 2010, Mr. Morris retired after dedicating 26 years of service to the Sheriff's Department. I applaud Mr. Morris, as his achievements should serve as an inspiration to us all.

Today we recognize Mr. Morris for contributing 26 years of service to the Monmouth County Sheriff's Department. The 609 officers and employees of the Monmouth County Sheriff's Department are dedicated to serving the needs of the community. Located in Freehold, New Jersey, the Sheriff's Office is comprised of three divisions: Law Enforcement, Corrections, and Communications. Mr. Morris has demonstrated unwavering commitment to protecting and serving the constituents of Monmouth County and remains a tremendously valued member of my district and the County.

Mr. Morris is also a valued and dedicated member of the Long Branch, New Jersey community. Mr. Morris is actively involved in community sports activities and serves as a coach for the tee-ball and basketball teams for Long Branch Recreation Department. Mr. Morris has also served as Head Coach for the Pop Warner Football team. Mr. Morris has served as Chairperson of the Deacon's Ministry at the Second Baptist Church in Long Branch for ten years and continues to serve in this capacity today. He has been happily married to his wife Susie for seventeen years. Together, they have one son, Tyree Rodney Morris, who is 10 years old. Mr. Morris is a positive role model for his family and other members of the community.

Madam Speaker, please join me in leading this body in acknowledging Mr. Morris' 26 years of service with the Monmouth County Sheriff's Department. His dedication and commitment are positive examples of what steadfast determination and allegiance can accomplish.

HONORING THE CONTRIBUTIONS  
OF UPPER LOUDOUN YOUTH  
FOOTBALL LEAGUE TO THE  
TREE OF LIFE FOOD BANK

**HON. FRANK R. WOLF-**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. WOLF. Madam Speaker, I rise today to recognize the important work of the Upper Loudoun Youth Football League (ULYFL) in collecting nonperishable food donations for the Tree of Life Food Pantry in Purcellville, Virginia.

This fall the Upper Loudoun Youth Football League partnered with Tree of Life Food Pantry to collect food for the individuals and families in the community and stock the food pantry's shelves for the upcoming winter season.

The league divided into 25 teams and worked to collect nonperishable food donations. Team Chargers led the pack and collected 3,532 pounds of food and 54 boxes of cereal, and Team Bucs followed close behind with 3,459 pounds of food and 142 boxes of cereal. The other teams included: The Titans/D Cowboys; Bulldogs/Huskies/Vikings; Team Mustangs; Team Oarsman; Team Packers; Team Bengals; Team Giants; The Gators/D Giants; The Tigers/D Ravens; Team Warriors; Team Trojan; The Raiders/D Redskins; The Eagles/Flag Bengals; Team Vikings; The Wildcats/Flag Panthers; Team Knights; Team Colts; Team Huskies; Team Aztecs; Team Seahawks; The Cougars/ Flag Pacers; Team Cheerleaders; and The Bandits/D Eagles. All together the league collected 23,550 pounds of food and 614 boxes of cereal.

I commend all who volunteered for their tireless commitment and service to those in their community who are unable to make ends meet and put food on the table. I also commend the partnership that has grown between the Upper Loudoun Youth Football League and the Tree of Life Food Pantry in Purcellville to make available leftover food to stock the shelves of the food pantry.

In closing, I would like to thank the coaches, the league, the parents, and the players for their dedicated efforts and support for the community.

RECOGNIZING 35TH ANNIVERSARY  
OF THE EDUCATION FOR ALL  
HANDICAPPED CHILDREN ACT

SPEECH OF

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2010*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commemorate the 35th Anniversary of the Individuals with Disabilities Act (IDEA), a landmark law that asserted the right of all students with disabilities to receive education services appropriate to their needs.

Before IDEA, many individuals with disabilities were relegated to state institutions or misdiagnosed and inappropriately educated. In the 1950s and 1960s, the Federal government began working with advocates to develop best practices for educating children with disabilities and train teachers and specialists to implement them.

In 1975, Congress passed the Education for All Handicapped Children Act, which would later become IDEA. Through early interventions, specialized supports, and placement in the least restrictive environment, the law revolutionized education for children with disabilities. Today, more than 6 million students receive IDEA services.

IDEA also included a promise to states and school districts—by 1982, for every child receiving special education services, the federal government would pay forty percent of the National Average per Pupil Expenditure. Yet Congress has never appropriated even half that amount in regular appropriations. I have introduced bipartisan legislation, the EDUCATE Act, which would put Congress on a fiscally-responsible path to fully fund IDEA within eight years. I urge my colleagues to join me to honor our promise to America's students.

Mr. Speaker, IDEA has made a tremendous difference in the lives of millions of students and their families. We must recommit ourselves to provide the resources necessary to ensure that all students have the opportunity to reach their full potential.

## HONORING RUBY BRIDGES

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. CARSON of Indiana. Madam Speaker, I join the House of Representatives in recognizing and honoring the 50th anniversary of Ruby Bridges.

In 1960, Ruby Bridges became the first African-American child to attend William Frantz Elementary School in New Orleans, Louisiana. As she took her first steps to school, Ruby created a path in education for many to follow.

Ruby's resilience in the face of discrimination was an important moment and contribution to the Civil Rights Movement.

In my congressional district, we are honored to have Ruby's historic journey on display at the Indianapolis Children's Museum for all Americans to witness and experience her honorable journey.

With Ruby's help, the Indianapolis Children's Museum has built a unique exhibit called the "Power of Children," which documents her courageous strides for equality in education.

Her bravery at such a young age paved the way for all African-American children to attend newly integrated schools, and has made her a symbol of tolerance and respect for all Americans.

As we continue to work on reforming our education laws, let us remember the great gift that Ruby Bridges gave to all American children—the gift of equal education for all.

HONORING DR. AARON R. GRAHAM  
ON HIS RETIREMENT

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to recognize one of my constituents, Dr. Aaron R. Graham, who is the Bergen Executive County Superintendent of Schools. Dr. Graham should be congratulated on his retirement for a job well done and celebrated for over 40 years of public service as an educator.

Dr. Graham received his Bachelor of Science in Biology from North Carolina Central University and received his Masters of Science in Education from the University of Akron. He earned his Doctorate of Education in Administration and Supervision from Fordham University. He has also completed post-graduate studies at Montclair State University and the State University of New York.

Dr. Graham began his educational career as a Science Teacher in the National Teachers Corps and Public Schools in Akron, Ohio. He has taught students on every level from pre-school through graduate school. In New Jersey, his career experience includes: Science

Teacher in Palisades Park Junior-Senior High School; Educational Specialist and Educational Planner for the New Jersey State Department of Education; District Project Director and Assistant Director of Curriculum and Instruction at New Jersey City University. He has lectured at several colleges and has presented at the University Council for Educational Administration Convention in Scottsdale, Arizona.

Bergen County is the largest county in New Jersey with over 895,000 residents and more than 135,000 students. As Bergen Executive County Superintendent, Dr. Graham supervises the county's 78 school districts and nearly 300 schools. In this capacity he has provided educational leadership to school leaders and staff members on strategic issues, student achievement, program improvement, fiscal review, curriculum and professional development. He has provided leadership in building positive relationships between and among school boards, administrators, staff, students, parents, and communities.

In 2002, Dr. Graham received a Congressional Citation for Excellence in Educational Reform and Leadership. In 2003, he received the first Bergen County Leadership Award from the Bergen County Association of School Administrators. In 2005, the New Jersey Congress of Parents and Teachers awarded Dr. Graham lifetime membership, and in 2006, he received a 50th Anniversary Honoree Award from Bergen Catholic High School. Dr. Graham serves on the National Faculty of the National Principals Leadership Institute and served as the President of New Jersey Council of Education from 2008 to 2009.

Madam Speaker, I know that my colleagues will join with me in honoring Dr. Aaron Graham for his fourteen years of service to Bergen County, New Jersey and on his retirement as one of America's finest educators.

TRIBUTE TO DR. REED L.  
BUFFINGTON

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. STARK. Madam Speaker, I rise today to pay tribute to Dr. Reed L. Buffington. Chabot College in Hayward, California, will dedicate the Reed L. Buffington Visual and Performing Arts Center Building on November 3, 2010. It is a fitting tribute to Dr. Buffington's contributions.

Dr. Buffington held the position of President/Superintendent of Chabot College from its founding in September of 1961 until his retirement in 1981. When asked by a newspaper reporter to name his chief objective for the new college, Dr. Buffington replied, "Quality! . . . quality in everything we do."

The Hayward community continues to benefit from his legacy and from his eponymous awards for alumni, students, and faculty. Upon his retirement, Dr. Buffington created an endowment for the prestigious Buffington Award, annually awarded for excellence in a teaching career. Dr. Buffington began his own career in education as a political science instructor. He earned A.B. and M.A. degrees in political science from the University of Chicago and a Doctorate in Education from Stanford University.

During his tenure at Chabot College, Dr. Buffington made innumerable contributions to higher education in California and to local civic organizations. A passage from the book Chabot College: The First Twenty Years aptly reflects Dr. Buffington's enduring legacy of excellence and service to Chabot College, and the community: "From the very beginning, this has been Reed Buffington's college, dedicated in its every thought, deed, and act to the fulfillment of the educational and cultural needs, hopes, and desires of the people of South County."

I join the community in welcoming the Reed L. Buffington Visual and Performing Arts Center. I also join Dr. Buffington's colleagues in expressing appreciation for his extraordinary leadership.

HONORING CHRISTOPHER ADAM  
MERSHON

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Christopher Adam Mershon. Chris is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and earning the most prestigious award of Eagle Scout.

Chris has been very active with his troop, participating in many scout activities. Over the many years Chris has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Chris has earned the rank of Patrol Leader in his troop and is a Warrior in the Tribe of Mic-O-Say. Chris has also contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Christopher Adam Mershon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNITION OF WILLIAM BLAKE

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. PALLONE. Madam Speaker, I rise today to recognize Mr. William Blake, a World War II veteran and resident of Edison, New Jersey. Mr. Blake will be honored with the Medal of Chevalier in the French Legion of Honor by the Consul General of France, Mr. Philippe Lalliot for his brave actions during combat. Mr. Blake's courageous actions in combat are deserving of this body's recognition.

Mr. Blake served as a corporal with the United States Army from April 14, 1944 to June 11, 1945. During this time, Mr. Blake displayed valor and bravery. He began as a tank driver with the 2nd Armored Division. As tensions in the region began to grow, in June 1944, Mr. Blake's division was deeply entrenched in the Battle of Normandy, specifi-

cally fighting in the Cotentin Peninsula. His heroic actions resulted in the liberation of Carentan. By July 1944, Mr. Blake and his brothers in arms were heavily engaged in Operation Cobra. Subsequent combat missions included the Battle of the Bulge, before his unit was finally stationed in Schonebeck, Germany until July 1945. Mr. Blake's valiant efforts to defend our nation during World War II are noble and highly commendable.

As a result of his courageous efforts, Mr. Blake was awarded the Silver Star Medal. This honor is the third-highest military decoration for valor awarded to a member of any branch of the Armed Forces. Mr. Blake is also the recipient of a Purple Heart. Today he is being honored with the Medal of Chevalier in the French Legion of Honor. His nomination to the position of Chevalier in the Legion d'Honneur was approved by French President Nicolas Sarkozy. The Chevalier of the Legion of Honor is the highest military distinction awarded by France.

Madam Speaker, please join me in leading this body in congratulating Mr. William Blake as he receives this prestigious award. His dedication to this country serves as a shining example of what bravery and determination can accomplish.

HONORING SIKH AMERICAN  
AWARENESS AND APPRECIATION  
MONTH

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. COSTA. Madam Speaker, I rise today to honor the Sikh American community on the occasion of Sikh American Awareness and Appreciation Month which is celebrated in November.

For over a century, California's Central Valley has boasted a flourishing concentration of Sikh Americans, sharing a rich history, mutual understanding, and shared principles. In 1912, the first Sikh Gudwara in the United States was established in Stockton, California as Sikh Americans settled in the region, coming to labor in agricultural and railroad pursuits. Over the years, Sikh Americans have found many successes as over 700,000 have made their homes across our nation.

From serving as Members of Congress, such as Dalip Singh Saund did for three terms, to Mayors of California cities such as San Joaquin, Sikh Americans have quickly become an active force in American public policy. When leading industry positions in agriculture, small business, and medicine, Sikh Americans bring a distinctive pride to many endeavors, and an unparalleled work ethic.

On the first Sunday of each November Sikh Americans throughout our nation celebrate the coronation day of Sikh Scripture as Guru Gaddi Divas with parades and festivals. As we strive to appreciate the vibrant diversity and contributions of all religions and cultures in our nation, I ask my colleagues to join me in recognizing the Sikh American community as they celebrate Sikh American Awareness and Appreciation Month this November.

OUR UNCONSCIONABLE NATIONAL  
DEBT**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 17, 2010*

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is \$13,795,134,710,938.40.

On January 6, 2009, the start of the 111th Congress, the national debt was \$10,638,425,746,293.80.

This means the national debt has increased by \$3,156,708,964,644.60 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

RECOGNIZING JUDGE WILLIAM J.  
CAPRATHE**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 17, 2010*

Mr. KILDEE. Madam Speaker, the Honorable William J. Caprathe, Judge with the 18th Circuit Court of Michigan, is retiring after serving on the bench since 1981. A celebration will be held in Bay City Michigan on November 19th in his honor.

Judge Caprathe became a member of the State Bar of Michigan in 1966. He worked as a trial attorney before beginning his career as a circuit court judge serving as Chief Judge from 1984 to 1997. He has served as chair of the Executive Board of the National Conference of State Trial Judges, co-chair of the Judicial Division's Judicial Clerkship Program, president of the Michigan Judges Association, and chair of the Michigan Judicial Conference. He has also served as chair of the Michigan State Bar Standing Committee on Criminal Jury Instructions, and is a past member of the Equal Access Initiative and the Michigan Coalition Against Domestic and Sexual Violence. As a regular faculty member of the Michigan Judicial Institute he oversaw the production of several bench books. He also served on the American Bar Association's American Jury Project.

Madam Speaker, I am honored to be able to recognize the achievements of Judge William J. Caprathe and ask the House of Representatives to join me in congratulating him on his retirement. I wish him the best as he enters this phase of his life.

CONGRATULATING ELDON HIGH  
SCHOOL'S FFA PARLIAMENTARY  
PROCEDURE TEAM**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 17, 2010*

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating Eldon High School's FFA Parliamentary Procedure Team. On October 23, 2010 at the 83rd National FFA Convention in Indianapolis,

IN, the Eldon High School FFA Parliamentary Procedure Team won its first national championship. The members of the championship winning team each received a scholarship to further their education at a post-secondary institution of their choice.

The Eldon High FFA Parliamentary Procedure Team consists of seniors Payton Atteberry, who also holds the distinction of winning the Outstanding Chairman Award, Jill Blankenship, Cole Griffith, Kelsi Mueller, Arika Myers, and Abbey Thomas. The Eldon team competed against 44 teams from across the nation. This competition tests students' ability to effectively communicate ideas during a meeting. Components included a general knowledge exam of parliamentary law, a ten-minute demonstration of parliamentary procedure, oral questions, and written minutes of the demonstration.

These six gifted young men and women were prepared and focused, due to their dedicated advisor, Eldon High School Agriculture teacher Matt Biddle, who trained and supported the team. Each student received \$1,000 and a plaque in recognition of this event.

I ask that you join me in recognizing the Eldon High School's FFA Parliamentary Procedure Team for a job well done. These students and all the other students who participated in the annual convention should be commended for their commitment to the future of agriculture.

## HONORING CHRISTIAN A. SPINLER

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Christian A. Spinler. Christian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 205, and earning the most prestigious award of Eagle Scout.

Christian has been very active with his troop, participating in many scout activities. Over the many years Christian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Christian has earned the rank of Senior Patrol Leader in his troop and the World Conservation Award. Christian also has contributed to his community through his Eagle Scout project. Christian designed and constructed a wooden fence around the trash dumpsters at his troops sponsoring church, Good Shepherd Christian Church in Blue Springs, Missouri.

Madam Speaker, I proudly ask you to join me in commending Christian A. Spinler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## PERSONAL EXPLANATION

**HON. ADAM H. PUTNAM**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 17, 2010*

Mr. PUTNAM. Madam Speaker, on Monday, November 15, 2010, and Tuesday, November 16, 2010, I was not present for 6 recorded votes. Had I been present, I would have voted the following way: roll No. 566—"yea"; roll No. 567—"yea"; roll No. 568—"yea"; roll No. 569—"yea"; roll No. 570—"yea"; roll No. 571—"yea".

RECOGNITION OF REVEREND  
LINWOOD D. ROUSE**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, November 17, 2010*

Mr. PALLONE. Madam Speaker, I rise today to recognize the ministry of Reverend Linwood D. Rouse, Pastor of Macedonia Original Freewill (OFW) Baptist Church in Piscataway, New Jersey. For 26 years, Reverend Rouse has served as a pillar of his church and community. His rock-solid faith and commitment toward helping others deserves recognition.

Reverend Rouse, the second of eight children born to David and Lorraine Rouse, moved to New Jersey from his birthplace of Washington, D.C. in 1963. He is a graduate of the Dr. Howard Anderson Interdenominational School of Divinity Southern Baptist Seminary Extension and Philadelphia Biblical University, from which he holds a degree of Associate of Biblical Studies. Starting out as an organist and choir director, he soon was made a church trustee. He eventually found himself called to minister. After his first sermon in June of 1978, he was licensed to preach at Macedonia OFW, was ordained on October 19th, 1979, and in 1984, became pastor.

For over two decades, Reverend Rouse has served his community with a diligence, steadfastness, compassion, and faith that is inspirational. He has worked tirelessly as an advocate for his church, securing building space for the schooling of his congregation's youngest members. Under his care, numerous community programs have grown, such as the Horns of Joshua, a youth outreach program that targets children and families going through times of crisis. And he was the creator of Caring Hand of New Jersey Inc., which serves as a Bible School and includes a Child Care Program. He is a board member of the Piscataway Township Board of Ethics, vice president of the Middlesex County Board of Ethics, president of District Union No. 1 of Central Jersey, and a board member of Piscataway Township's Turn-on Youth Coalition. His other positions in the community include Chaplain of the Holmes Marshall Vol. Fire Co., chaplain and then delegate of the National Police Defense Foundation, member of United Chaplin International, treasurer of the Middlesex Central Baptist Association of New Jersey, Inc., and member of the Singing Pastors of Piscataway.

Madam Speaker, I sincerely hope that my colleagues will join me in recognizing Reverend Rouse's work. His supporters and

friends will be honoring his 26th Pastoral Anniversary on Sunday, October 10, 2010. Let us join them in acknowledging and honoring the values his life of service shows.

HONORING DAVID SABSAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Ms. WOOLSEY. Madam Speaker, I rise today to honor the life of David Sabsay, father of the Sonoma County Library, who passed away on March 20, 2010, at his home in Sebastopol, California. His passion and leadership strengthened our public libraries not only in Sonoma County, but across California, transforming education and fostering civic engagement for youth and adults.

Born in Waltham, Massachusetts in 1931, David Sabsay came to Santa Rosa in 1956 after receiving his graduate degree in library science at the University of California at Berkeley. At 25, Mr. Sabsay was the youngest head librarian in the state, and he was already envisioning the vibrant, integrated public library system he knew Californians needed.

Mr. Sabsay wasted no time in pursuing this vision, and his skill as a library advocate quickly earned him a place of respect in the community and a record of hard-earned victories. On multiple occasions he served as chair of the Government Relations Committee of the California Library Association, and by 1971 he had become the organization's president. He founded and became the first coordinator of the North Bay Cooperative Library System, a six-county resource-sharing network and the first cooperative library system in the western United States.

In a career dedicated to improving library services in Sonoma County, Mr. Sabsay also brought his expertise to debates on library support in Sacramento. In 1978, in order to secure a sufficient stream of funding for California libraries, he helped author legislation establishing state financing for local libraries and encouraging county contributions. This legislation continues to serve all Californians as a safeguard against the loss of an essential public asset and as a reminder of our stake in its future.

Mr. Sabsay was perhaps best known for his instrumental backing of a unified library system in Sonoma County. In 1975, his work led to the signing of the joint-powers agreement—the first such agreement for a library system in California—that established the institution we rely on today. During his tenure as director of Sonoma County Library, Mr. Sabsay even oversaw the construction of the central library and nine regional branches as his county network expanded to serve one of the strongest per capita memberships in the state. Mr. Sabsay retired in 1992 but remained an active consultant on library development, funding, and operations.

David Sabsay was predeceased by his wife Helen. He is survived by his brother.

Madam Speaker, I ask you to join me in celebrating the life of a man who dedicated himself to serving the people of Sonoma County and California. We have all benefitted from his work on behalf of knowledge and public education, and from his example as a

tireless advocate for one of the civic institutions most important in our democracy.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. LARSON of Connecticut. Madam Speaker, on November 17, 2010, I missed rollcall vote 572. Had I been present, I would have voted "yea" or "aye."

IN HONOR OF ROBERT "BOB" FELLER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. KUCINICH. Madam Speaker, I rise today in honor of Robert "Bob" Feller on his 92nd birthday on November 3 and for his longtime service in our community and our Nation.

Bob was one of the greatest pitchers in Cleveland Indians history. He made his major league debut in 1936 at the age of 17, where his legendary fastball quickly earned him a reputation around the league. He was given nicknames such as "Rapid Robert" and "Bullet Bob." His career was prodigious; it spanned over sixteen seasons, during which he racked up 2581 strikeouts, 3828 innings pitched and 266 wins. These and other monumental totals make up many team and league records that remain intact today. It is no wonder that Bob was inducted into the Hall of Fame in 1962, his first year of eligibility.

Bob's military service is evidence of his character and love of his country. He served our Nation in the Navy during World War II, becoming the first major league baseball player to enlist as a result of the attack on Pearl Harbor in December of 1941. Though he was in the prime of his career and could have deferred his draft notice, he chose to miss four seasons, serving aboard the U.S.S. *Alabama* as it patrolled both the Pacific and Atlantic Oceans. He retired from the Navy at the end of the war as a Chief Petty Officer and returned to his exceptional career with the Indians.

Madam Speaker and colleagues, please join me in honor and recognition of Bob Feller for his excellence in major league baseball and his service to our country. The strength of character he displayed both on and off the field makes him a truly exceptional man and a role model for generations of baseball fans and patriots.

A TRIBUTE TO HONOR THE COMMANDING OFFICER AND CREW OF THE USS "GRAVELY"

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to Commander Douglas

Kunzman, as well as the officers and crew of the USS *Gravelly*, which will be commissioned by the United States Navy in Wilmington, North Carolina, on November 20, 2010. This strong, state-of-the-art destroyer joins an impressive group of ships on deployment protecting our nation and defending our freedoms and national security interests.

As a senior member of the U.S. House Committee on Armed Services and a longtime supporter of our great nation's military and those who have served our country, it is my honor to recognize the USS *Gravelly* as the 57th unit of the ARLEIGH BURKE Class of guided missile destroyers.

Named for Vice Admiral Samuel Lee Gravelly, Jr., the first African-American commanding officer of a naval ship, this guided missile destroyer was constructed at Northrup Grumman Corporation's Ingalls Shipyard in Pascagoula, MS. Her keel was laid on November 26, 2007, launched on March 30, 2009, and christened on May 16, 2009. Impressively, the USS *Gravelly* has an overall length of 510 ft, beam of 66 ft, full load displacement of 9,200 tons and a mean full load draft of 33 ft.

The people of Southeastern North Carolina are honored to welcome and host Commander Kunzman and his crew for the commissioning festivities for this new vessel and hope they will consider the coastline of this state as a special home for them. I am especially appreciative of the Secretary of the Navy, the Honorable Ray Mabus, for granting the request for this commissioning to occur in North Carolina and for his recent visit to Wilmington in anticipation of this important event, as well as for the celebration of Navy Day.

The State of North Carolina and this nation are deeply proud of the personal talent and ability represented by the officers and crew of this new destroyer. It is their spirit, service, and sacrifice for which we all are extremely grateful.

Madam Speaker, may we also never forget the bravery and dedication of those who have served before, those who currently serve, and those who will serve our country—and may we continue to receive inspiration from their courageous words and deeds. May God's blessings be with the USS *Gravelly*, her officers, and her crew as she begins her time in service to this wonderful nation—the United States of America.

HONORING CHARLES E. KRUSE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 17, 2010

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Charles E. Kruse. Charlie has served as President of the Missouri Farm Bureau since 1992 and will be retiring from office on December 7, 2010.

Since first being elected to President in 1992, Charlie has served for nine terms and has overseen the tremendous growth of the Missouri Farm Bureau. Under Charlie's leadership, membership has reached 100,000, a successful web portal has been developed, and historic new highs have been reached in both the Life insurance and Town and Country insurance sections. All the while, Charlie has maintained an outspoken passion for Missouri

farmers, defending their values and promoting their efforts in both Jefferson City and Washington. Even though retiring from the Farm Bureau, I am sure Charlie will continue to fight for Missouri farmers for many years to come.

Madam Speaker, I proudly ask you to join me, his wife Pam, and all their children and grandchildren, in commending Charles E. Kruse for his accomplishments and for his efforts put forth in serving Missouri farmers.

COMMEMORATING THE 40TH ANNIVERSARY OF THE MARSHALL UNIVERSITY PLANE CRASH TRAGEDY

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. RAHALL. Madam Speaker, on November 14, 1970, a plane carrying 75 Marshall University football players, their coaches, faithful supporters and friends crashed while attempting to land in Huntington, WV. On that cold, rain-filled and foggy night so many promising futures came to a sudden and tragic end.

On the night of this tragedy—known as the worst air disaster in American sports history, an entire community, our State and frankly our Nation were one in grief, but also one in believing that—from adversity—hope, growth and success can conquer all in the end.

In the forty years since these souls were taken from those they loved and who loved them, the Marshall community—friends and strangers, colleagues and competitors, icons and unknowns—have bonded together in hearts and minds.

On every anniversary of this tragedy we reflect on the tremendous loss, yet it is also a moment that renews promises and purpose and stirs hope in the human spirit.

In the words of Marshall University Alumni Association President William “Mickey” Jackson, a former Marshall Football player and assistant coach for the team in 1970, who was on a scouting trip and not with the team the night of the crash, “It is very inspirational to remember, but very, very sad at the same time. When they place the wreath at the fountain and the water stops, my heart just stops beating.”

The themes of hope and rebirth are carried forward every year at Marshall University, beginning with turning on one simple, yet so symbolic fountain.

What has been learned from this tragic experience extends beyond those early hours of shock and disbelief. Two generations have been raised by the incredible power of the Marshall spirit—a strength, vitality, camaraderie and resolve that is reflected time and again. And as the story spreads, others receive solace and inspiration.

And today, we are stronger because of it—for, we are Marshall.

RECOGNITION OF ST. MICHAEL'S CHURCH

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. PALLONE. Madam Speaker, I rise today to recognize St. Michael's Church in Long Branch, New Jersey as the parishioners celebrate the 125th Anniversary. St. Michael's Church has a rich and formidable history of serving the needs of the community. Historically noteworthy, St. Michael's main altar was given in memory of Mr. Francis Anthony Drexel, banker and great philanthropist of Philadelphia, Pennsylvania. Mr. Drexel and his family summered at West End. His daughter, Mother Katherine Drexel, was the founder of the Sisters of the Blessed Sacrament. She was later canonized as a saint of the church on October 1, 2000. Mother Katherine Drexel decided to enter the Religious Life while residing in parish territory. The mosaic in her honor can be found in the vestibule of the Church.

Originally formed as a “mission church” in 1886, St. Michael's was an extension of the Star of the Sea Church in Long Branch, New Jersey. However, members of the church community soon saw the need to expand and serve a growing population. By 1892, St. Michael's relinquished its status as a mission church and became an independent entity. Reverend Richard Crean served as the church's first pastor. Since then, St. Michael's Church has been served by many accomplished priests. Today, Reverend Charles B. Weiser leads the members of the St. Michael's Church and gathers a vibrant community where members passionately practice the Catholic faith.

St. Michael Church's original parishioners were predominantly the Irish Catholic. Today, the parish reflects a diverse ethnic population located throughout Long Branch and Monmouth County. Often referred to as a “metropolitan church”, the congregation has continued to welcome new members and the St. Michael's Church family has grown exponentially in the past years.

Madam Speaker, please join me in leading this body in acknowledging St. Michael's Church as the parishioners celebrate their 125th Anniversary. The St. Michael's community is tremendously valued in my district and the State of New Jersey.

CELEBRATING THE LIFE OF DEANTÉ PIERRE WILSON, A YOUNG MAN OF SPIRITUAL COMPASSION AND LOVE FOR THE COMMUNITY HE SERVED

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. RANGEL. Madam Speaker, it is with great sadness that I rise today to memorialize a beloved young member of our Harlem community, DeAnté Pierre Wilson, whose mass will be celebrated on Saturday, November 20, 2010 at Kelly Temple Church Of God In Christ in my congressional district.

His unexpected and untimely passing has left behind a deeply felt void within his church,

the Kelly Temple COGIC, where he served as youth minister. That deeply felt void is also extended to his family and friends at the Harlem Hospital Center, where he worked and was admired by all he came into contact. For a man who chose the path to deliver and mentor God's ministry at a very young age and open the hearts of all us with his amazing smile, the loss of DeAnté Pierre Wilson is especially profound to me and to the greater Harlem community in which he lived and served.

Mr. DeAnté Pierre Wilson was born in Gastonia, North Carolina on November 30, 1981. After completing his schooling in the Gastonia School District, DeAnté attended World Harvest Bible College, placing his spiritual path in God's unyielding hands. Even at a young age, DeAnté managed to touch the hearts of people as he was called to preach at the age of 16.

DeAnté Pierre Wilson relocated and established his roots in Harlem, New York, where he joined Kelly Temple Church Of God In Christ. DeAnté cultivated his spiritual activism and under the leadership of Bishop James H. Gaylord, he was appointed youth president, where he served faithfully until 2007. His primary goal was to encourage the youth of the church, and the community at large to aspire for greatness and perfection. DeAnté could often be found mentoring and counseling a young person, giving them the push needed to reach their set goals and potential.

In 2008, DeAnté was ordained elder in the Church Of God In Christ in Brazil, during the time of their Holy Convocation. He then returned to Kelly Temple COGIC, and was appointed youth minister for the Youth Department, where he, along with Ms. Angela Williams, instituted Youth Church. DeAnté was instrumental in bringing young people from various congregations to the church to minister to the youth.

I am told that DeAnté had a very extensive resume, but found his calling working with people and doing special events. On December 14, DeAnté joined the Harlem Hospital Center team, working as the Assistant Coordinating Manager in the Office of Special Events. Though his tenure was short, DeAnté managed to touch the lives of many and was especially noted for his pleasantry and poise as he greeted each employee and customer with a smile while working events. DeAnté exhibited world class customer service and expressed a great love for the community he had become a part of. I truly believe that his enjoyment of working with the community led him to enroll in Fordham University and major in political science. He joined the NAACP Mid-Manhattan Branch, where he helped the branch organize a very special Women's History Month event, “Love in the Time of HIV.” The tribute highlighted the strengths of ordinary women winning the fight and contributing to their communities, while surviving with HIV/AIDS.

Madam Speaker, DeAnté Pierre Wilson, a giant of a man departed this life on Sunday, November 7, 2010. As it is noted in his obituary, DeAnté will be remembered for his random acts of kindness, his infectious smile, his willingness to strive for greatness, and his drive to push others to their own success. Please join me in celebrating the short-lived life of this amazing spiritual man.

INTRODUCING THE AMERICAN  
TRAVELER DIGNITY ACT

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. PAUL. Madam Speaker, today I introduce legislation to protect Americans from physical and emotional abuse by Federal Transportation Security Administration employees conducting screenings at the Nation's airports. We have seen the videos of terrified children being grabbed and probed by airport screeners. We have read the stories of Americans being subjected to humiliating body imaging machines and/or forced to have the most intimate parts of their bodies poked and fondled. We do not know the potentially harmful effects of the radiation emitted by the new millimeter wave machines.

In one recent well-publicized case, a TSA official is recorded during an attempted body search saying, "By buying your ticket you gave up a lot of rights." I strongly disagree and am sure I am not alone in believing that we Americans should never give up our rights in order to travel. As our Declaration of Independence states, our rights are inalienable. This TSA version of our rights looks more like the "rights" granted in the old Soviet Constitutions, where freedoms were granted to Soviet citizens—right up to the moment the state decided to remove those freedoms.

The incident of the so-called "underwear bomber" last Christmas is given as justification for the billions of dollars the federal government is spending on the new full-body imaging machines, but a Government Accountability Office study earlier this year concluded that had these scanners been in use they may not have detected the explosive material that was allegedly brought onto the airplane. Additionally, there have been recent press reports calling into question the accuracy and adequacy of these potentially dangerous machines.

My legislation is simple. It establishes that airport security screeners are not immune from any U.S. law regarding physical contact with another person, making images of another person, or causing physical harm through the use of radiation-emitting machinery on another person. It means they are subject to the same laws as the rest of us.

Imagine if the political elites in our country were forced to endure the same conditions at the airport as business travelers, families, senior citizens, and the rest of us. Perhaps this problem could be quickly resolved if every cabinet secretary, every Member of Congress, and every department head in the Obama administration were forced to submit to the same degrading screening process as the people who pay their salaries.

I warned at the time of the creation of the TSA that an unaccountable government entity in control of airport security would provide neither security nor defend our basic freedom to travel. Yet the vast majority of both Republicans and Democrats then in Congress willingly voted to create another unaccountable, bullying agency—in a simple-minded and unprincipled attempt to appease public passion in the wake of 9–11. Sadly, as we see with the steady TSA encroachment on our freedom and dignity, my fears in 2001 were justified.

The solution to the need for security at U.S. airports is not a government bureaucracy. The

solution is to allow the private sector, preferably the airlines themselves, to provide for the security of their property. As a recent article in Forbes magazine eloquently stated, "The airlines have enormous sums of money riding on passenger safety, and the notion that a government bureaucracy has better incentives to provide safe travels than airlines with billions of dollars worth of capital and goodwill on the line strains credibility." In the meantime, I hope we can pass this legislation and protect Americans from harm and humiliation when they choose to travel.

TOM KONGSGAARD POST OFFICE  
BUILDING

SPEECH OF

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 16, 2010*

Mr. THOMPSON of California. Mr. Speaker, I rise in strong support of H.R. 6237, a bill to designate the facility of the United States Postal Service located at 1351 2nd Street in Napa, California, as the "Tom Kongsgaard Post Office Building".

Tom Kongsgaard was a Napa County Superior Court Judge from 1958 to 1984. As a judge, he missed only one day of work throughout his entire career. He served two terms on the California Judicial Council, was a member and chairman of the Judicial Performance Commission, and was a member of the Board of Directors of the California Judges' Association.

Tom attended Georgetown University before enlisting in the Navy during World War II. He was a Naval officer in the Pacific Theater, and was stationed at Mare Island Naval Shipyard in Vallejo by the end of the conflict. He returned to school and studied at U.C. Berkeley, then received a law degree from Stanford. Tom had a passion for public service and justice.

He is survived by his two daughters, Mary Williams and Martha Goldman; his son, John; seven grandchildren and one great-granddaughter.

A retired Napa district judge said of Tom, "He was a prince of a man and a towering leader in this community, both on the bench and off. He was a role model for all."

I am honored to bring this bill to the floor and hope that Tom Kongsgaard's legacy will live on, encouraging others to serve their community to the best of their ability.

PERSONAL EXPLANATION

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on November 15, 2010. If I were present for rollcall votes, I would have voted "yea" on each of the following:

Roll 566, November 15, 2010: On Motion to Suspend the Rules and Pass, as Amended: S. 3689, To clarify, improve, and correct the laws relating to copyrights.

Roll 567, November 15, 2010: On Motion to Suspend the Rules and Agree: H. Res. 1713, Recognizing the 50th anniversary of Ruby Bridges desegregating a previously all-White public elementary school.

Roll 568, November 15, 2010: On Motion to Suspend the Rules and Agree: H. Con. Res. 328, Expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were initially enacted in 1980 by Public Law 96–517 (commonly referred to as the Bayh-Dole Act) on the occasion of the 30th anniversary of its enactment.

HONORING MARVIN SCOTT FOR  
HIS FIFTY YEARS OF EXCELLENCE  
IN BROADCAST JOURNALISM

**HON. PETER T. KING**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. KING of New York. Madam Speaker, I rise today in recognition of Marvin Scott and his fifty years of excellence in broadcast journalism.

Marvin began his foray into journalism as a 14-year-old in the Bronx, chasing celebrities and fire trucks and selling his pictures to local newspapers. Today, he is a seven time Emmy award winner in the category of outstanding journalistic achievement. He has covered 16 presidential nominating conventions, 8 mayoral elections, and 8 gubernatorial elections. Among those he has interviewed include former Presidents Jimmy Carter, Gerald Ford, and George Bush Sr., as well as Dr. Martin Luther King, Jr., Israeli President Shimon Peres, Henry Kissinger, Rev. Billy Graham, Astronaut Gordon Cooper, Larry King, Sophia Loren, Tony Bennett, Charlton Heston, and Jerry Lewis.

Among his assignments, Marvin was in Wiesbaden, Germany after hostages were released from a hijacked TWA jet, and covered the McDonald's massacre in San Ysidro, California in which a gunman killed 21 people. Over his remarkable half a century of dedication to journalism, Marvin has not simply covered history, but has been a part of the important stories and events of our time. He was the first American reporter since the demise of the Soviet Union to go to sea aboard a Russian warship. His investigation into cheating on New York citywide tests led to legislation making it a crime.

According to Marvin, the most difficult story that he has had to cover was the terrorist attacks of September 11th. In his own words: "I wasn't reporting something that was happening in some far-off place, but it was here and I was a part of the story, feeling the same anger and pain as our viewers." On the anniversary of 9/11 he gained an exclusive by flying over Ground Zero in the back seat of an F–15.

I want to thank Marvin Scott for not only being a truly outstanding broadcast reporter and newsmen, but for being a great storyteller and true personification of New York. Most importantly, I am proud to call Marvin and his wife Lorri my friends.

HONORING BRYAN EDWARD  
O'TOOLE

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Bryan Edward O'Toole. Bryan is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 900, and earning the most prestigious award of Eagle Scout.

Bryan has been very active with his troop, participating in many scout activities. Over the many years Bryan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Bryan has contributed to his community through his Eagle Scout project.

Madam Speaker, I proudly ask you to join me in commending Bryan Edward O'Toole for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 40TH  
ANNIVERSARY OF SLIDE RANCH

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Ms. WOOLSEY. Madam Speaker, I rise today to celebrate the 40th anniversary of a unique institution that operates within the boundaries of the Golden Gate National Recreational Area to provide an educational blend of sustainable agriculture and outdoor education.

A former dairy farm perched on a south slope above the roiling Pacific Ocean, Slide Ranch has welcomed over 175,000 people from the inner city, suburbia and beyond to participate in its summer camps and year-round educational programs. Through the efforts of Marin Attorney Doug Ferguson and Huey Johnson of the Nature Conservancy, the land was purchased and protected from commercial development, and founders Ed and Susie Washington-Smith created a 134-acre hands-on place to learn how to farm and care for Mother Earth. Along the way, the extended family of the famed Grateful Dead, played a big role in building and sustaining Slide Ranch with donations, manual labor and benefit concerts by members of the Dead.

Today, Slide Ranch offers a menu of family outings, summer day camps and group programs. The group programs, offered in spring, summer and fall, are geared toward experiential learning, which is especially suited to help young people appreciate the environment, make good choices about healthy foods and good agricultural practices. Students may learn how to turn compost piles, feed farm animals, milk cows and make cheese. Kids from the inner city may spend the first night of their lives camping under the stars and breakfasting on their own hand-picked berries.

The wild lands of Slide Ranch provide miles of hiking trails and a rich coastal habitat adja-

cent to the waters of the Gulf of the Farallones National Marine Sanctuary. Here are spectacular tide pools populated by still starfish, waving anemones and scuttling crabs, while offshore, migrating whales display their spouts.

The pride of Slide Ranch is its bountiful one-acre garden, now under cultivation for over 36 years without the use of pesticides or chemical fertilizers. Using biodynamic and organic methods of improving the soil and controlling pests, the garden grows over 100 species of plants and vegetables each year. The garden includes several educational features such as a medicinal herb area, an urban-style container garden, a worm box and composting bins.

Slide Ranch has weathered forty years of changes in education, new environmental challenges and the ups and downs of the economy. It has survived because it not only has kept pace with the need for a greater understanding of our environment and sustainable food production, but because of the passion and unending curiosity of its staff, governing board and donors—all who deserve our thanks and congratulations today. Madam Speaker, in Slide Ranch's greenhouse, seeds from the garden are potted to produce the next harvest. In its classrooms above the surf or under the starry sky, in the thriving garden or in the barn, the seeds of knowledge are planted for an unending bounty of bright minds.

RECOGNIZING DR. M. RICHARD  
SHAINK

**HON. DALE E. KILDEE**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. KILDEE. Madam Speaker, on Friday October 22, the Association of Community College Trustees awarded the 2010 Marie Y. Martin Chief Executive Award to Dr. M. Richard Shaink, the president and Chief Executive Officer of Mott Community College in Flint, Michigan. At their Annual Community College Leadership Congress the Association named him the best community college president/CEO in North America. The citizens of Flint will hold a reception in his honor tomorrow to celebrate this achievement.

Dr. Shaink has served as President of Mott Community College since March 31, 2000. When he assumed the leadership position at the school, Dr. Shaink was faced with stabilizing the school and improving its financial position. He led the fight to bring increased revenue to the school, fought for federal, state and private foundation grants and at the same time instituted cost saving measures across the campus. A proponent of economic development, he identified the needs of employers in the community and spearheaded the construction of the college's Regional Technology Center to prepare students to enter the workforce. Prior to winning this award, Dr. Shaink was named the 2010 Central Regional Chief Executive Officer for the Midwest and Canadian Provinces.

Madam Speaker, the Association of Community College Trustee Awards are given to those educators that have made extraordinary contributions to their colleges and higher education. The selection of Dr. Shaink as the best

community college president in North America is a testament to his leadership, innovation, enthusiasm and commitment to making Mott Community College a powerhouse of learning. Flint is fortunate to have Dr. Shaink and his wife, Sally, live in the area and provide an example of excellence to the next generation. I congratulate him for receiving this award and ask the House of Representatives to join me in applauding his work in the field of education.

RECOGNITION OF NAVAL WEAPONS  
STATION EARLE

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. PALLONE. Madam Speaker, I rise today to recognize Naval Weapons Station Earle (NWS Earle) based in Colts Neck, New Jersey as they celebrate the 235th Anniversary of the United States Navy. NWS Earle covers 10,160 acres and promotes a long-standing history of aiding the country in combat. I applaud the work, achievements, and dedication NWS Earle has provided the U.S. Navy, local community, and State of New Jersey.

Long before the beginning of the Second World War, officers in both the Army and Navy saw the need to establish a base for loading explosive ammunition. NWS Earle is strategically located in the Port of New York, a focal point for all important rail lines throughout the country. Thus, construction for the Naval Ammunition Depot Earle—named in honor of Rear Admiral Ralph Earle, Chief of the Bureau of Ordnance during the First World War, began on August 2, 1943. Naval Ammunition Depot Earle was later commissioned on December 13, 1943. The south side of Sandy Hook Bay in the Leonardo section of Middletown was strategically chosen for the new Naval Ammunition Depot Earle, quickly becoming the focal point for ordnance shipping, loading the majority of ammunition used by the allies for the invasion of Normandy. In 1974, Earle's name was officially changed to Naval Weapons Station Earle.

NWS Earle has tirelessly provided the U.S. Navy with a safe location to house their materials and equipment. Today, the primary mission of the Naval Weapons Station Earle remains the receipt, storage, segregation and issuance of ordnance for all Carrier and Expeditionary Strike Groups of the U.S. Atlantic Fleet, which includes the Navy, Marine Corps, Coast Guard, and Department of Defense conventional ammunition requirements. Naval Weapons Station Earle currently houses a combined workforce of over 1,600 civilian, military and contractor personnel. They are home to over 20 tenant units where they also support over 250 military personnel and dependents in their housing. It is the hard work of the people employed at NWS Earle that make it possible for the station to run smoothly and efficiently. Most recently, Naval Weapons Station Earle has provided its assistance as the Department of Defense transshipment site for ordnance used in Operation Desert Storm and Operation Iraqi Freedom.

NWS Earle and staff have tirelessly devoted their time to the community, epitomizing what it means to give back in time of need to protect our country. Madam Speaker, please join



me in leading this body in acknowledgement of the extraordinary contributions of NWS Earle. The station is a valued component of the State of New Jersey, and I am honored to recognize them today.

HONORING THE DISTINGUISHED  
SERVICE OF MARVIN MEYERS

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. COSTA. Madam Speaker, I rise today before my esteemed colleagues to recognize and honor the distinguished service of an exceptional man. The contributions of this man to the California agriculture industry and our water resources epitomize the spirit of industriousness and persistence found in the agricultural communities across our country. I would like to recognize Mr. Marvin A. Meyers on being named the recipient of the "2010 Agriculturist of the Year" award by the Greater Fresno Area Chamber of Commerce.

A leader in the development of private water banking, Meyers, himself, farms on the Westside of Fresno County in Mendota. Meyers, who cares for 3,500 acres of almonds in the Firebaugh area, admits his impatience over finding a solution to water shortages drove him to begin developing a water bank. After years of preliminary work, including pilot projects and working with the U.S. Bureau of Reclamation and other agencies, Meyers received federal approval in 2002 to begin operating the bank. Meyers pumps water into the underground bank during wet years and pumps water out during dry years to help make water available when farmers need it most. The bank became invaluable last year after three consecutive dry years and regulatory decisions limited the availability of federal water to our Valley. Meyers' hard work and innovation has translated into the success of his operation and the continuation of a family farm. The Agriculturist of the Year award is given each year to an individual who exemplifies leadership and integrity and whose achievements have significantly affected the community. The Greater Fresno Area Chamber of Commerce has made a wise choice in their selection of Meyers.

Meyers' actions demonstrate his dedication to his community. He is a visionary, a person who epitomizes altruism and believes in giving back to his community. Recently, I had the pleasure of visiting with Marvin and touring his water bank and wildlife project near the outskirts of Mendota, California. The impressive project included five different holding pools all conveyed via gravity and an installation of solar panels that was being erected as we toured that day. Through his water bank and wildlife refuge projects, Meyers educates groups of local students from kindergarten to high school on the importance of water education and wildlife restoration. Going beyond the call, Meyers offers assistance in transportation costs for school buses to travel to and from his site, allowing many school districts and students affected by the recession the opportunity to learn outside the classroom about issues affecting our Valley.

Marvin Meyers is truly a remarkable man—always persistent, always engaged. Marvin is

the kind of advocate that the agriculture industry needs on its side. I have come to know this man well since my days in the California State Legislature, and know firsthand that this award, though meritorious, is only a small part of the recognition Marvin deserves for his many accomplishments. I offer my congratulations to Marvin Meyers today on receiving this distinguished honor and commend him before my colleagues for his contributions to the agriculture industry of California and to our Nation.

HONORING BROCK REYNOLDS  
WENZEL

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Brock Reynolds Wenzel. Brock is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 714, and earning the most prestigious award of Eagle Scout.

Brock has been very active with his troop, participating in many scout activities. Over the many years Brock has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Brock has shown an incredible determination by earning his Eagle Scout while only 12 years old. Brock has also contributed to his community through his Eagle Scout project. Brock tore out the old handicap-accessible ramp at the American Legion Hall in Edgerton, Missouri and constructed a new ramp with a lower slope.

Madam Speaker, I proudly ask you to join me in commending Brock Reynolds Wenzel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING PASTOR JOY L. THORNTON  
ON HIS 11TH ANNIVERSARY

**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. CARSON of Indiana. Madam Speaker: Whereas, Joy L. Thornton has faithfully served as Pastor for the Greater St. Mark Missionary Baptist Church in Indianapolis, Indiana since October 3, 1999;

Whereas, Joy L. Thornton dedicated his life to serving others after earning his degree from Gammon Theological Seminary in Atlanta, Georgia;

Whereas, Pastor Thornton is celebrating his 11th anniversary of leading the congregation at the Greater St. Mark Missionary Baptist Church as it strives to be an example of faith and respect;

Therefore, I join with the members of the Greater St. Mark Missionary Baptist Church and the Indianapolis community in honoring Pastor Joy Thornton for these past 11 years of exemplary service as a teacher and a leader of his congregation.

IS MOROCCO WHAT IT CLAIMS TO  
BE?

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. WOLF. Madam Speaker, I submit for the RECORD an October 31 Reuters article that describes a recent protest that occurred in Morocco.

The story opens with the following description: "About 900 Moroccan rights activists took to the streets in Rabat on Sunday in a rare protest against what they call widespread rights abuses by the authorities, including illegal detention and torture."

The government of Morocco has long sought to cultivate its image, employing high-powered U.S. lobbyists, as a beacon of tolerance in the Muslim world. This human rights protest is further evidence that Morocco isn't all that it claims to be.

Earlier this year the Moroccan government deported, without due process, dozens of U.S. citizens and foreign nationals, many of whom were engaged in vital humanitarian work—for allegedly proselytizing.

If the government of Morocco hopes to maintain its image, it is going to take more than some well-positioned lobbyists.

MOROCCANS STAGE RARE HUMAN RIGHTS  
PROTEST

RABAT (Reuters)—About 900 Moroccan rights activists took to the streets in Rabat on Sunday in a rare protest against what they called widespread rights abuses by the authorities, including illegal detention and torture.

Protesters chanted: "Shut down illegal detention centres now!" and "Where is the respect for rights and truth?"

Officials were not immediately available to comment on the protest but the government has repeatedly said that its commitment to improve and protect human rights is irreversible.

Morocco won international praise for an improvement in its human rights record since reformist monarch Mohamed VI took over in 1999 from his father Hassan during whose rule hundreds of people were tortured and killed at the hands of the government.

But local human rights groups at home and abroad argue that the country's rights record has deteriorated since 2003 when it mounted a crackdown against militants linked to al Qaeda.

"The reality of human rights conditions totally belies the government's claim of improvement. Illegal detention, torture and crackdowns on press freedom are pervasive now," said Abdeslam Abdelilah, Vice-President of the independent Moroccan Human Rights Association (AMDH).

Independent journalists and security officials at the scene estimated the number of demonstrators at around 900. Security forces have in the past broken up similar protests but they did not interfere in Sunday's demonstration.

HONORING VIRGIL BRANTLEY

**HON. STEVE AUSTRIA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. AUSTRIA. Madam Speaker, I rise today to recognize Mr. Virgil Brantley for his lifetime

commitment and service to the Xenia community and state of Ohio.

Mr. Brantley's contributions to his country and the community are invaluable. He was an active Board member and distinguished trustee emeritus of the Golden Age Senior Citizens, Inc. to which he worked countless hours to ensure the growth and success of the Xenia Adult Recreation and Services Center by assisting with construction of the tornado shelter for the Center, developing a home-delivered meals program and starting the tradition of providing desserts for the Center's monthly luncheons. Mr. Brantley was also a very well-respected Xenia Rotarian, friend and colleague. His civic, cultural, religious and educational endeavors over the many years never went unnoticed as the following list of awards indicate: the Xenia Area Chamber of Commerce Award, the Xenia Community Schools Hall of Honor, Greene County Citizen of the Year, the Nutter Award, induction into the Ohio Veterans Hall of Fame, nomination for the American College of Health Care Administration and numerous others.

Along with his natural penchant for civic engagement, Mr. Brantley and his late wife, Helen, established Hospitality Homes in 1961. The skilled-nursing and rehabilitation facility has been a vital asset for seniors in the Xenia area and has carried on the many great traditions that Mr. and Mrs. Brantley built it upon.

Finally, as a husband, father of three, brother of four and grandfather to many, Mr. Brantley demonstrated the importance of balancing various obligations and activities with the needs of family. His belief that service to his family and community is imperative to a meaningful life has inspired many to follow his example.

Thus, with great pride, I recognize Mr. Virgil Brantley for his lifetime of remarkable achievements and his unparalleled contribution to our community.

#### FOODNME AND SMASH YOUR FOOD

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. REICHERT. Madam Speaker, I rise today applauding the work of a pair of constituents, Marta and Frederic De Wulf, who decided to use their many talents and passion for education and healthy living to create a website—foodnme.com—dedicated to the pursuit of healthy living and interactive nutrition information. Their innovative work earned them a trip to the White House to be honored as a top winner in Michelle Obama's "Apps for Healthy Kids" contest.

Marta and Frederic teamed up because of their understanding of the problems associated with poor eating habits, a sedentary lifestyle and obesity. Instead of bemoaning the problem of obesity privately, Marta and Frederic used their knowledge and experience. Marta, a nutritionist by trade, and Frederic, an experienced and successful filmmaker, believed an interactive website encouraging children and their parents to properly scrutinize their eating habits could help in the fight against obesity. Therefore, FoodNMe was born.

The aspect of the website deemed extraordinary is the 'Smash Your Food' tab, which al-

lows users to gain an understanding of the nutritional content of everyday foods—hamburgers, pizza, French fries, and the like. This great tool is a creative way to educate parents and children about what's in their food and encourages them to make healthy dietary choices.

Madam Speaker, I want to thank Marta and Frederic for creating a unique tool in the fight against obesity. I'm proud to congratulate them for their good work.

#### HONORING ANDREW DUNCAN IRELAND

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. GRAVES of Missouri. Madam Speaker, I proudly pause to recognize Andrew Duncan Ireland. Andrew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 81, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Andrew has earned the rank of Junior Assistant Scout Master in his troop and Tom Tom Beater in the Tribe of Mic-O-Say. Andrew has also contributed to his community through his Eagle Scout project. Andrew devoted over 160 hours to a shelter house at Squaw Creek National Wildlife Refuge, restoring it back to its original architecture and cedar composition.

Madam Speaker, I proudly ask you to join me in commending Andrew Duncan Ireland for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### IN HONOR OF JERRY CASTELLANO

### HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. RYAN of Ohio. Madam Speaker, I rise today in recognition of a dear friend, Jerry A. Castellano. Jerry was a wonderful husband, grandfather, great-grandfather, uncle, and friend to many, many people. He was born Feb. 2, 1918, in Brooklyn, N.Y., the son of Frank Castellano and Teresa DiVito and moved to Warren, Ohio in 1944.

Jerry retired in 1986 from the Trumbull County Board of Elections as a voting machine official after 27 years. He previously worked at Mullins Manufacturing.

Jerry served our country with the finest distinction, a World War II U.S. Army veteran, having served in the Asiatic-Pacific Theater.

He expressed his faith in his worship at St. James Catholic Church.

He was in the Trumbull County Legends of Leather Boxing Commissions, Trumbull County Chapter of DAV Chapter 11, Amerital Club, where he was president, and was a precinct committeeman for Precinct 5A.

He was an avid New York Yankees fan and enjoyed woodworking, Italian classes, playing cards, spending time with his family and grandchildren, and also teaching and storytelling to his great-grandchildren.

He is survived by and greatly missed by his wife of 66 years, Esther Pagano Castellano; his children, Teresa (William "Bill") Massucci of Warren, Philomena (Gary) Lucariello of Warren, Frank P. Castellano of Warren and Jeri (David J.) Germano of Cortland; five grandchildren, Angela (Jason) Menz, Marla (Dan) Chain, Jim (Renee) Fogarty and Jenna and Jacqueline Germano; four great-grandchildren, D.J., Dylan, Drew and Olivia; and many loving nieces, nephews and friends. His parents, eight brothers and two sisters are deceased.

Madam Speaker, it is a great privilege to honor such a wonderful human being, an avid participant of democracy, a veteran, and above all, a family man. Jerry Castellano was, indeed, a model American.

#### RECOGNIZING MAYOR MORRIS VANCE ON THE OCCASION OF HIS RETIREMENT AS MAYOR OF THE CITY OF VISTA

### HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. ISSA. Madam Speaker, I rise today to recognize the public service of Mayor Morris Vance on the occasion of his retirement from the City of Vista. I commend Mayor Vance on his 29 years of public service.

Starting with a Bachelor of Science in Political Science from Brigham Young University and a Master of Public Administration from the University of Southern California, Mr. Vance began his career by serving in various local government positions throughout the Los Angeles area. He joined the City of Vista as City Manager in 1981, a post which he served for 17 years.

In the role as City Manager, Mr. Vance led the establishment of the Vista Redevelopment Agency and Redevelopment Project area, establishment of the Vista Economic Development Association (VEDA) and Downtown Commercial Revitalization Program, as well as the development of a Business Park, Industrial Park and a multi-tier Capital Improvement Program and Budgeting System.

Mr. Vance was then elected Mayor of Vista in November of 2002. At the city helm, he worked with officials to put the city on a course for success. Critical programs include the Ask, Share, Know meeting program which provides a forum for residents to meet face-to-face with city officials and council members to have their questions answered about current and pending city projects. Mayor Vance was also instrumental in establishing Operation H.O.P.E., a temporary winter shelter for homeless families and women by providing them an opportunity to get back on their feet and lead them toward self-sufficiency.

To improve community spirit and safety, Mayor Vance led an effort to construct the new Vista Civic Center and two new fire stations. Along with the City Council, Mayor Vance worked to convert Vista into a Charter City to gain the maximum amount of local authority.

Wearing many hats, Mayor Vance also serves on the board of directors for the Regional Transportation Planning Authority, the San Diego County Regional Airport Authority, the Encina Wastewater Authority and is a longtime member of the Rotary Club of Shadowridge Vista along with other regional organizations. In 2009 he was honored by the Boy Scouts of America with the Distinguished Citizen Good Scout of the Year title.

Madam Speaker, I ask you to please join me in honoring Mayor Morris Vance and his 29 years of admirable public service to the City of Vista.

IN HONOR OF THE 120TH ANNIVERSARY OF SAINT JOSEPH ACADEMY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the 120th anniversary of Saint Joseph Academy—the only all-girl Catholic high school in the City of Cleveland.

Saint Joseph Academy was formed in 1890, when the Sisters of the Congregation of St. Joseph created a secondary school for young women, focused on academic excellence, and built upon a foundation of faith, social justice, and service to others.

The mission of Saint Joseph Academy, with a focus on young women becoming leaders in the community, was dramatically ahead of its time. Today, the school has grown in size and in scope of programs offered, but the core mission has remained the same: to mentor young women in a positive and creative atmosphere, as they transition to becoming responsible, independent and compassionate leaders; to hone their academic and interpersonal skills; and to reach their goals and dreams with personal commitments to justice, equality, compassion and integrity.

Madam Speaker and colleagues, please join me in honor and recognition of all students, staff and administrators of Saint Joseph Academy of Cleveland, Ohio, past and present, as we celebrate their 120th anniversary. The Academy exists as a vital source of opportunity through academic achievement, and also as a springboard of personal strength, confidence and integrity for every young woman who has ever entered its doors, brightening the futures of every student, and ultimately, strengthening the foundation of our entire community.

CONGRATULATING DR. JULIA A. HEATH FOR BEING RECOGNIZED AS THE 2010 CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING TENNESSEE PROFESSOR OF THE YEAR

**HON. STEVE COHEN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. COHEN. Madam Speaker, I rise today to congratulate Dr. Julia A. Heath, University

of Memphis Fogelman College of Business and Economics professor, for being recognized as the 2010 Carnegie Foundation for the Advancement of Teaching Tennessee Professor of the Year. Professors bestowed this award have demonstrated dedication to undergraduate teaching based on their impact on and involvement with students, their scholarly approach to teaching and learning, their contribution to undergraduate education in the institution, community and profession, and their support from colleagues, current and former undergraduate students.

Dr. Heath has contributed greatly to the Fogelman College course selection. She developed several new courses including 'The Economics of Sports' and 'Men, Women and Work.' She is in the process of developing an Economics and Law course that will be added to the department's elective rotation in spring 2011. Professor Heath developed and taught a Ph.D. Teaching Seminar for the teaching assistants in the College where she would tape each student and provide individual feedback.

Professor Heath has worked diligently to advance financial literacy for school children across the state of Tennessee. Serving as the director of the Center for Economic Education at the University of Memphis, she initiated the Smart Tennessee program which has provided financial literacy instruction to elementary, middle and high schools across the state. In recognition of her dedication to financial literacy, she was named Educator of the Year by The Institute for Financial Literacy, receiving its Excellence in Financial Literacy Education Award.

This most recent award will be added to her already impressive list of honors. In addition to being named Educator of the Year, Dr. Heath was the winner of the 2010 University of Memphis' Distinguished Teaching Award. She received the 2008 Elzinga Award by the Southern Economic Association—the economic discipline's highest recognition of teaching excellence. Dr. Heath is also the recipient of The Thomas W. Briggs Teaching Excellence Award, the Teaching Excellence Fellowship and has been named Senior Fellow for Redefining Progress.

Dr. Julia Heath has represented the University of Memphis Fogelman College of Business well. Her hard work and dedication to teaching and higher education has been recognized by University of Memphis president Shirley Raines, her colleagues and by many across the nation. Madam Speaker, I ask the House to join me in congratulating Dr. Julia Heath on being selected as the 2010 Carnegie Foundation for the Advancement of Teaching Tennessee Professor of the Year.

SUPPORTING NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH 2010

SPEECH OF

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 28, 2010*

Mr. RANGEL. Madam Speaker, I rise today to express my full support for H. Res. 1637, the National Domestic Violence Awareness Month Act. This act recognizes the importance of efforts to raise awareness of this problem

nationally, while educating health care workers about the signs of domestic abuse and its long-term effect.

Domestic violence affects people of all races, religions, cultures, gender, age and economic standing. In New York City alone, it is estimated that over 25,000 women suffer some sort of domestic abuse annually. In New York State, over 20,000 women sought assistance from the authorities last year. Although much has been accomplished since the Violent Crime Control and Law Enforcement Act of 1994, much remains to be done.

This is not a problem that affects women alone; children, teenagers, men and the elderly can also be affected, either directly or indirectly. For example, research shows that children who grow up in violent households tend to do badly in school, abuse drugs or alcohol, engage in prostitution or become abusers themselves when they are older. This is why it is important for Congress to broaden and strengthen its efforts in educating the public about this issue.

I commend Rep. TED POE of Texas for his legislation recognizing National Domestic Violence Awareness Month and the work that needs to be done, and I urge my colleagues to support this bill. I also commend the work of activists, organizations and law enforcement agencies in raising awareness of this issue.

RECOGNIZING AND PAYING TRIBUTE TO THE LEGENDARY RUGBY PLAYER LA'AULI MICHAEL NIKO JONES

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. FALEOMAVAEGA. Madam Speaker, I rise today to recognize and pay tribute to the legendary rugby player La'auli Michael Niko Jones. On Monday, I had the privilege to welcome Mr. Jones, his wife Maliena and son Levi to the U.S. Capitol. Known to his fans around the world as Iceman because of the calm and confident manner in which he played the game, but also because of the number of icepacks he needed for injuries, Jones was born in Auckland, New Zealand. He first entered the rugby scene in 1986 as a 20-year old and scored three tries in his debut for the Auckland provincial side against South Canterbury. His breakthrough performance at such a young age was a strong indicator of what lay in Jones' future. Being of Samoan descent on his maternal side, Jones played for Manu Samoa in his first international debut instead against Wales. Since then, his rugby career took off, leading him to become one of the greatest rugby players of all time.

Jones first played for the New Zealand All Blacks in the inaugural World Cup in 1987 and scored the first try of the tournament. As an open side flanker, Jones was well known for powerfully running through the heart of the backline defense and then finding space to offload. With the ball in hand, he had the finesse and judgment of an inside or outside center. His bone crunching tackles on defense were feared by opponents. In a sport in which the individual must exhibit both defensive and offensive skills, Jones exemplified the complete rugby player.

Despite the many accolades he received as a result of his on-field feats, Jones was well known for holding true to his religious beliefs and values. As a devout Christian, and in line with a promise he made to his dying father, Jones never played on Sunday. Staying firm in these convictions, however, sometimes brought criticism from the media and often created problems for the New Zealand Rugby Union. His unwavering beliefs under pressure stand as a testament to his commitment and sacrifice.

Throughout his rugby career, Jones exemplified commitment, sacrifice, and love for education, religion, family and country both on and off the field. He holds a Bachelor of Planning (B. Plan), a Bachelor of Arts (B.A.) and a Master of Arts (M.A.) from the University of Auckland and in 1997 was honored by his university with a Distinguished Alumni Award. This past weekend, Jones was invited as a special guest to participate in the 14th Annual Ambassador's Shield Match Day, which features a rugby match pitting the New Zealand Ambassador's XV against a combined selection of professional U.S. rugby players in order to celebrate New Zealand culture and raise support for the rugby program at the Hyde Leadership Public Charter School in Washington, DC.

PAYING TRIBUTE TO THE RIGHT REVEREND AND HONORABLE SIR PAUL ALFRED REEVES, CHANCELLOR OF AUCKLAND UNIVERSITY OF TECHNOLOGY

**HON. ENI F.H. FALEOMAVAEGA**

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 17, 2010*

Mr. FALEOMAVAEGA. Madam Speaker, I rise to pay tribute to the Right Reverend and Honorable Sir Paul Alfred Reeves, current Chancellor of Auckland University of Technology, AUT. It was my high honor and privilege to welcome this distinguished gentleman to Capitol Hill on Monday. Sir Paul came to Washington, D.C. in partnership with New Zealand's ambassador to the United States to support the 14th annual Ambassador's Shield Rugby Match.

Sir Paul, who has given a lifetime of esteemed public service, attended Victoria University of Wellington where he received his B.A. in 1955 and M.A. in 1956. He then began to pursue ordination in the Anglican Church at St. John's Theological College in Auckland, where he graduated with a Licentiate in Theology, L.Th., in 1958. After serving as a deacon in Tokoroa, New Zealand, he was ordained a priest in 1960 and served two curacies in England. During this time, Sir Paul

enrolled in St. Peter's College at the University of Oxford where he received another M.A. as an Honorary Fellow. He returned to New Zealand to become the Vicar of Okato St. Paul, lecturer at St. John's College and an educational director for the Anglican Diocese of Auckland. In 1971, he was consecrated to the episcopate, becoming the Bishop of Waiapu.

From 1980–1985, Sir Paul served as Archbishop and Primate of New Zealand, with full oversight of the Church's affairs throughout the country. Queen Elizabeth II subsequently appointed him to be the Governor-General of New Zealand, a post which he held until 1990. As Governor-General, he acted as the Queen's representative in New Zealand and the de facto head of state. Sir Paul was the first and, to date, only person of Maori descent to hold this highly esteemed position.

Sir Paul was elected as Chancellor of AUT in 2005 and two years later he received his country's greatest honor when he was admitted to the Order of New Zealand.

Sir Paul's understated dignity, quiet demeanor and ability to carefully listen to others belie the highly distinguished political and ecclesiastical positions that he has held throughout his career. It is with great admiration that I submit this statement to pay tribute to Sir Paul Reeves and offer this good man my very best wishes as he continues his legacy of selfless public service.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Com-

mittee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 18, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

DECEMBER 1

10:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine transition and implementation, focusing on the NASA Authorization Act of 2010.

SR-253

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S7913–S7999*

**Measures Introduced:** Seventeen bills and four resolutions were introduced, as follows: S. 3947–3963, and S. Res. 678–681. **Page S7968**

#### Measures Reported:

Reported on Tuesday, November 16, during the adjournment:

Special Report entitled “Report of the Impeachment Trial Committee on the Articles Against Judge G. Thomas Porteous, Jr.”. (S. Rept. No. 111–347)

Reported on Wednesday, November 17:

S. 817, to establish a Salmon Stronghold Partnership program to conserve wild Pacific salmon and for other purposes. (S. Rept. No. 111–348)

S. 2859, to reauthorize the Coral Reef Conservation Act of 2000. (S. Rept. No. 111–349) **Page S7965**

#### Measures Passed:

**Asian Carp Prevention and Control Act:** Senate passed S. 1421, to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp. **Page S7992**

**Global Entrepreneurship Week/USA:** Senate agreed to S. Res. 681, designating the week of November 15 through 19, 2010, as “Global Entrepreneurship Week/USA”. **Pages S7992–93**

#### Measures Considered:

**Paycheck Fairness Act:** Senate resumed consideration of the motion to proceed to consideration of S. 3772, to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex. **Pages S7928–29**

During consideration of this measure today, Senate also took the following action:

By 58 yeas to 41 nays (Vote No. 249), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S7928–29**

**FDA Food Safety Modernization Act—Agreement:** Senate resumed consideration of the motion to proceed to consideration of S. 510, to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply. **Pages S7929–46**

During consideration of this measure today, Senate also took the following action:

By 74 yeas to 25 nays (Vote No. 250), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S7929–33, S7934–46**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill at approximately 10:30 a.m., on Thursday, November 18, 2010, with the time during any recess, adjournment, or period of morning business counting post-cloture. **Page S7993**

**Promoting Natural Gas and Electric Vehicle—Agreement:** A unanimous-consent agreement was reached providing that the motion to invoke cloture on the motion to proceed to consideration of S. 3815, to amend the Internal Revenue Code of 1986 to reduce oil consumption and improve energy security, be withdrawn. **Page S7913**

**Executive Reports of Committees:** Senate received the following executive report of a committee:

Received on Friday, October 1, 2010 during the recess of the Senate:

Report to accompany Treaty with Russia on Measures for Further Reduction and Limitation of Strategic Offensive Arms (Treaty Doc. 111–5) (Ex. Rept. 111–6). **Pages S7965–68**

**Nominations Received:** Senate received the following nominations:

Daniel L. Shields III, of Pennsylvania, to be Ambassador to Brunei Darussalam.

Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Joseph M. Torsella, of Pennsylvania, 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.

Andrew L. Traver, of Illinois, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Cathy Bissoon, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Vincent L. Briccetti, of New York, to be United States District Judge for the Southern District of New York.

Roy Bale Dalton, Jr., of Florida, to be United States District Judge for the Middle District of Florida.

Sara Lynn Darrow, of Illinois, to be United States District Judge for the Central District of Illinois.

John A. Kronstadt, of California, to be United States District Judge for the Central District of California.

Kevin Hunter Sharp, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

S. Amanda Marshall, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

Esteban Soto III, of Maryland, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

Edwin Donovan Sloane, of Maryland, to be United States Marshal for the District of Columbia for the term of four years.

Joseph Campbell Moore, of Wyoming, to be United States Marshal for the District of Wyoming for the term of four years.

Russel Edwin Burger, of Oregon, to be United States Marshal for the District of Oregon for the term of four years.

Charles Edward Andrews, of Alabama, to be United States Marshal for the Southern District of Alabama for the term of four years.

Darrell James Bell, of Montana, to be United States Marshal for the District of Montana for the term of four years.

William Benedict Berger, Sr., of Florida, to be United States Marshal for the Middle District of Florida for the term of four years.

75 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, National Oceanic and Atmospheric Administration, Navy. **Pages S7993–99**

**Nomination Withdrawn:** Senate received notification of withdrawal of the following nomination:

Marsha Ternus, of Iowa, to be a Member of the Board of Directors of the State Justice Institute for

a term expiring September 17, 2012, which was sent to the Senate on September 13, 2010. **Page S7999**

**Messages from the House:** **Page S7959**

**Measures Referred:** **Page S7959**

**Measures Read the First Time:** **Pages S7959, S7993**

**Executive Communications:** **Pages S7960–65**

**Executive Reports of Committees:** **Pages S7965–69**

**Additional Cosponsors:** **Pages S7968–70**

**Statements on Introduced Bills/Resolutions:** **Pages S7971–79**

**Additional Statements:** **Pages S7954–58**

**Amendments Submitted:** **Pages S7979–92**

**Authorities for Committees to Meet:** **Page S7992**

**Privileges of the Floor:** **Page S7992**

**Record Votes:** Two record votes were taken today. (Total—250) **Pages S7928, S7929**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 6:58 p.m., until 9:30 a.m. on Thursday, November 18, 2010. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7993.)

## Committee Meetings

*(Committees not listed did not meet)*

### BUSINESS MEETING

*Committee on Armed Services:* Committee announced the following subcommittee assignments:

*Subcommittee on AirLand:* Senators Lieberman (Chair), Bayh, Webb, McCaskill, Hagan, Begich, Burris, Coons, Thune, Inhofe, Sessions, Chambliss, Brown (MA), and Burr.

*Subcommittee on Emerging Threats and Capabilities:* Senators Nelson (FL) (Chair), Reed, Nelson (NE), Bayh, Udall (CO), Bingaman, Manchin, Coons, LeMieux, Graham, Wicker, Brown (MA), Burr, and Collins.

*Subcommittee on Personnel:* Senators Webb (Chair), Lieberman, Akaka, Nelson (NE), McCaskill, Hagan, Begich, Burris, Bingaman, Graham, Chambliss, Thune, Wicker, LeMieux, Vitter, and Collins.

*Subcommittee on Readiness and Management Support:* Senators Bayh (Chair), Akaka, McCaskill, Udall (CO), Burris, Manchin, Burr, Inhofe, Chambliss, and Thune.

*Subcommittee on Seapower:* Senators Reed (Chair), Lieberman, Akaka, Nelson (FL), Webb, Hagan, Coons, Wicker, Sessions, LeMieux, Vitter, and Collins.

*Subcommittee on Strategic Forces:* Senators Nelson (NE) (Chair), Reed, Nelson (FL), Udall (CO),

Begich, Bingaman, Manchin, Vitter, Sessions, Inhofe, Graham, and Brown (MA).

*Senators Levin and McCain serve as ex-officio members of all subcommittees.*

#### NEW START TREATY

*Committee on Armed Services:* Committee received a closed briefing on the net assessment of Russian and United States strategic forces in support of the New Strategic Arms Reduction Treaty from James N. Miller, Principal Deputy Under Secretary for Policy, and General Kevin P. Chilton, USAF, Commander, United States Strategic Command, both of the Department of Defense.

#### TRANSPORTATION SECURITY ADMINISTRATION

*Committee on Commerce, Science, and Transportation:* Committee concluded an oversight hearing to examine the Transportation Security Administration, after receiving testimony from John S. Pistole, Administrator, Transportation Security Administration, Department of Homeland Security.

#### TELEVISION

*Committee on Commerce, Science, and Transportation:* Subcommittee on Communications, Technology, and the Internet concluded a hearing to examine television viewers, retransmission consent, and the public interest, after receiving testimony from Joseph Uva, Univision Communications Inc., Chase Carey, News Corporation, and Glenn A. Britt, Time Warner Cable, all of New York, New York; Thomas Rutledge, Cablevision System Corp., Bethpage, New York; and Charles Segars, Ovation, Santa Monica, California.

#### WATER RESOURCES DEVELOPMENT ACT

*Committee on Environment and Public Works:* Committee concluded a hearing to examine Water Resources Development Act of 2010, focusing on legislative and policy proposals to benefit the economy, create jobs, protect public safety and maintain America's water resources infrastructure, including S. 3213, to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance, after receiving testimony from Matt Woodruff, Kirby Corporation, Houston, Texas, on behalf of the Inland Waterways Users Board; James H. I. Weakley, Lake Carriers' Association, (LCA), Rocky River, Ohio, on behalf of the Great Lakes Maritime Task Force (GLMTF) and Realize America's Maritime Promise (RAMP); Stephen W. Verigin, National Committee on Levee Safety, Rancho Cordova, California; and Lawrence Roth, ARCADIS U.S., Inc., Roseville, California, on behalf of the American Society of Civil Engineers.

#### MEDICARE AND MEDICAID

*Committee on Finance:* Committee concluded a hearing to examine strengthening Medicare and Medicaid, focusing on taking steps to modernize America's health care system, after receiving testimony from Donald Berwick, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services.

#### NOMINATIONS

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Thomas R. Nides, of the District of Columbia, to be Deputy Secretary for Management and Resources, who was introduced by Senator Lieberman, William R. Brownfield, of Texas, to be Assistant Secretary for International Narcotics and Law Enforcement Affairs, and Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom, all of the Department of State, and Paige Eve Alexander, of Georgia, to be an Assistant Administrator of the United States Agency for International Development, after the nominees testified and answered questions in their own behalf.

#### CYBERSECURITY

*Committee on Homeland Security and Governmental Affairs:* Committee concluded a hearing to examine securing critical infrastructure in the age of Stuxnet, after receiving testimony from Sean P. McGurk, Acting Director, National Cybersecurity and Communication Integration Center, Office of Cybersecurity and Communications, National Protection and Programs Directorate, Department of Homeland Security; Michael J. Assante, National Board of Information Security Examiners of the United States Inc., Idaho Falls, Idaho; Dean Turner, Symantec Corporation, Mountain View, California; and Mark W. Gandy, Dow Corning Corporation, Midland, Michigan.

#### NOMINATIONS

*Committee on the Judiciary:* Committee concluded a hearing to examine the nominations of Max Oliver Cogburn, Jr., to be United States District Judge for the Western District of North Carolina, who was introduced by Senators Hagan and Burr, Marco A. Hernandez, and Michael H. Simon, both to be United States District Judge for the District of Oregon, who were both introduced by Senators Wyden and Merkley, and Steve C. Jones, to be United States District Judge for the Northern District of Georgia, who was introduced by Senator Chambliss, and Michele Marie Leonhart, of California, to be Administrator of Drug Enforcement, Patti B. Saris, of Massachusetts, to be a Member and Chair of the United



States Sentencing Commission, and Stacia A. Hylton, of Virginia, to be Director of the United

States Marshals Service, all of the Department of Justice.

## House of Representatives

### *Chamber Action*

**Public Bills and Resolutions Introduced:** 9 public bills, H.R. 6415–6423; 1 private bill, H.R. 6424; and 6 resolutions, H. Con. Res. 332; and H. Res. 1727–1724 were introduced. **Page H7548**

**Additional Cosponsors:** **Pages H7548–49**

**Report Filed:** A report was filed today as follows:

H. Res. 1721, providing for the consideration of the Senate amendment to the bill (H.R. 1722) to require the head of each executive agency to establish and implement a policy under which employees shall be authorized to telework, and for other purposes, and providing for consideration of motions to suspend the rules (H. Rept. 111–657). **Page H7548**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Pastor to act as Speaker pro tempore for today. **Page H7501**

**Debate Limitation:** Agreed by unanimous consent that debate on passage of H.R. 3808, the objections of the President to the contrary notwithstanding, be limited to 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. **Page H7504**

**Appointing the day for the convening of the first session of the One Hundred Twelfth Congress:** Agreed to S.J. Res. 40, to appoint the day for the convening of the first session of the One Hundred Twelfth Congress. **Page H7504**

**Providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Twelfth Congress:** Agreed to H. Res. 1720, to provide for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Twelfth Congress. **Page H7504**

**Recess:** The House recessed at 10:28 a.m. and reconvened at 4:31 p.m. **Page H7504**

**Interstate Recognition of Notarizations Act of 2010—Presidential Veto:** The House voted to sustain the President's veto of H.R. 3808, to require any Federal or State court to recognize any notarization made by a notary public licensed by a State other than the State where the court is located when such notarization occurs in or affects interstate com-

merce, by a yea-and-nay vote of 185 yeas to 235 nays, Roll No. 573 (two-thirds of those present not voting to override). **Pages H7504–06, H7506–07**

Subsequently, the veto message (H. Doc. 111–152) and the bill were referred to the Committee on the Judiciary. **Page H7507**

**Adjournment Resolution:** The House agreed to H. Con. Res. 332, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, by a yea-and-nay vote of 234 yeas to 184 nays, Roll No. 572. **Page H7506**

**Moment of Silence:** The House observed a moment of silence in memory of Owen Pickett, former Member of Congress. **Pages H7507–08**

**Suspensions—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, November 16th:

**Sergeant Robert Barrett Post Office Building Designation Act:** H.R. 5758, to designate the facility of the United States Postal Service located at 2 Government Center in Fall River, Massachusetts, as the "Sergeant Robert Barrett Post Office Building", by a  $\frac{2}{3}$  yea-and-nay vote of 417 yeas with none voting "nay", Roll No. 574 and **Pages H7508–09**

**Congratulating Joe Paterno on his 400th win as Penn State Nittany Lions football head coach:** H. Res. 1715, to congratulate Joe Paterno on his 400th win as Penn State Nittany Lions football head coach, by a  $\frac{2}{3}$  yea-and-nay vote of 417 yeas to 3 nays, Roll No. 575. **Pages H7509–10**

**Suspensions:** The House agreed to suspend the rules and agree to the following measures:

**Commemorating the Persian Gulf War:** H. Res. 1672, amended, to commemorate the Persian Gulf War and reaffirm the commitment of the United States towards Persian Gulf War veterans;

**Pages H7512–15**

**Recognizing the 500th anniversary of the birth of Italian architect Andrea Palladio:** H. Con. Res. 259, to recognize the 500th anniversary of the birth of Italian architect Andrea Palladio; **Pages H7515–16**

**Recognizing and supporting the efforts of the USA Bid Committee to bring the 2018 or 2022 World Cup competition to the United States:** H. Con. Res. 327, amended, to recognize and support the efforts of the USA Bid Committee to bring the 2018 or 2022 Federation Internationale de Football Association (FIFA) World Cup competition to the United States; and **Pages H7516–17**

Agreed to amend the title so as to read: “Recognizing and supporting the efforts of the USA Bid Committee to bring the 2022 Federation Internationale de Football Association (FIFA) World Cup Competition to the United States.”. **Page H7517**

**Supporting the goals and ideals of National Adoption Day and National Adoption Month:** H. Res. 1648, to support the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children. **Pages H7518–21**

**Suspensions—Proceedings Postponed:** The House debated the following measures under suspension of the rules. Further proceedings were postponed:

**Condemning the Burmese regime’s undemocratic elections:** H. Res. 1677, amended, to condemn the Burmese regime’s undemocratic upcoming elections on November 7, 2010 and **Pages H7510–12**

**Extending the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008:** S. 3774, to extend the deadline for Social Services Block Grant expenditures of supplemental funds appropriated following disasters occurring in 2008. **Pages H7521–24**

**Quorum Calls—Votes:** Four yea-and-nay votes developed during the proceedings of today and appear on pages H7506, H7506–07, H7509, H7509–10. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 10:35 p.m.

## Committee Meetings

### STATE WORKERS’ COMPENSATION SYSTEMS

*Committee on Education and Labor:* Subcommittee on Workforce Protections held a hearing on Developments and State Workers’ Compensation Systems. Testimony was heard from Christopher Godfrey,

Commissioner, Workers Compensation, State of Iowa; and public witnesses.

### U.S.-CENTRAL ASIA PARTNERSHIP

*Committee on Foreign Affairs:* Subcommittee on Asia, the Pacific and Global Environment held a hearing on the Emerging Importance of the U.S.-Central Asia Partnership. Testimony was heard from Robert O. Blake, Jr., Assistant Secretary, Bureau of South and Central Asian Affairs, Department of State, and former U.S. Ambassador to Sri Lanka and Maldives; and David S. Sedney, Deputy Assistant Secretary for Afghanistan, Pakistan and Central Asia, Office of the Assistant Secretary for Asian and Pacific Security Affairs, Department of Defense.

### SENATE AMENDMENT TO H.R. 1722, TELEWORK IMPROVEMENTS ACT OF 2010

*Committee on Rules:* Granted, by a non-record vote, a rule providing for the consideration of the Senate amendment to H.R. 1722, the Telework Improvements Act of 2010. The rule makes in order a motion offered by the chair of the Committee on Oversight and Government Reform that the House concur in the Senate amendment to H.R. 1722. The rule provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI. The rule provides that the Senate amendment shall be considered as read. Finally, the rule authorizes the Speaker to entertain motions that the House suspend the rules at any time through the legislative day of November 19, 2010. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration under suspension of the rules pursuant to this rule.

### RESPONSE TO CLIMATE CHANGE

*Committee on Science and Technology:* Subcommittee on Energy and Environment held a hearing on A Rational Discussion of Climate Change: the Science, the Evidence, the Response.

Testimony was heard from Richard A. Feely, Senior Scientist, Pacific Marine Environmental Laboratory, NOAA, Department of Commerce; RADM David W. Titley, USN., Oceanographer and Navigator of the Navy, Department of the Navy; James Lopez, Senior Advisor to the Deputy Secretary, Department of Housing and Urban Affairs; and public witnesses.

**BRIEFING—COUNTERTERRORISM UPDATE**

*Permanent Select Committee on Intelligence:* Met in executive session to receive a briefing on Counterterrorism Update. The Committee was briefed by James R. Clapper, Jr., Director of National Intelligence.

**Joint Meetings**

No joint committee meetings were held.

**COMMITTEE MEETINGS FOR THURSDAY,  
NOVEMBER 18, 2010**

*(Committee meetings are open unless otherwise indicated)*

**Senate**

*Committee on Armed Services:* To hold hearings to examine the nominations of General Claude R. Kehler, USAF, for reappointment to the grade of general and to be Commander, United States Strategic Command, and General Carter F. Ham, USA, for reappointment to the grade of general and to be Commander, United States Africa Command, 9:30 a.m., SH-216.

*Committee on Finance:* Subcommittee on International Trade, Customs, and Global Competitiveness, to hold hearings to examine international trade in the digital economy, 1 p.m., SD-215.

*Committee on Foreign Relations:* Subcommittee on Near Eastern and South and Central Asian Affairs, to hold hearings to examine jamming the improvised explosive device (IED) assembly line, focusing on impeding the flow of ammonium nitrate in South and Central Asia, 4:30 p.m., SD-419.

*Committee on Health, Education, Labor, and Pensions:* Subcommittee on Children and Families, to hold hearings to examine the state of the American child, focusing on securing our children's future, 10:30 a.m., SD-430.

*Committee on Homeland Security and Governmental Affairs:* To hold hearings to examine the nomination of Eugene Louis Dodaro, of Virginia, to be Comptroller General of the United States, Government Accountability Office, 3 p.m., SD-342.

Ad Hoc Subcommittee on Contracting Oversight, to hold hearings to examine the need for effective oversight of reconstruction contracts in Afghanistan, 3:30 p.m., SR-428A.

*Committee on Indian Affairs:* Business meeting to consider pending calendar business; to be immediately followed by a hearing to examine H.R. 4347, to amend the Indian Self-Determination and Education Assistance Act to provide further self-governance by Indian tribes, 9:30 a.m., SD-628.

*Committee on the Judiciary:* Business meeting to consider S. 3675, to amend chapter 11 of title 11, United States Code, to address reorganization of small businesses, S. 2888, to amend section 205 of title 18, United States Code, to exempt qualifying law school students participating in legal clinics from the application of the general conflict of interest rules under such section, S. 3804, to

combat online infringement, S. 3728, to amend title 17, United States Code, to extend protection to fashion design, S. 1598, to amend the National Child Protection Act of 1993 to establish a permanent background check system, and the nominations of Robert Neil Chatigny and Susan L. Carney, both of Connecticut, both to be United States Circuit Judge for the Second Circuit, Amy Totenberg, to be United States District Judge for the Northern District of Georgia, James Emanuel Boasberg and Amy Berman Jackson, both to be United States District Judge for the District of Columbia, James E. Shadid and Sue E. Myerscough, both to be United States District Judge for the Central District of Illinois, James E. Graves, Jr., of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Paul Kinloch Holmes, III, to be United States District Judge for the Western District of Arkansas, Anthony J. Battaglia, to be United States District Judge for the Southern District of California, Edward J. Davila, to be United States District Judge for the Northern District of California, and Diana Saldana, to be United States District Judge for the Southern District of Texas, and Frank Leon-Guerrero, to be United States Marshal for the District of Guam and concurrently United States Marshal for the District of the Northern Mariana Islands, Kenneth F. Bohac, to be United States Marshal for the Central District of Illinois for term of four years, William Conner Eldridge, to be United States Attorney for the Western District of Arkansas, Charles Thomas Weeks II, to be United States Marshal for the Western District of Oklahoma, Ripley Rand, to be United States Attorney for the Middle District of North Carolina, and Charles M. Oberly III, to be United States Attorney for the District of Delaware, all of the Department of Justice, and Wilfredo Martinez, of Florida, Chase Theodora Rogers, of Connecticut, Marsha Ternus, of Iowa, and Isabel Framer, of Ohio, all to be a Member of the Board of Directors of the State Justice Institute. Charles Thomas Weeks II, to be United States Marshal for the Western District of Oklahoma, Ripley Rand, to be United States Attorney for the Middle District of North Carolina, and Charles M. Oberly III, to be United States Attorney for the District of Delaware, 10 a.m., SD-226.

Subcommittee on Human Rights and the Law, to hold hearings to examine women's rights, focusing on United States ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 2 p.m., SD-226.

*Committee on Small Business and Entrepreneurship:* To hold hearings to examine assessing the regulatory and administrative burdens on America's small businesses, 10 a.m., SR-428A.

*Committee on Veterans' Affairs:* To hold an oversight hearing to examine the Veterans' Affairs and Department of Defense's integrated disability evaluation system, 10 a.m., SR-418.

*Select Committee on Intelligence:* To receive a closed briefing on certain intelligence matters for officials of the intelligence community, 2:30 p.m., SH-219.

**House**

*Committee on Financial Services*, Subcommittee on Housing and Community Opportunity, hearing entitled “Robo-Signing, Chain of Title, Loss Mitigation and Other Issues in Mortgage Servicing,” 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs*, Hearing on the Transition to a Civilian-Led U.S. Presence in Iraq: Issues and Challenges, 1 p.m., 2172 Rayburn.

*Committee on the Judiciary*, Subcommittee on the Constitution, Civil Rights, and Civil Liberties, hearing on

Faith-Based Initiatives: Recommendations of the President’s Advisory Council on Faith-Based and Community Partnerships and other Current Issues, 10:30 a.m., 2141 Rayburn.

*Committee on Standards of Official Conduct*, To hold a sanction hearing in the Matter of Representative Charles B. Rangel, 12 p.m., 1310 Longworth.

*Permanent Select Committee on Intelligence*, Meeting to consider a report issued by the Subcommittee on Oversight and Investigations, 10 a.m., 304–HVC.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, November 18

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Thursday, November 18

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of the motion to proceed to consideration of S. 510, FDA Food Safety Modernization Act.

*(Senate will recess from 12:30 p.m. until 3 p.m. for a Democratic caucus.)*

## House Chamber

**Program for Thursday:** Consideration of the Senate Amendment to H.R. 1722—Telework Enhancement Act of 2010 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

## HOUSE

Austria, Steve, Ohio, E1943, E1953  
 Buchanan, Vern, Fla., E1944  
 Carson, André, Ind., E1946, E1953  
 Castle, Michael N., Del., E1938  
 Coffman, Mike, Colo., E1948  
 Cohen, Steve, Tenn., E1940, E1955  
 Costa, Jim, Calif., E1947, E1953  
 Davis, Danny K., Ill., E1951  
 Delahunt, Bill, Mass., E1937, E1942  
 Faleomavaega, Eni F.H., American Samoa, E1955, E1956  
 Gallegly, Elton, Calif., E1943  
 Graves, Sam, Mo., E1938, E1941, E1943, E1945, E1947, E1948, E1949, E1952, E1953, E1954  
 Harper, Gregg, Miss., E1937

Issa, Darrell E., Calif., E1939, E1954  
 Kennedy, Patrick J., R.I., E1945  
 Kildee, Dale E., Mich., E1948, E1952  
 King, Peter T., N.Y., E1951  
 Kucinich, Dennis J., Ohio, E1940, E1941, E1943, E1945, E1949, E1955  
 Larson, John B., Conn., E1949  
 Lofgren, Zoe, Calif., E1942  
 Luetkemeyer, Blaine, Mo., E1948  
 McClintock, Tom, Calif., E1940  
 McIntyre, Mike, N.C., E1949  
 McKeon, Howard P. "Buck", Calif., E1944  
 Marchant, Kenny, Tex., E1944  
 Miller, Gary G., Calif., E1941  
 Pallone, Frank, Jr., N.J., E1937, E1941, E1942, E1944, E1946, E1947, E1948, E1950, E1952  
 Paul, Ron, Tex., E1951

Putnam, Adam H., Fla., E1948  
 Rahall, Nick J., II, W.Va., E1950  
 Rangel, Charles B., N.Y., E1940, E1945, E1950, E1955  
 Reichert, David G., Wash., E1943, E1954  
 Rothman, Steven R., N.J., E1946  
 Ryan, Tim, Ohio, E1939, E1954  
 Sestak, Joe, Pa., E1938  
 Smith, Christopher H., N.J., E1939  
 Speier, Jackie, Calif., E1938  
 Stark, Fortney Pete, Calif., E1947  
 Thompson, Mike, Calif., E1941, E1951  
 Tsongas, Niki, Mass., E1937  
 Upton, Fred, Mich., E1945  
 Van Hollen, Chris, Md., E1946  
 Wolf, Frank R., Va., E1946, E1953  
 Woolsey, Lynn C., Calif., E1949, E1952



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