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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

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# House of Representatives

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

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*February 26, 2009.*

I hereby appoint the Honorable JOHN T. SALAZAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

The Reverend Michael E. Askew, Sr., Trinity United Presbyterian Church, Tallahassee, Florida, offered the following prayer:

Heavenly Creator, maker of days past, present and future, we humble ourselves in the breaking of this new day, so that in all of our efforts and energy, we give glory to You.

We pray for each Member in this United States House of Representatives and their staff. We ask that in the actions and deliberations of today, resentment, strife, bitterness, and anger will not prevail.

Rather, each Member is mindful to hear the voices and concerns of people they serve, of those serving in the military, of those living in small towns, on farms, in rural communities, and in cities throughout the United States, so collectively and conscientiously we may find methods and solutions to help even the least among us during these troubled times.

With great joy and gratitude, we stand before You ready to serve. Lord, hear Your people as we pray.

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 California (Mr. HONDA) come forward and lead the House in the Pledge of Allegiance.

Mr. HONDA led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 8. Concurrent resolution expressing support for Children's Dental Health Month and honoring the memory of Deamonte Driver.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair, on behalf of the Committee on Finance, announces the designation of the following Senators as members of the Joint Committee on Taxation:

The Senator from Montana (Mr. BAUCUS).

The Senator from West Virginia (Mr. ROCKEFELLER).

The Senator from North Dakota (Mr. CONRAD).

The Senator from Iowa (Mr. GRASSLEY).

The Senator from Utah (Mr. HATCH).

## WELCOMING REV. MICHAEL ASKEW

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. BOYD) is recognized for 1 minute.

There was no objection.

Mr. BOYD. Mr. Speaker, I am extremely pleased to have had Rev. Michael Askew from Tallahassee, Florida, as our guest chaplain today to lead us in prayer this morning. I appreciate his insightful words and spiritual message.

Rev. Askew joins us from the Trinity United Presbyterian Church of Tallahassee, Florida, where he has led the congregation since September of 2008 after arriving there from Milwaukee, Wisconsin. Rev. Askew has an impressive 20-year career as an educator and careworker to at-risk youth. He is a man of God, a man of service, and a spiritual leader and teacher in the Tallahassee community.

I would like to commend Rev. Askew for the positive impact he has made on so many lives in my community and others. We are grateful for his service, and I wish him the very best as he continues to guide his congregation in the coming years.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

## EFFECTS OF THE ECONOMIC DOWNTURN

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

Mr. HONDA. Mr. Speaker, I would like to give voice to several of my constituents' stories about how they are being impacted by the economic downturn.



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One constituent, Robert, told me about how he and his wife lost nearly 60 percent of their retirement funds. They have no pensions, no 401(k)s, and no health care coverage.

Another constituent told me how he lost his job 4 months ago and is now drowning in college loans and bills. These stories are all too common.

Every one of us is feeling the effects of the economic downturn. But I, along with my colleagues in Congress, will advocate for you and your family's needs every day.

## EARMARKS ARE ESSENTIALLY NO-BID CONTRACTS

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

Mr. FLAKE. Mr. Speaker, yesterday we passed an omnibus spending bill with more than 8,600 earmarks. Many of them are simply wasteful, including 1.8 million to combat swine odor in Iowa. Maybe that could have been spent a little closer to home.

But a lot of these earmarks, a few thousand of them, have the potential to be far more damaging to this institution because they are essentially no-bid contracts. In many cases, they're no-bid contracts to those who turn out to be campaign contributors to Members who secured the no-bid contract.

We have to ask ourselves, is this proper for the House to do? Should the House of Representatives allow its Members to award no-bid contracts to their campaign contributors? It doesn't seem right, Mr. Speaker. We owe this institution far better than that, and we ought to stop the practice.

## COMPREHENSIVE IMMIGRATION REFORM

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

Mr. BACA. America recently elected not just the first African American to serve as President but also the son of an immigrant. Yet, the positive contributions of immigrants never seem to make it through the smoke of politics that blurs the issue of immigrant reform.

We must not forget that we are a Nation built by immigrants. Today, there are 12 to 14 million undocumented, hardworking immigrants contributing to our economy.

As we struggle to rebuild our economy, we must not forget that a comprehensive immigration reform is needed to bring out of the shadows hardworking immigrants. We must make sure that all workers are on a level of playing field and that the exploitation of undocumented immigrant workers ends.

We must make sure that unscrupulous employers are punished and that families are respected.

I urge my colleagues to work with me and for the President to keep his word and work towards comprehensive immigration reform.

## BANK BAILOUT BLUNDER—NORTHERN TRUST

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

Mr. POE of Texas. Mr. Speaker, the Chicago-based bank Northern Trust took $1.6 billion in bailout money. But last week the bank threw a high-dollar party in Los Angeles. The celebration included flying in guests and employees to stay at the Ritz and the Beverly Hills Wilshire.

The bank hosted a $6.3 million fancy golf tournament. Northern Trust partied all week by entertaining the rich and famous.

Nightly concerts were held that included the groups Earth, Wind and Fire, Chicago, and even singer Sheryl Crow.

One night, the bank rented the entire establishment of the House of Blues for $50,000 to enjoy the necessities of life.

When it was all over, the party animals received Tiffany gift bags. A good time was had by all.

Mr. Speaker, corporations can do what they want with their own money, but when banks take taxpayer money, they are responsible to the taxpayers. The bank says they didn't ask for the money. Well, if that's so, the bank should do the right thing. Northern Trust, give us back our $1.6 billion because you can't be trusted with our money.

The bank blunder bailout loan has come due.

And that's just the way it is.

## NATIONAL PEACE CORPS WEEK

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

Mr. SIRES. Mr. Speaker, today I rise to celebrate National Peace Corps Week and to honor the agency's 48th anniversary. Since the Peace Corps began in 1961, over 195,000 volunteers have served in 139 countries around the globe. Currently, there are over 7,800 Peace Corps volunteers serving in 76 countries, including two of my constituents.

Jaskirat Singh is currently serving in Jordan until September 2010, and Antoinette Day is currently serving in Bulgaria. I am incredibly proud of their service and the lasting contributions they are making to improve the lives of people in the communities where they are serving.

I would like to commend all the Peace Corps volunteers for their dedicated service to our Nation and for expanding and creating new opportunities for people in the developing world.

## REAUTHORIZATION OF E-VERIFY

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

Mr. CALVERT. Mr. Speaker, I rise today because 7 months from now the E-Verify program will expire. It is unacceptable that Congress continues to kick the can down the road on E-Verify. Last Congress, I along with 406 other Members of Congress, voted to extend E-Verify for 4 years. It was a bipartisan bill that had the overwhelming support of Members, as well as the American public. Congresswoman GIFFORDS and I have introduced the same legislation this Congress, H.R. 662.

Let's be clear: Reauthorization of E-Verify is not immigration reform. The existing voluntary program is the only way for employers to ensure that that are complying with existing law, which requires them to hire a legal workforce. Extending the voluntary program will also provide certainty to the 106,000 users of the system, including the States of Arizona and Mississippi, that E-Verify will continue to be available.

So why do we find ourselves counting down to an expiration date? Because there are certain special interests that may try to leverage E-Verify for a so-called comprehensive immigration reform bill.

We cannot allow the reauthorization of E-Verify to be tied up in a battle over an amnesty bill. Let's bring the bipartisan reauthorization of E-Verify through regular order and give the American people, and the thousands of E-Verify users, the assurance that employment verification will continue to be available.

## HONORING THOSE WHO HAVE DEPARTED

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

Mr. HASTINGS of Florida. Mr. Speaker, one of the greatest privileges we have in the House of Representatives is an opportunity to come before this body and take cognizance of the extraordinary work of people in our constituency throughout the United States. When they depart life, very occasionally we come here to say something about it.

In the last 2 months, Fletcher Gibson, Ronald Dallas, Pat Larkins, and Andrew DeGraffenreidt, constituents and personal friends, some fraternity brothers of mine, have departed this life.

I take this opportunity that's given to us by our citizenry to express my condolences to their families. Each in their own way were legendary, iconic figures in Broward County, and I deeply appreciate the service they gave to humankind, and I honor them and offer condolences to their families.

## HELPING FAMILIES SAVE THEIR HOMES ACT

(Mr. SMITH of Nebraska asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, as a former Realtor, I have seen the hurdles, struggles, and certainly triumphs of homeowners.

Later today, we will be voting on H.R. 1106, the Helping Families Save Their Homes Act. I understand the need to help those who need it, but we must be mindful we don't wind up hurting those who are not in dire straits.

Responsible homeowners, many of whom are struggling themselves, should not be saddled with the costs of subsidizing bad behavior on the part of banks or borrowers.

Mr. Speaker, earlier this week President Obama stood in this very space and called on Congress to work together to put our country back on the right fiscal track.

I agree wholeheartedly, and I urge my colleagues to work in a bipartisan manner instead of enacting cramdown legislation, adding even more risk to the mortgage market.

## ECONOMIC STIMULUS BILL

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

Mr. COHEN. Mr. Speaker, I was proud to vote for the economic stimulus bill, and one of the things that it had that is most effective, timely, targeted, and temporary is unemployment compensation of people who are on the front lines and suffer because of this recession.

Money going to those people immediately go into the economy and stimulate the economy, and nobody can debate that. It also helps the people most in need.

So I was most distressed when southern governors, led by Bobby Jindal, a former Member of this House, and others and now my own governor have suggested they may not take that money. To not take that money means this recession lingers. To not take that money means the people that have been hurt the most suffer the most again.

It is wrong, and it reminds me of old, unrepentant, unreformed southern governors with interposition dripping off their lips who gave this, the South, a bad reputation because they didn't work with the Federal Government to make this a more perfect Union.

□ 1015

## PROVIDING MEANINGFUL HEALTH CARE REFORM

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, this week President Obama came before us and outlined the priorities for health care reform. Good. But let's keep in mind what reform is.

The high cost of health care is not cured by massive injections of money and taxes. We must eliminate the $500 billion in annual waste. Electronic medical records will help, but only if it puts critical information in doctors' hands and they are personal, private, and portable.

Eliminating hospital-acquired infections must also be a priority. Infections kill 100,000 patients a year and cost us $50 billion. In the 3 years I have come to this floor to ask Members to take action, nearly a quarter of a million people have died unnecessarily. How many more will have to face this preventible disease before we push for meaningful reform?

Health care reform is about fixing our health care system, not just financing it and financing its problems. Let's make health care reform real reform, because lives depend on us.

## PROVIDING FOR CONSIDERATION OF H.R. 1106, HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 190 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 190

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Financial Services and the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

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

There was no objection.

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

Mr. Speaker, H. Res. 190 provides for consideration of H.R. 1106, the Helping Families Save Their Homes Act of 2009, under a structured rule. While the rule waives clause 10 of rule XXI regarding PAYGO, there is only a technical violation of clause 10 by section 204 of the bill. Because of the timing of cash flows of the Federal Deposit Insurance Corporation, the provision increases direct spending in the first 5-year period, but more than offsets that increase in the 10-year period.

Mr. Speaker, H.R. 1106, the Helping Families Save Their Homes Act of 2009, takes a vital step toward reviving our housing market, stemming the tide of home foreclosures and putting our Nation's economy back on track.

This bill would first give bankruptcy judges the ability to modify, at their own discretion, mortgage loans on a homeowner's principal residence if the homeowner meets specified, stringent criteria. Further, this legislation would also help veterans and other homeowners avoid foreclosure by allowing the Department of Veterans Affairs, the Federal Housing Administration and the Department of Agriculture to guarantee and/or insure mortgage loans modified either out of court or in a bankruptcy case.

This bill would also provide a safe harbor from liability to mortgage servicers who engage in loan modification workouts or other loss mitigation. Many services, Mr. Speaker, have claimed that fear of litigation or uncertainty about what modification actions may be permitted under their agreement have kept them from partaking in loan modifications or other workouts. With the safe harbor provisions in this legislation, they will no longer have any excuse.

Additionally, this bill makes much-needed changes to the HOPE for Homeowners program in order to encourage greater lender participation. It puts the HUD Secretary in charge of running the program, reduces fees and eliminates other administrative burdens, and changes the profit-sharing

provisions to induce more loan writedowns.

Finally, this bill makes permanent the temporary increase in deposit insurance coverage for both the FDIC Deposit Insurance Fund and the National Credit Union Administration Share Insurance Fund. This provision will enhance the liquidity and stability of our banking institutions and help restore confidence in our financial system.

Some have criticized the bankruptcy cramdown provisions in this bill, and I share some of their concerns, claiming that they will cause massive losses to financial institutions, increase the cost of borrowing for other homeowners or lead to a sudden surge of bankruptcy filings. I am not certain that this is the case. Modifications will be at the individual discretion of a bankruptcy judge who will make the determination of whether a borrower has acted responsibly and their claim has any merit.

This provision will maximize, not lessen, the value of troubled mortgages for the lender, and will avoid the decline in property values in neighborhoods where homes have been foreclosed on. It is preposterous to think that individuals would willingly submit themselves to the arduous process, negative stigma and long-lasting effects of filing for bankruptcy. Bankruptcy will remain as it has always been, a last resort.

Under current law, bankruptcy judges already have the authority to modify loans on virtually every secured claim, including vacation homes, investment properties, private jets and luxury yachts, except for primary family residences. This loophole is outdated and in my view absurd, and it must be rectified.

Some may also argue that we are bailing out reckless borrowers at the expense of those who were prudent and responsible. However, many individuals who have duly made every single monthly payment and lived within their means are seeing their home values drop and no longer have the ability to refinance due to the rapidly declining market. Some who are being swept up by the foreclosure crisis are victims of bad lending practices and some who played by the rules and acted responsibly are now finding themselves underwater through no fault of their own.

Throughout this Nation, Mr. Speaker, millions of families are in danger of losing their homes. And while it is easy to think that the foreclosure crisis affects no other than those directly involved, the truth is this crisis has had and will have a rippling effect all across the country. Not only are individuals' livelihoods gravely impacted, but as foreclosures go up, surrounding home prices go down, tax revenue for vital public services falls, financial institutions are saddled with losses, access to credit shrinks and our economy grinds to a halt. This legislation helps put a stop to this deadly spiral.

In my home State of Florida, Mr. Speaker, estimates show just in Florida alone that approximately 160,000 homes can be saved as a result of court supervised modifications. Additionally, a recent report by Credit Suisse estimates that the safe harbor provisions alone will lessen foreclosures by 20 percent.

Just this past Wednesday, President Obama announced his comprehensive homeowners' affordability and stability plan. This legislation is the first step toward putting this plan into action.

Mr. Speaker, I do not pretend that implementing this legislation will prevent every single foreclosure. In fact, there are some cases for which foreclosure is the correct action. However, this bill will help ensure responsible individuals stay in their home and will mitigate the destructive impact of foreclosures on families and communities.

This bill addresses our Nation's foreclosure crisis in a meaningful and responsible fashion by reforming our bankruptcy laws, clearing legal impediments to loan modifications, improving the HOPE for Homeowners program and ensuring confidence in our banking system.

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

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

I thank my colleague from Florida for yielding us the time on this rule, and I also want to say that I thank very much the chairman of the Judiciary Committee, Mr. CONYERS, for his help yesterday in the Rules Committee meeting on incorporating a suggestion that I made into the manager's amendment. It didn't make it in this bill in the form of an amendment, but he was very kind to include that, and I think it made this bad bill a little bit better.

I want to say that my colleague from Florida has made some very eloquent comments about why this rule should be adopted and why the underlying bill is such a good bill. However, those of us on this side of the aisle have some clear concerns about this rule and about the bill and what it is going to be doing to our economy.

We heard yesterday a lot of numbers that were very, very difficult to pin down. In fact, I tried very hard, knowing I was going to handle this rule this morning, because I wanted to try to get a handle on the number of people that we are talking about.

We heard the number 14 million. We heard 14 million now and more later. But we also heard that what this bill will do will be to allow the bankruptcy system to handle about 30,000 new cases per year. My guess is that while this bill claims not to be needing a lot more money in that area, that eventually our colleagues across the aisle are going to come back asking for more money to deal with this issue.

□ 1030

But what I want to talk about today a little bit is both the process and about the reason why the rule should not be adopted and the bill should not be adopted. 94 percent of the people in this country are now paying their mortgages and paying them on time. What's going to happen if this bill is passed is that those people, and people in the future, are going to be punished. We are continually punishing the people who play by the rules and rewarding the people who don't play by the rules. It is a real shame that we have come to that place in our society because we don't want to set that as the norm for what we're doing in this country, because we've always had the rule of law and we've operated very well. What separates us from most other countries is that.

And yet, now we're going to say to people, it's okay if you go out, misrepresent your position in terms of being able to pay for your mortgage or do any kinds of things like that, and then we'll bail you out. It will be okay for us to do that. And that, basically, is what this bill is, the message that we're sending.

But let me talk just a bit about the process that was involved in bringing this rule to us. We had a very lively debate in the Rules Committee yesterday. The chairman of the Financial Services Committee told us that he was very willing to accept some of the amendments that had been offered. They might not exactly fit in the Financial Services Committee, but he was willing to work with some of our Members to make those fit.

We had 20 amendments offered, Republicans did. Only one of those amendments was accepted to be offered today, and it looks like we may have a problem with that amendment once it is offered.

We are trying very hard to be bipartisan. We want to work with the majority on helping the people in this country who are truly hurting, who have played by the rules and who are being hurt by the economy, through no fault of their own. However, what this bill, again, is going to do is it is keeping us from being bipartisan. We have to be opposed to the rule and opposed to the bill because they've put together bills that should not be put together. Many of us could probably support the Financial Services part of this bill, but we would be very concerned about the Judiciary part of it. But no, the majority has to lump them all together and create a situation that denies our ability to be bipartisan.

A couple of the rules that were offered yesterday and in the various committees that Chairman FRANK said he was willing to have a debate on was a rule offered by Representative NEUGEBAUER which would amend the servicer safe harbor provisions to provide that unsuccessful plaintiffs would pay all the attorney's fees and any legal costs incurred by the defendant.

Another one by Congresswoman CAPITO would exempt the Federal Housing Administration, Veterans Administration Loan Guaranty Program

and Guaranteed Rural Housing Loans from adjustments to the terms of the loan in bankruptcy. These already are very, very lenient programs and, supposedly, all the work has been done so that there would not be the need to go to bankruptcy.

Also, Congressman HENSARLING offered, I offered on his behalf, three excellent amendments that would, I think, help with the issue of responsibility and accountability. The President talks a lot about that, but when it comes down to implementing those things in legislation, we see nothing coming from the majority on those issues.

Let me mention the Hensarling amendments which were denied, and we can't even vote on them. One would exclude from participation in the HOPE for Homeowners Program any borrower whose original loan was a zero down payment loan. Many of these people are treating these homes that they bought like rental property. They have no investment in them, and so when the economy goes south or the home is not worth as much as they thought it was worth, they just walk away from it. That's no sense of responsibility. We're just, again, rewarding irresponsibility.

Another amendment by Congressman HENSARLING would exclude from participation in the HOPE for Homeowners Program any borrower whose original loan documentation did not include verification of the amount and source of income. A lot of these loans were given out to people who did not bring information on their income. That seems a logical thing to do. Most people, again, who are paying their mortgages are people who paid something down and then were able to show that they could pay for the home ultimately.

And then the third one would have excluded from participation in the HOPE for Homeowners Program any borrower who has a family income that exceeds 125 percent of the area median income for where they live. Republicans are usually the ones criticized for helping wealthy people, but this bill is going to allow millionaires to be able to get help. We don't think that that's the right thing to do.

Those were three very logical amendments that were turned down. As I said, only one out of 20 of our amendments was accepted. So we think that this is a bad rule. We think it's a bad bill and we're going to urge our colleagues to vote ''no'' on it.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my very good friend from Florida, the gentlewoman, Ms. CASTOR, an immediate past member of the Rules Committee that left us for greener pastures.

Ms. CASTOR of Florida. I thank the distinguished gentleman from Florida and my good friend, Mr. HASTINGS, for yielding the time.

Mr. Speaker, I rise today in strong support of the Helping Families Save Their Homes Act and this rule. This Act throws a lifeline to families who are fighting to stay in their homes during this economic crisis.

Now, as Mr. HASTINGS knows, we have a very high rate of foreclosures in the State of Florida, and my Tampa Bay area community has been particularly hard hit. That is why last year I began holding foreclosure prevention workshops, so that homeowners could sit down, face to face with lenders and servicers and work out a refinancing. I'm planning my fourth workshop now.

These homeowners appreciate the opportunity to sit down one on one because most of the time they have a very difficult time getting in touch with the lender or servicer. They won't answer the phone.

I know many in the banking industry do not like this bankruptcy provision that allows bankruptcy judges to modify home loans. But, frankly, they've brought this on themselves to a great extent. I encourage you all to check the video of Congresswoman MAXINE WATERS staying on the phone for an hour just trying to get a bank to answer the phone and pick up the line so that a responsible homeowner can get into a refinance. They don't want a bailout. They just want a little breathing room and the opportunity to refinance.

This Act today will help. It won't help everyone, but it will also provide a prod, an incentive to these banks to refinance these loans. It's fair and equitable to allow home loan modifications because right now, in bankruptcy, every other asset can be worked out. The new law will allow loan modifications in bankruptcies and it will prod the lenders and servicers to hire the necessary personnel, answer the phone, begin the refinancing that they should have been doing over the past year.

Many of these banks have received billions in taxpayer dollars. And I know that President Bush did not include a condition that these banks should refinance or sit down with folks and begin a discussion, but that must be a requirement now, or else foreclosures and the continued deterioration of all of our property values will continue.

President Obama's plan also will provide responsible homeowners with additional leverage. And Congresswoman DORIS MATSUI from California and I have an amendment contained in this Act that will encourage a holiday for foreclosures until President Obama's plan takes effect.

We're going to continue to stand up for responsible families and ensure that if you work hard and you play by the rules, the tools and resources will be available to help you stay in your home.

Ms. FOXX. Mr. Speaker, I would now like to recognize for 5 minutes my distinguished colleague from Iowa (Mr. KING) to discuss the amendment that he had written that I offered last night in the Rules Committee, which was rejected. And I think he will share some very enlightening comments with us.

Mr. KING of Iowa. Mr. Speaker, I thank the gentlewoman from North Carolina for yielding, and also for her diligent endeavor on the Rules Committee to try to hold together the integrity of this system and this process.

On this cramdown legislation, the amendment that I offered in the Judiciary Committee was an amendment that would have, and I'd just take the language right out of it, it would have allowed the court to find that there had not been misrepresentation, false pretenses or actual fraud on the part of the lender if there's going to be a change in this contract ordered by a judge.

Now, we don't want to reward people who are lawbreakers, or those who are disingenuous, or those who, by fraudulent or misrepresentative means to take advantage of a lender under these circumstances. This is new territory we're in. It's a narrow standard in a significant way.

This was an amendment that not only I thought was a good proposal, Republicans thought it was a good proposal, but the Democrats also thought it was a good proposal. And this amendment is an amendment that I negotiated across the other side of the aisle in committee. It's an amendment that the chairman voted for. It's an amendment that passed, the bill passed on a recorded vote in committee, 21–3, Mr. Speaker.

So when that happens in this process, the people who took government class all over America and read the Constitution believe that's the language that comes to the floor, that the language that's approved by the committee on a final markup is the language that comes to the floor.

But what happened was, H.R. 200 was switched out for H.R. 1109, or whatever this bill is that we're working with. The language of this cramdown was to be transferred into that, but it was changed in that process. It was changed after we had a committee markup, a committee markup that apparently doesn't have any value when the will of the committee can be usurped by the staff of the committee. And I say the staff of the committee, because when I asked the chairman about this yesterday in the Judiciary Committee, he didn't seem to be aware that my language had been changed. And so we talked to their staff, and their staff said, well, there were Democrats that had some second thoughts. Wouldn't that include the chairman of the committee? And so they reconsidered and they rewrote the bill after the fact. And the final answer that came from the staff, the unelected staff, probably still employed, not if they were working for me, is ''it is what it is.'' In other words, tough. You can pass an amendment. You can negotiate

an amendment. You can get a 21–3 vote. You can have the support of the chairman. But if they decide when the sun comes up the next morning that they want to change their mind, they will change the language in the bill without even having the courtesy of contacting the sponsor of the amendment, the ranking member of the committee or, apparently, the chairman of the committee.

And so I brought an amendment request to the Rules Committee last night. And thankfully, Dr. FOXX offered that amendment to the Rules Committee. It was voted down on a party-line vote.

So what we have now is a process that does not reflect representative government. It doesn't reflect the will of this Congress. It reflects the will of somebody's staff.

And there's plenty of means to change the language if there happens to be some kind of flaw in it. And I'll argue there is not. But there's plenty of means. That means would be come to the Rules Committee, bring your own amendment. Or bring this out on the floor for an up-or-down vote, or lobby the Senate to amend it over there, or seek to get something amended in conference. None of those avenues were followed, Mr. Speaker. And I think it brings a sense of shame upon this Congress that the integrity of a Member, of the entire Republican side of the aisle and many of the Democrats has all been usurped by what appears to be a staff decision, because I can't find a single elected Member that will say yes, I took responsibility and I didn't think you ought to know when I changed your language. That's what's going on.

I urge this body to vote down this rule. Take this thing back to the Rules Committee, bring us the language that was passed out of the Judiciary Committee, or at least let's have some dialogue on why it was changed in the dark of the night by staff without a single Member that will take accountability for what's happened here.

□ 1045

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from New York, a member of the Judiciary Committee, Mr. NADLER.

Mr. NADLER of New York. Mr. Speaker, this legislation is an opportunity for Members to help families who are about to lose their homes thanks to a terrible combination of job loss, spiraling health costs, declining home values, and predatory lending practices. It will, among other things, correct a 30-year-old anomaly in the bankruptcy code.

If you're a family farmer, you're allowed to use bankruptcy to modify your mortgage. We enacted that law in 1986 during the farm foreclosure crisis. It was a success, and we made it permanent 3 years ago. If you're a real estate speculator or if you own 5 or 20 or 50 homes, you can modify your mortgage in bankruptcy. If you're a major corporation, you can modify all of your loans and contracts in bankruptcy. The only exception is the family home. Yet, while millions of middle class families are on the verge of losing their homes, much of the banking industry and some Members of this House are still opposed to providing the same relief to the middle class that is now enjoyed by farmers, speculators, the wealthy, and major corporations.

Lenders warn that we can't save the family home because it will increase borrowing costs for everyone else. This is the same industry that in 2005 told us that making bankruptcy more onerous would reduce people's interest costs by $400 per year on their credit cards. Nothing of the sort happened, of course.

The banks have received billions of dollars from the taxpayers to keep the industry afloat, but they scream at the thought of our helping a few thousand families. I have nothing against Wall Street. In fact, it's in my district, but it is time we did something for the middle class homeowner. We tried the voluntary modification route without success. Maybe the programs in this bill will all work this time, but families getting thrown out of their homes shouldn't have to wait for Congress to figure out how to get banks to save the middle class. The banks have failed to save troubled homeowners. We must not fail. For every day we delay, the crisis deepens. People's lives hang in the balance. It is time we put American families first.

I urge my colleagues to support the rule, to support this legislation and to end this anomaly in the bankruptcy code that affects only homeowners. Let them enjoy the same rights as everyone else.

Ms. FOXX. Mr. Speaker, I mentioned before that 94 percent of the American people are paying their mortgages and are paying them on time, and they don't understand why this is happening and why they should be burdened with having to pay off the mortgages of people who are not being responsible and who are not being held accountable.

I want to share with you an article that came out in The Washington Post last December about the HOPE Program and about the situation that we're dealing with. When I read the article, it made me realize that our colleagues across the aisle are simply not in touch with reality. They don't have any idea about how the real world works. Most of them have not been in business. Most of them have not had to meet a payroll. They're living sort of in a Never Never Land, and I'm going to quote some things from this article that, I think, will help the public understand what that is.

There is criticism about the bill from the HUD Secretary. Now, that HUD Secretary was in the last administration, and there is a lot of blame back and forth between Congress and the executive branch. This is what the HUD Secretary said:

''What most people don't understand is that this program was designed to the detail by Congress.''

So that bill was passed. The bill setting up the HOPE Program was passed under the Democratic Congress. It also shows how off their numbers are in so many cases when they make predictions. They said the 3-year program was supposed to help 400,000 borrowers avoid foreclosure, but between October and December of last year, only 312 applications had come into the program.

Let me tell you a little bit about why that is the case and why, I think, people who irresponsibly got mortgages to begin with continue to look for bailouts and continue to look for welfare. This is basically expanding the welfare program in our country by passing this bill. Here is what one of the people said who is working with those people who might benefit from the program:

''Getting the lenders to agree has been our biggest challenge,'' said Peyton Herbert, director of the foreclosure services at HomeFree-USA, a housing counseling firm in Hyattsville.

This is what he says. This is the ridiculous way that these folks respond to this. He says, ''The lenders want dollar for dollar what's owed on that loan or something close to it. That's the fly in the ointment.''

Imagine that. People who loan other people money want them to pay it back dollar for dollar. Isn't that an unusual situation? But that's the way most of us operate in this country. However, most of these people who got these loans and who are in trouble now got them because they never expected to pay them back. They expected somebody to bail them out. They weren't honest when they got the loans, and now they're going to be bailed out by this legislation.

The other thing, which is just mind-boggling to me, is how the press writes these. Okay. ''The number one impediment is the lenders will redo their loans if the people promise to pay them back.'' Now, that's the way it usually operates, but the article goes on to say, ''The list of impediments goes on.''

That's the attitude of The Washington Post. There is an impediment given out there to the people who want to redo their loans. Do you know what that impediment is? That the people who are getting these loans, if their home increases in value, they have to split that value with the Federal Government, which is underwriting their loan, if they sell the home; and the people don't want to do that.

Again, there is no sense of responsibility. We didn't hear the President the other night talk about personal responsibility, personal accountability. He uses those words a lot, but he never pins them on anybody. It's just unbelievable that that's the attitude that people have. They could be getting help that already exists out of the HOPE Program, but they don't do it because

they don't want to pay the money back, and they don't want to share the increase in value with the Federal Government, which is underwriting their mortgage, if they ever sell the home.

Again, I think they're living in a Never Never Land. They think that they're due this money for free. They've been taught to live in a welfare society. We're continuing the welfare mentality. We're going back to welfare that was done away with when the Republicans took over the Congress in 1995. That is not what the American people want.

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

Mr. HASTINGS of Florida. Mr. Speaker, my good friend from North Carolina refers to the President's constant statements five or six times during his joint resolution speech of calling for responsibility and accountability, and what she says is that he never pins it on anybody.

My recollection of his speech was he said, ''including me,'' when he was talking about responsibility and accountability. If that's not pinning it on somebody, I don't know what is.

Mr. Speaker. I am very pleased at this time to yield 3 minutes to the distinguished gentlewoman from Ohio, my colleague and former member of the Rules Committee, Ms. SUTTON.

Ms. SUTTON. Mr. Speaker, on October 3, 2008, Addie Polk, a 90-year-old woman from Akron, Ohio, in my district, shot herself because her home was in foreclosure. Ms. Polk fell behind on her mortgage payments, and could not bear to lose the home that she had lived in for nearly 40 years. Fortunately, Ms. Polk survived and her home was saved, but Ms. Polk is not alone.

Millions of homeowners across the country are finding it more difficult to keep up with their payments. Homeowners are struggling for many reasons. Many, in fact, have lost their jobs. You're right when you say Americans don't want welfare—they want jobs—which is why we passed the recovery act just a couple of weeks ago. Some have lost their homes because of health care costs, another issue that our President and this Congress are set to take action on. Some have lost their homes because they were deceived into signing predatory loans, another issue that we're acting on, and some did get in over their heads when they shouldn't have.

Regardless of the cause, the crisis is real. It is real not only for homeowners like Addie Polk who are losing their homes; it is real for our communities, and it is real for our country. We have an interest and a responsibility to do better in dealing with the challenge.

Today, the House will vote on the Helping Families Save Their Homes Act. The bill provides homeowners with options to refinance into mortgages that they can afford, and it will help countless families stay in their homes. Now, this is not the end. It is just one step in tackling the housing challenge that we face as a nation.

I urge my colleagues to vote ''yes'' on this crucial legislation because Americans like Addie Polk and so many others out there deserve more than feeling so desperate as to shoot themselves, after living in a home for almost 40 years, for fear of losing it.

Ms. FOXX. Mr. Speaker, I want to say there is another issue here related to process that, I think, we need to talk about.

Many people say that the American people's eyes glaze over when we talk about the process here and that they don't really care, but I think we showed a couple of weeks ago that they do care and that they're watching and that they're paying close attention to what's going on in Congress, because the American people believe in fair play, and they believe that we should play by the rules.

So often, Congress passes bills and exempts itself. It often passes rules, and the majority exempts itself. One of the ways that Congress is exempting itself or that the majority is exempting itself right now on this bill, on this rule, is with something they call PAYGO. Now, the majority party 2 years ago made a big splash and got a lot of great publicity, saying, ''Everything is going to be pay as you go.'' It's abbreviated PAYGO. ''We're not going to do any more spending unless we cut spending somewhere else. We want to be diligent.''

They criticized Republicans for years on the deficit. They criticized Republicans for spending too much money. They were going to show that they were different. Yet what have they done every time they've gotten a major bill they've wanted to pass? They've just waived the PAYGO rules. It's real simple, and it usually doesn't get a lot of publicity because they got all that great publicity for saying that they weren't going to do that, but that's what's happening here, ladies and gentlemen. The PAYGO rules have been waived on this bill.

They don't want to show the American people how again they're abusing their own rules, how they're being unfair to the American people because they're saying one thing and they're doing another. They say, We want to bring down the deficit. We want to curtail spending. What they're actually doing, as I said earlier, is bringing back the old welfare system. We saw that with the stimulus bill. We saw it with the appropriations bill. It's back to the old style of welfare. We don't have to ask people to work to draw welfare payments. No. Let's just get rid of that. Let's extend the payments. Let's increase the payments. Let's put more people on welfare. That's exactly what this bill does. We're simply going to be increasing welfare.

The way they do that is to say, By passing this bill, we don't have to show how we're not increasing the deficit, so we'll just waive that rule, and nobody is going to notice it. Well, I think the American people are noticing that. I think they are paying attention.

Again, the majority of the American people who are paying their mortgages, who are playing by the rules, who are going to work every day, and who are doing their jobs are getting sick and tired of the increase in the welfare system again. Here you go. The Democrats have been in charge of the Congress for a little over 2 years, and what do we see but a massive increase in welfare.

I appreciate my colleague talking about the President saying he was going to be responsible, that he was going to be held accountable, but you know, we've not seen anything written into legislation so far. I've asked about that. Again, I appreciate very much Chairman CONYERS putting a little piece in this bill about accountability. I think that was good.

We're going to look at bankruptcy judges, see if they're abusing their power, make sure we have some idea of what they're going to be doing. We give them 2 years to make that report—it's plenty of time—but I have great concern over the fact that the majority party has waived the PAYGO rules on this bill. That's a part of what they're doing, and I think the American people are concerned about that, too.

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

□ 1100

Mr. HASTINGS of Florida. Mr. Speaker, may I inquire, please, as to the amount of time remaining on each side?

The SPEAKER pro tempore. The gentleman from Florida has 14 minutes, and the gentlelady from North Carolina has 7½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the distinguished gentlewoman from Florida, my fellow Floridian and classmate, my good friend, Ms. BROWN.

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Thank you for giving me the opportunity to speak on this rule.

Mr. Speaker, I rise in support of this bill but with some reservations because I know that it's not a perfect bill, but it's a perfect beginning. I also have held numerous meetings in my district concerning foreclosure, and, you know, we need to assist people to avoid the foreclosure process.

We have over 1,000 foreclosures a month in my district of Florida, and we need to include legal aid and other community organizations like Wealth Watchers and those that are helping families to avoid losing their homes in foreclosure.

Mr. HASTINGS, I have a question that I want to ask.

As we move forward, is there a possibility that we can work to include additional assistance for families so that

they can avoid foreclosure? Some of the Members are telling people the problem is they're not getting good legal representation, and I think this is something that's missing in the bill. And what can we do to make sure when this bill leaves the House and the Senate and it goes to conference, that we can include additional assistance for families so they can avoid bankruptcy because there is a stigma attached to bankruptcy, and the banks don't have this stigma. And I am just concerned that people will have this stigma.

What can we do to assist these families?

Mr. HASTINGS of Florida. If the gentlelady will yield.

I'm not in a position to speak for the Judiciary Committee, but the distinguished Chair of the Judiciary Committee obviously will be one of the conferees, and if such an opportunity exists, then I would urge the gentlelady to speak with he and the Chair of Financial Services.

I think the gentlelady brings up an outstanding point that's true throughout the Nation where people are in need of appropriate legal representation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield an additional 1 minute.

Ms. CORRINE BROWN of Florida. I met with the credit unions who have been working very hard and doing a real good job, but they are not included. They can't get any of the TARP money, so they are limited with their amount of participation. We are having a hard time getting banks to get them to do what we intended them to do.

What is the possibility that we can also discuss how we can include credit unions in getting additional resources to help our constituents?

Mr. HASTINGS of Florida. If the gentlelady would yield.

I'd have you to know that this won't be the last vehicle in straightening out financial services.

But you cite to the credit unions correctly. I, too, have had meetings with them. They're very concerned about the cramdown provisions allowing that it may very well cause increases, and they have been extremely responsible in our respective communities.

Ms. CORRINE BROWN of Florida. Thank you very much for the time, and I hope we can work to perfect this bill.

Ms. FOXX. Mr. Speaker, I reserve my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from California (Ms. ZOE LOFGREN), a member of the Judiciary Committee who has worked tirelessly in producing this particular document along with Chairman CONYERS and Chairman FRANK and other members of their respective committees.

Ms. ZOE LOFGREN of California. Mr. Speaker, we are facing a crisis of historic proportions in the housing market. Every 13 seconds, a new house in America goes into foreclosure. What this has caused is a dramatic decline in the value of housing all over the United States. For example, in Contra Costa County, across the bay from my home, housing values in one year have declined 53 percent. So those values, the collapsing housing market, is something we need to interrupt. This bill is part of that effort to interrupt the collapse of the housing markets by doing something that we should have done long ago to restore fairness to the bankruptcy system.

Now, bankruptcy has been part of the Constitution since the very beginning of the United States, and what it allows is for people who are insolvent, who cannot pay their bills, to go into bankruptcy court and reorganize. The unfortunate thing is—and the unfair thing—is that people who are bankrupt, who are insolvent, who are in bankruptcy court, can get reorganization for their yacht, for their investment property, for their vacation homes, for their cars, for their credit cards, for their jet airplane, but not for the mortgage on their principal residence. That's not fair. That's not reasonable.

This bill changes that. And in doing so, it restores some fairness to the chapter 13 process.

The voluntary modification system has not worked so well. According to Business Week last week, only 35 percent of the voluntary modifications have actually resulted in lower monthly payments. In fact, in 47 percent of the cases, they've resulted in increased mortgage payments. So it's small wonder that most of those voluntary reorganizations end up with a re-default in 6 months.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield the gentlelady an additional 1 minute.

Ms. ZOE LOFGREN of California. I would just like to note not anyone can go into bankruptcy court. You have to be insolvent. We made it very tough in 2005 to get in there. But we do believe that banks and lenders will come to the table with the stick that homeowners could, in fact, go into the bankruptcy court for relief.

It's important to note what this is not. This won't cost the taxpayers one dime. This is about lenders eating part of the cost for the collapse of the housing market. It's not a bailout from the taxpayers. It makes lenders take some responsibility for what has happened. I think it's about time that the banks stood up to their own responsibility and participated in part of this solution, which they have not done to date.

This bill has been narrowed. It's only for retroactive loans. We've made many other adjustments, but it's sound policy. It's something we should do as soon as possible. It's going to help millions of people, and it's going to help stop the collapse of the housing market and the collapse of prices.

Ms. FOXX. Mr. Speaker, could I inquire of the gentleman from Florida if he has any more speakers?

Mr. HASTINGS of Florida. I do have one more speaker, and I will be prepared to close.

Ms. FOXX. Mr. Speaker, I will reserve the balance of my time.

Mr. HASTINGS of Florida. At this time, Mr. Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

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

Mr. Speaker, we are not going to fix our economy until we fix the problem in the housing market, which currently has risen to the level of a national crisis. In my home State of Rhode Island, we've been deeply affected by the downturn in the housing market. Our foreclosure rate last year was ranked 10th worst in the Nation, according to the Mortgage Bankers Association. And to make matters worse, we currently have the second highest unemployment rate in the country at 10 percent.

A lack of action on the housing issue is going to lead to even more dire consequences.

Now, in order for the economy to recover, it's evident that action must be taken to prevent foreclosures, help more families preserve home ownership and stabilize home prices. H.R. 1106, the Helping Families Save Their Homes Act, provides the resources that homeowners and lenders will need to guide them through this crisis.

We also must ensure that the appropriate measures are in place to prevent this kind of crisis from ever happening again. This bill goes a long way towards fixing our housing programs.

And I want to thank our colleagues, especially Chairman CONYERS and Chairman FRANK, for their outstanding and tireless efforts on this measure.

Ms. FOXX. Mr. Speaker, you know, we hear all this talk about bipartisanship. Bipartisanship to the other side, to the majority party, means do it my way. That's what bipartisanship means to them. Bipartisanship to us means how about we have a discussion? How about we bring up some amendments and have some votes on them? If you're so sure that your position is right, bring those amendments up for a vote. Let's see what kind of votes they're going to get. No. They won't even allow amendments to be voted on. That's not bipartisanship.

We had 20 amendments offered for this bill. Only one was accepted. That's not bipartisanship. Bipartisanship would be, again, bringing up lots of Republican amendments. Let them be voted on. Again, people who are sure of their position aren't afraid of having votes on alternative points of view.

Again, the American people are watching us. They're watching this Congress, and we know the Congress is putting off some tough votes they don't want to deal with right now because they know the American people are watching. And you know, that's one of the best things that I think has come out of last year's election and, perhaps, the economic uncertainty.

People are suffering. Republicans are concerned about that. We want to do everything we can to help those people who are suffering. But what this Congress has done so far hasn't helped those people who are suffering. It hasn't helped the people who are working and lost their jobs through no fault of their own.

We want bipartisanship, but it should be true bipartisanship. It's not ''do it our way or do it not at all.''

You know, I respect my colleague from California who just spoke and said that this bill doesn't cost taxpayers anything; it only costs the lenders. Well, who are the lenders? They're banks that are owned by stockholders. Those, the last time I looked, were taxpayers. They're the real taxpayers. That, again, is part of the out-of-this-world mentality that the people on the other side of the aisle have. It doesn't cost anybody.

I had people in my office and they said, ''Oh, this bill doesn't cost anything.'' I said, ''Pardon me? You mean they're going to cram down the mortgages, they're going to reduce the amount of the mortgages? Who's going to pay the difference between the original amount and the cramdown amount?''

''Oh, those are the bankers. But it just means they won't be as rich as they were before.''

That's not the way this country operates. ''Cramdown'' is the right name for the people talking about part of this legislation. That's exactly what it is. And what are we doing here?

You know, the New York Post—not exactly known as the most conservative newspaper in the world—calls it the Foreclosure Five. What we are doing is we are bailing out people in five States. And is it any surprise that those five States are California, Nevada, Arizona, Florida, and Michigan? Where is the leadership in the majority party? California and Nevada. Is it surprising?

This is just more earmark legislation, ladies and gentlemen. More earmarks. We're bailing out these five States.

This is not a crisis of a national proportion. This is a personal matter, not a national crisis.

Falling home prices are not the problem. Home prices went up tremendously for several years. Everybody knew that was going to have to come to a halt. Again, people living in this world knew that. People who had a real-world mentality understood that. But if you're living in Never Never Land, if you're living on the welfare mentality, then you assume you can behave any way you want to and somebody is going to bail you out. And that's what this legislation does.

□ 1115

Lots of newspaper articles and magazines have said, ''What this plan is doing is undercutting the banking and private sectors, and hurt many honest, hardworking people.'' That's a commentary from the Street. Over and over and over again we hear, ''we're subsidizing bad behavior,'' an article in the National Review. And that's exactly what this legislation does, it subsidizes bad behavior.

This is a sham. It is hurting average Americans who pay their bills, who do their work. You know, I think that the majority party has an addiction to spending other people's money, and that's what this does. Again, saying it doesn't cost the taxpayers anything is ridiculous. It's going to cost the taxpayers a lot of money, both directly and indirectly. And I want to say that this is a bad bill, it's a bad rule, and I want to urge my colleagues to vote ''no.''

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of the time.

This is a good rule for a critically important bill that addresses our current housing market crisis.

My friend from North Carolina speaks of the leadership of this committee being from California and Nevada, the Democratic majority. It is true that Speaker PELOSI is from California and it is true that Senator HARRY REID is from Nevada, but they are two people. There are other people in the leadership in the majority, Senator DURBIN from Illinois, Mr. CLYBURN from South Carolina, Mr. LARSON from Connecticut, the distinguished majority leader, STENY HOYER, from Maryland.

What we are talking about here is a universal problem insofar as this country is concerned. And I'm just back from an anti-Semitism conference in England, where I read, very actively, regarding their home crisis in the United Kingdom. We are also experiencing a whole global set of circumstances.

Mr. Speaker, in today's Daily Summary, the quote is made from the majority whip's office that Confucius said, ''The strength of a nation is derived from the integrity of its homes.'' I can think—and I'm sure every Member here can think—of all of our families through the years that among the things that they wanted was an opportunity to have a home. When my good friend from North Carolina speaks about returning to welfare, I didn't, when I was a boy, think that it was welfare after the Second World War when the Federal Home Administration, old FHA, and the Veterans Administration built a monument to middle class homes in this country, many of them still standing, many of them giving the foundation, a safe and inhabitable environment for people to raise their children as a result of those particular programs, followed by their successor, the Housing and Urban Development Department. I, as a young lawyer, participated in a variety of methods that gave low and moderate income families an opportunity to have a safe and inhabitable environment under programs such as 221D–3, 221H, a variety of programs rehabilitating properties, building homes for seniors, and giving everybody a chance.

I would like to add an anecdote. The value of my home in my neighborhood in Miramar, Florida, has decreased substantially. Other Members in this body are experiencing the same thing. I have paid my mortgage for 11 years every month on time. If my home value decreases another 6 percent, I will have an upside down or underwater mortgage, having done nothing but the right thing. But there are seven of my neighbors that I know of that are in foreclosure. And fortunately our homeowners association is mindful of the need that we have to work together.

This is a collective thrust, this piece of legislation. This is something to help us all. That's what Americans do. It is not a giveaway. It is not welfare when I look out for my neighbors and they look out for me, it is the potential to lay the foundation for us to get out of a crisis that is in an enormous one for this entire Nation.

Nearly 6 million households in America face foreclosure. My State of Florida has the second highest foreclosure rate after California. It's just plain old common sense for Congress to pass a bill that will help working families who have played by the rules and acted responsibly to stay in their homes and to continue to pay off their mortgages. We can't run away from this crisis. We must rebuild. And we must help those in need.

Neighborhoods in the district that I'm privileged to represent, as well as around this Nation, are struggling, homes are being foreclosed, and we have an opportunity to mitigate the destructive impact of those foreclosures on families and communities. I urge my colleagues to vote in favor of this rule so that we may support a bill that will give millions of Americans the opportunity to stay in their homes and not be forced out on the streets.

In defense of some of the services, in my district, Ocwen Financial Services has been doing loan modifications on their own, and their return rate for foreclosures is substantially less than the norm. There just are some good ones out there. The credit unions and the community banks have been doing responsible lending. They did not take advantage of people who may not have known what they were doing or who should have known and took advantage of the system to buy homes that they should not have bought. It's just that simple.

Mr. Speaker, I urge a ''yes'' vote on the previous question and on the rule. And I beg of us all to understand the critical need that we have to work together in this country, Democrats and Republicans, liberals and conservatives. Everybody in this Nation must face this problem. And, yes, we must act responsibly; and yes, we must act with accountability. And that's what this measure, as authored by the distinguished Chair of the Judiciary Committee and the distinguished Chair of the Financial Services Committee, working in conjunction with their colleagues—I might add in a bipartisan way. There are few people here that have had as many markups as they had in Judiciary and Financial Services. And when they come before the Rules Committee, all I hear of them is the fairness of Congressman CONYERS and the fairness of Congressman FRANK. So to say that these measures are not bipartisan or that others are not being listened to is just absolutely wrong.

Let us pass this measure.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 238, nays 183, not voting 10, as follows:

[Roll No. 88]

YEAS—238

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—183

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (IA)
King (NY)
Kingston
Kirk
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Boucher
Campbell
Cao
Cassidy
Kline (MN)
Miller, Gary
Nye
Pence
Perriello
Stark

□ 1152

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

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

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

HONORING GAY TOPPER

Mr. HOYER. Mr. Speaker, just 2 days ago—and I know one of the Members said can we do this after votes—but some people, like Mike Sheehy we talked about the other day, have put in extraordinary weeks and months and years serving this institution and every one of us. They make this institution run in a way that accommodates not only the contention but the compromise and the action. They do so as well with a spirit that makes this a better place in which to work. As surely as each of us who are elected, they serve our country and serve it well.

I have particular honor to rise on behalf of all of us, not just the majority party. I will yield to my friend, the minority leader, the Republican leader in just a minute, but I am particularly pleased to rise because this particular person lives in my district. I've known her for a long period of time.

She has served the House of Representatives for 32 years. She must have started at 9 or 10 years of age, I think. She is the retiring clerk to the Parliamentarian. She will retire tomorrow. It will be her last day. All of you have seen her, if you don't know her. If you've seen her and talked to her, you know that she is a warm and gracious person who greets all of us of whatever party, whether we're first-year Members or, in my case, a 29th-year Member.

She will be retiring tomorrow. She lives in Upper Marlboro, and she graduated from Frederick Douglass High School, which is in my county and the county represented by my colleagues DONNA EDWARDS and CHRIS VAN HOLLEN.

She started working in the House of Representatives in 1977 as an official reporter where she worked until 1986. She began working for the Office of the Parliamentarian in 1987 and has worked there for 22 years.

The Office of the Parliamentarian is an absolutely critical office, nonpartisan, knowledgeable, focused on assuring that the business of the American people is done in a way that reflects fairness and reflects well on the

House as an institution. And each and every one of those who work with our Parliamentarian, John Sullivan, make it a better service organization, not just for the House of Representatives but, as I said, for the American people.

Before I close, I want to yield to my friend, the Republican leader, JOHN BOEHNER of Ohio.

Mr. BOEHNER. Let me thank my colleague for yielding, and, Gay, congratulations and thank you for 32 years of service to the House. We, as Members, are fortunate to have a lot of professionals who help us do our job and help our country do the job that they sent us here to do, and whether they work in the Parliamentarian's office like Gay, whether they work here on the floor, in committees or in our personal staffs, we're very fortunate to have people such as yourself help us do the job the American people sent us here to do.

And I just wanted to rise today and say thank you. Thank you for 32 years. God bless your soul for putting up with all of us for 32 years, but we're glad you did.

Thank you.

Mr. HOYER. I now want to yield to a Member, senior to me, very good friend from Michigan who has served this institution so well, Congressman KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

My tenure here started about the same time as Gay Topper's tenure, and you know, through those years I never knew what party she belonged to. I do know that she was a great American and a great human being, and those of us who had the opportunity of coming in contact with her became better people because of her professionalism, her kindness, her gentleness, her knowledge, not just to the Members but to the pages.

The two pages sitting right there, when my son, one summer, sat there as documentarian, he would come home at night and talk about how kindly, how friendly Gay was to the pages. That's very important. That kindness means so much in this House. It helps sometimes take off those sharp edges, and she has done that.

This House is a better House because of Gay Topper, and I can say personally, Mr. Speaker, that I'm a better person because of Gay Topper.

Thank you very much. God bless you, Gay.

Mr. HOYER. I yield to my friend.

Mr. LaTOURETTE. I thank the majority leader for yielding.

I just wanted to add on our side, in happier times—and I know you won't agree with me, but I define happier times as when the Republicans were in the majority—a number of us had the opportunity to spend very long evenings in the chair as the Speaker's representative, during the appropriations process in particular.

I know it won't come as a surprise to Members, but when you've heard that 50th speech on the National Endowment for the Arts or the 40th observation about whether or not an IUD is an abortifacient, you have some time on your hands when you're in the chair and you get to know people. And one of the people that you get to know is Gay Topper. Professionalism is right. And I tell Mr. KILDEE, I found out she was a Democrat after about 10 years of being up there.

□ 1200

But you get to know people. You get to know people, and you also get to know the professionalism.

A lot of us think on each side somehow the Chair is rigged up there. Well, it is not rigged. I can remember a debate one evening when a Member, I won't name the Member, said, ''Hey, I want you to give me a minute like you just gave that Republican.'' And I turned to Gay and I said, ''Give the gentlelady the same minute you gave the Republican,'' and she did.

Gay, we are going to be a poorer institution without you, and I want to thank you on behalf of us during those happier times for your service.

Mr. HOYER. Thank you, Mr. LATOURETTE.

Mr. Speaker, I will close on behalf of the Speaker and myself; and I know that the Speaker, on behalf of all the House, irrespective of party, Gay, wants to thank you for the service you have given to us, the friend you have been to us, the fairness you have displayed throughout 32 years of your career, and wish you Godspeed.

Thank you very much.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

There was no objection.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 198, not voting 9, as follows:

[Roll No. 89]

YEAS—224

Abercrombie
Ackerman
Adler (NJ)
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—198

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chaffetz
Chandler
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kaptur
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Massa
Matheson
McCarthy (CA)
McCaul

| | | |
|---|---|---|
| McClintock | Posey | Shuster |
| McCotter | Price (GA) | Simpson |
| McHenry | Putnam | Smith (NE) |
| McHugh | Radanovich | Smith (NJ) |
| McKeon | Rehberg | Smith (TX) |
| McMorris Rodgers | Reichert | Souder |
| Mica | Roe (TN) | Stearns |
| Michaud | Rogers (AL) | Sullivan |
| Miller (FL) | Rogers (KY) | Taylor |
| Miller (MI) | Rogers (MI) | Teague |
| Minnick | Rohrabacher | Terry |
| Moran (KS) | Rooney | Thompson (PA) |
| Murphy, Tim | Ros-Lehtinen | Thornberry |
| Myrick | Roskam | Tiahrt |
| Neugebauer | Ross | Tiberi |
| Nunes | Royce | Turner |
| Olson | Ryan (WI) | Upton |
| Paul | Scalise | Walden |
| Paulsen | Schmidt | Wamp |
| Pence | Schock | Westmoreland |
| Peterson | Schrader | Whitfield |
| Petri | Sensenbrenner | Wilson (SC) |
| Pitts | Sessions | Wittman |
| Platts | Shadegg | Wolf |
| Poe (TX) | Shimkus | Young (AK) |
| | Shuler | Young (FL) |

NOT VOTING—9

| | | |
|---|---|---|
| Boucher | Cassidy | Miller, Gary |
| Campbell | King (IA) | Perriello |
| Cao | Kline (MN) | Stark |

□ 1213

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

## GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1106.

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

There was no objection.

## HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 190 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1106.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and the chairman and ranking minority member of the Committee on the Judiciary.

The gentleman from Massachusetts (Mr. FRANK), the gentleman from Alabama (Mr. BACHUS), the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan.

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

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

Members of the House, this very important legislation would limit an anomaly in the Bankruptcy Code which prohibits judicial modifications of principal residences, even though every other class of asset, from second homes to yachts, airplanes, investment properties, family farm, hotels, and even office buildings, is eligible for such treatment. I believe that this proposal represents a critical step that we can take to not only protect hardworking and honest Americans struggling to keep their homes in the midst of a once in a lifetime economic calamity, but to limit the downward cycle of foreclosures that are now damaging our neighborhoods, while, at the same time, protecting financial intermediaries and ensuring that judicial modification is considered only after every reasonable effort has been taken to achieve voluntary modification outside of the bankruptcy.

Mr. Chairman, on that note, I reserve the balance of my time.

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

Mr. Chairman, our country has fallen into a serious economic recession, a recession that is worsened by the foreclosure crisis. Until we address the rising number of foreclosures, it will be difficult for the economy to recover.

But some of what is in this bill we consider today will be helpful. Providing loan servicers a safe harbor from the threat of litigation if they offer borrowers meaningful loan modification will, in fact, help blunt the crisis.

But the bill also includes many counterproductive components, especially the bankruptcy provision. This bankruptcy provision not only will fail to solve the foreclosure crisis, but also will make the crisis deeper, longer and wider.

Allowing bankruptcy judges to rewrite mortgages will increase the overall cost of lending. Lenders and investors will hesitate to put up capital in the future if they fear that judges will rewrite the terms of their mortgage contracts. Less available capital and increased risk means that borrowers will pay higher interest rates in the future.

Allowing bankruptcy judges to rewrite mortgages will also encourage borrowers to file for bankruptcy. Under this bill, a borrower will be able to reduce, for example, a $500,000 mortgage to $400,000. When housing prices rise in the future, that borrower has no obligation to pay back the $100,000 amount they crammed down. Thus, the borrower receives a $100,000 windfall. And experts predict that receiving this windfall will provide an incentive for borrowers to file for bankruptcy.

If bankruptcy filings increase as a result of this legislation, which is predicted, it is unlikely that the country's only 368 bankruptcy judges could handle the additional caseload in an effective manner. This will prolong the crisis as borrowers wait for their bankruptcy plan to be court-approved.

In fact, even Senator DURBIN, the primary sponsor of this legislation in the Senate, has stated that he is ''willing to restrict'' this legislation to subprime mortgages in an effort to make this proposal ''reasonable.''

So, the legislation we are considering today, and the ''Housing Affordability and Stability Plan'' announced by the President last Tuesday, really amount to another entitlement program, a program that comes at the expense of the 92 percent of the homeowners who are making their payments on time.

And it is a program that benefits lenders who wrote irresponsible loans and borrowers who borrowed more than they could afford. In other words, this legislation will punish the successful, tax the responsible, and hold no one accountable.

If we pass this legislation, what message does it send to responsible borrowers who are making their payments on time? How can we ask them to foot the bill for their neighbors' mortgages? What are homeowners to think if they pay back the full amount of principal they owe, while others receive a government-granted reduction in principal?

We need to do everything we can to help solve the foreclosure crisis, but we need to do so in a manner that doesn't bankrupt the taxpayers or our financial system and that is, in fact, fair to all.

And as we work to solve the foreclosure crisis, we need to remember how we got here. As the President said in his address to Congress on Tuesday, ''It is only by understanding how we arrived at this moment that we'll be able to lift ourselves out of this predicament.''

This foreclosure crisis was brought on largely by irresponsible mortgage policies. Those policies were implemented by lenders and supported by government-sponsored entities like Fannie Mae, who were all too willing to put profits ahead of prudence. Their irresponsible behavior was encouraged by Members of Congress and the Clinton administration. Too often borrowers, spurred on by cheap credit and little or nothing as a down payment, borrowed more than they could afford.

The mortgage bankruptcy provisions in this bill are not the answer. Allowing bankruptcy modification of home

mortgages will be costly, generate unintended consequences, and likely delay the resolution of the foreclosure crisis itself.

If we're going to enact this bankruptcy provision, despite all of its flaws, we should at least limit relief to subprime and non-traditional mortgages. We should provide bankruptcy judges with clear guidance on the procedure to follow in modifying the terms of home mortgages, guidance that would make lowering payments to an affordable level the paramount goal of bankruptcy modification. And we should provide much stricter provisions for allowing a lender to recapture any principal that is reduced in bankruptcy if the home is later sold at a profit.

Mr. Chairman, this bill, and the amendments we are going to consider today, provide none of these safeguards.

I urge my colleagues to vote against this bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I just want my friend on the other side to know that the majority whip of the Senate did not make that statement. It is inaccurate.

I now yield to the distinguished gentlelady from Florida, DEBBIE WASSERMAN SCHULTZ, 2 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise in support of H.R. 1106, the Helping Families Save Their Homes Act.

Mortgage foreclosures lay at the very heart of our financial crisis. Until we stop this bleeding, we cannot hope to stabilize the housing market and truly rescue our economy.

This legislation is about more than just shoring up our economy, it's about helping hardworking Americans hold on to the American Dream. Foreclosures uproot families and decimate communities. Vacant homes blight our neighborhoods and depress all of our property values.

Foreclosure rates are now approaching heights not seen since the Great Depression. In my own home State of Florida, we have the second highest foreclosure rate in the Nation. Since January, more than 4,200 Florida families have lost their homes. Another 1.2 million Florida homeowners are ''under water,'' that is, they owe more than their homes are worth.

Mr. Chairman, my constituents, our constituents need a lifeline, and we must throw it to them. Voluntary modification is just not working, and our current bankruptcy laws fail our families.

Unlike every other secured debt, including debts secured by second homes, investment properties, luxury yachts and private jets, the mortgage for a primary residence cannot be modified in bankruptcy. That is simply not fair.

The Bankruptcy Code should be a safety net of last resort for families in distress. In this recession, excluding the family home makes no sense and fans the flames of foreclosure.

This bill allows families to remain in their homes and avoid foreclosure. It will also lead to a financial recovery for the lender that would be as good or better than they could get at a foreclosure sale. This is a win-win.

I know some well-meaning opponents believe families will rush headlong into filing for bankruptcy. We all know, however, that the grave consequences of filing for bankruptcy means it will always be a last resort.

Thank you, Chairman CONYERS and Chairman FRANK, for your leadership on this issue.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to our distinguished colleague from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, the suggestion has been made that it makes no sense to treat primary residences in the way that the current bankruptcy law does. Well, in fact, Supreme Court Justice Stevens, in the case of Nobleman v. American Savings Bank, explained why we have this when he said that, ''At first blush it seems somewhat strange the Bankruptcy Code could provide less protection to an individual's interest in retaining possession of his or her home than of other assets. The anomaly, is, however explained by the legislative history indicating that favorable treatment of residential mortgages was intended to encourage the flow of capital into the home lending market.''

In other words, it is precisely because we want to promote home ownership that it is treated in this way.

Now, we in the Judiciary Committee believe we can do a lot of things. But one thing we have been unable to do, but we're trying to do it once again is suspend the laws of economics. This suggests that this change will have no impact whatsoever.

The change will have this impact: It will include higher risk premiums on all mortgages in the future because of the uncertainty now involved with respect to all mortgages. That's what's going to happen.

I had a telephone town hall in my district with thousands of people on the line, and one person said to me, how is that fair? How is that fair to me? How is that fair to my children and my grandchildren, when this means this is going to increase the cost of home mortgages in the future across the board and maybe limit the accessibility to home mortgage notice future to those very people we say we're trying to help?

Sometimes it is more than just a sentiment that we have to act on here. It is reality. And unless we can suspend the laws of economics, this provision will actually undo what the bill is intended to do, that is, help people be able to have access to mortgages and help people get lower rates. This is one of the reasons why you have lower rates for home mortgages than you do for second homes.

The CHAIR. The time of the gentleman has expired.

Mr. JORDAN of Ohio. I yield the gentleman an additional minute.

Mr. DANIEL E. LUNGREN of California. And some people have suggested well, look, it's treated differently in all other aspects.

Interestingly enough, if you look at chapter 12, which has to do with agricultural loans, and you see the argument being made that, well, when they made that change there, it had no impact. Interestingly enough, it was during the Clinton administration that their Department of Agriculture concluded that chapter 12 may have substantially increased costs for farm businesses. That's not the Bush administration. That's not a Republican economist. That's the Clinton administration, their Department of Agriculture concluding that this type of a change in the agricultural setting actually substantially increased costs for home businesses.

If you want to substantially increase the cost for home mortgages in the future across the board for all Americans then vote for this provision. Go home and talk about how you felt good about it. But don't tell folks what it's really going to do. It's going to hurt everybody in terms of their accessibility to home mortgages.

□ 1230

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds to merely apprise my dear friend from California and distinguished member of the Judiciary that Mark Zandi, the GOP adviser to JOHN MCCAIN, said, ''The total cost of foreclosures to lenders is much greater than that associated with a chapter 13 bankruptcy.''

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. Mr. Chairman, I yield myself 15 more seconds.

There is no reason to believe that the cost of mortgage credit across all mortgage loan products should rise. That's a Republican economist.

I now yield 2 minutes to my good friend from Massachusetts, WILLIAM DELAHUNT, himself a distinguished member of the Attorney General's office in Massachusetts.

Mr. DELAHUNT. Mr. Chairman, last year in the United States, over 2 million homes went into foreclosure, and the rate of mortgage defaults is now accelerating. If we don't act soon, today, then our entire economy is at risk. That's how we got here to begin with.

What I find particularly disturbing is that the people who got us into this mess oppose the bill. They'd prefer to have the taxpayers cover their losses and have them continue to bail them out.

Of the most recent issue of BusinessWeek, not a Democratic publication, by the way, this is what it says on the cover: ''Home Wreckers: How the Banks Are Making the Foreclosure Crisis Worse.''

Here is their take on this issue of this kind of legislation. I'm reading:

''The bad mortgages that started the current financial crisis have produced a terrifying wave of home foreclosures. Unless this surge eases, even the most extravagant Federal stimulus spending won't spur economic recovery . . . One reason foreclosures are so rampant is that banks and their advocates in Washington have delayed, diluted and obstructed attempts (like this) to address the problem.''

So, if we want to have taxpayers keep bailing out the banks with no end in sight, that's one option or we can compel the banks to sit down with debtors and mitigate the losses, which would benefit the consumer, the lender in the end and the investors.

Mr. JORDAN of Ohio. Mr. Chairman, I would yield 2 minutes to my friend and colleague from Texas, Congressman GOHMERT.

Mr. GOHMERT. Mr. Chairman, I'm sure most people have heard about the guy who kept beating himself in the head with a hammer, and when people said, Why are you doing that? he said, Because it feels so good when I stop.

The trouble is we keep beating the same people who are footing the bill for everything. Now, I know this bill is well-intentioned. I know the hearts of those who are pushing this, but the trouble is there's a big difference between the investment banks that have squandered money and have gotten us into big trouble and the community banks that have been making good loans.

The trouble is, once you allow a bankruptcy judge not only to do what they can do now with mortgages—change the rate, change the terms—but to actually bring down the principal to whatever the bankruptcy judge feels like, then banks—these good, solid community banks—will be in jeopardy, and they will only be able to give loans to those who can prove for sure they will not ever file for bankruptcy. You're going to put in jeopardy the bottom lines of the people who've actually been responsible and who've had good banks and have done the right things.

The bottom line is the people whom we've saddled with so much debt in just the last few months—the young people, the young couples who are trying to make it and who are hoping for a home loan—are not only going to be cussing our names 30 years from now for the debt we've put them in, but when they go to the bank after this passes, they won't get a home loan because we've been irresponsible in trying to help but not looking at the ramifications of what we're doing.

This adds to the hundreds of billions we've already spent, and now we're going to hurt the very people we need to be relying on to get this economy going. The young people need to be able to get those loans to get homes, and this will ensure they can't go get them, because we've been irresponsible in not thinking about the unforeseen conclusions.

The point is we can foresee them. We know what's going to happen. Talk to your community banks. Don't hurt them. Don't hurt the young, working people any more than we already have. Give them a break. Do the right thing. Don't cram this down on America and our young people.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Houston, Texas, SHEILA JACKSON-LEE.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Wait a minute. Can we get a little history lesson here? Does anybody remember the $700 billion that we gifted to the banks? When they were on their knees, they took Federal money. Many of us voted against it because we wanted to know what was going to happen to the American public.

Why is my friend talking about the young people who were hurting in the administration before us? They hurt more than young people. They told us that we needed $700 billion of government money to give to the banks. We asked the banks to voluntarily modify the loans. We begged them to do it. We worked with them. We spoke with them. They did not do it.

Today, we vote for the little person, for the individual who has been responsible, who has been working like a constituent in my constituency for 18 years as a cafeteria worker, saving up money, who has got a small bungalow, but it was at an adjustable rate. That's not that lady's fault. She is still working, but she has fallen behind. She will go into court under this bill. She will be able to use the FHA and VA. They will be able to look to voluntarily modify before the court.

The only thing that this does is it allows, after all things have happened, for you to be able to go into the courthouse, stand before a judge and be assessed on your own responsibility. We have a manager's amendment. If there's any profit to be made, it goes back to the lender, to the bank. Mr. Bank and Mrs. Bank, why didn't you do this on your own? We would have preferred you to have done it.

I'm looking forward to introducing legislation where, for people who've been responsible and who go in to redo their mortgages, their issue will not be part of their credit score, of their potential foreclosure, of their back payments, because it is not their fault. We've fallen into a crisis, into an abyss.

So, my friends, I don't know how we can stand on the other side of the aisle talking about the poor little banks. We asked the banks to reorder people's mortgages. People in my district begged for them to do so, but when they called, there was nothing but a 1–800 number.

Support this legislation. It's the little fellow's day today. We want people to save their homes. We're saving America.

Mr. Chairman, I rise in strong support of H.R. 1106, ''Helping Families Save Their Homes in Bankruptcy Act of 2009.'' I would like to thank Chairman CONYERS of the House Judiciary Committee and Chairman BARNEY FRANK of the Financial Services Committee for their leadership on this issue. Mr. Chairman, I urge my colleagues to support this bill because it provides a viable medium for bankruptcy judges to modify the terms of mortgages held by homeowners who have little recourse but to declare bankruptcy.

This bill could not have come at a more timely moment. Just a day after the President's address before the Joint Session of Congress where President Obama outlined his economic plan for America and discussed the current economic situation that this country is facing.

To be sure, there are many economic woes that saddle this country. The statistics are staggering.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping $400 billion worth of defaults and $100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight have affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent. One in six homeowners owes more on a mortgage than the home is worth raising the possibility of default.

Home values have fallen nationwide from an average of 19% from their peak in 2006 and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than $34,000.

I am glad that this legislation is finally on the floor of the United States House of Representatives. I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that $100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP today has included language and we here today are continuing to engage in the dialogue to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure. I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures.

Because of the pervasive home foreclosures, federal legislation is necessary to curb the fallout from the subprime mortgage crisis. For consumers facing foreclosure sale who want to retain their homes, Chapter 13 of

the Bankruptcy Code provides some modicum of protection. The Supreme Court has held that the exception to a Chapter 13's ability to modify the rights of creditors applies even if the mortgage is undersecured. Thus, if a Chapter 13 debtor owes $300,000 on a mortgage for a home that is worth less than $200,000, he or she must repay the entire amount in order to keep his or her home, even though the maximum that the mortgage would receive upon foreclosure is the home's value, i.e., $200,000, less the costs of foreclosure.

Importantly, H.R. 1106 provides for a relaxation of the bankruptcy provisions and waives the mandatory requirement that a debtor must receive credit counseling prior to the filing for bankruptcy relief, under certain circumstances. The waiver applies in a Chapter 13 case where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This bill also prohibits claims arising from violations of consumer protection laws. Specifically, this bill amends the Bankruptcy Code to disallow a claim that is subject to any remedy for damages or rescission as a result of the claimant's failure to comply with any applicable requirement under the Truth in Lending Act or other applicable state or federal consumer protection law in effect when the noncompliance took place, notwithstanding the prior entry of a foreclosure judgment.

H.R. 1106 also amends the Bankruptcy Code to permit modification of certain mortgages that are secured by the debtor's principal residence in specified respects. Lastly, the bill provide that the debtor, the debtor's property, and property of the bankruptcy estate are not liable for a fee, cost, or charge incurred while the Chapter 13 case is pending and that arises from a debt secured by the debtor's principal residence, unless the holder of the claim complies with certain requirements.

I have long championed the rights of homeowners, especially those facing mortgage foreclosure. I have worked with the Chairman of the House Judiciary Committee to include language that would relax the bankruptcy provisions to allow those facing mortgage foreclosure to restructure their debt to avoid foreclosure.

MANAGER'S AMENDMENT

Because I have long championed the rights of homeowners facing mortgage foreclose in the recent TARP bill and before the Judiciary Committee, I have worked with Chairman CONYERS and his staff to add language that would make the bill stronger and that would help more Americans. I co-sponsored sections of the Manager's Amendment and I urge my colleagues to support the bill.

Specifically, I worked with the Chairman CONYERS to ensure that in section 2 of the amendment, section 109(h) of the Bankruptcy Code would be amended to waive the mandatory requirement, under current law, that a debtor receive credit counseling prior to filing for bankruptcy relief. Under the amended language there is now a waiver that will apply where the debtor submits to the court a certification that the debtor has received notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure proceeding against such residence.

This is important because it affords the debtor the maximum relief without having to undergo a slow credit counseling process. This will help prevent the debtors credit situation from worsening, potentially spiraling out of control, and result in the eventual loss of his or her home.

Section 4 of the Manager's Amendment relaxes certain Bankruptcy requirements under Chapter 13 so that the debtor can modify the terms of the mortgage secured by his or her primary residence. This is an idea that I have long championed in the TARP legislation—the ability of debtors to modify their existing primary mortgages. Section 4 allows for a modification of the mortgage for a period of up to 40 years. Such modification cannot occur if the debtor fails to certify that it contacted the creditor before filing for bankruptcy. In this way, the language in the Manager's Amendment allows for the creditor to demonstrate that it undertook its "last clear" chance to work out the restructuring of the debt with its creditor before filing bankruptcy.

Importantly, the Manager's Amendment amends the bankruptcy code to provide that a debtor, the debtor's property, and property of the bankruptcy estate are not liable for fees and costs incurred while the Chapter 13 case is pending and that arises from a claim for debt secured by the debtor's principal residence.

Lastly, I worked to get language in the Manager's Amendment that would allow the debtors and creditors to get to negotiate before a declaration of bankruptcy is made. I made sure that the bill addresses present situations at the time of enactment where homeowners are in the process of mortgage foreclosure. This is done with a view toward consistency predictability and a hope that things will improve.

RULES COMMITTEE

During this time, debtors and average homeowners found themselves in the midst of a home mortgage foreclosure crisis of unprecedented levels. Many of the mortgage foreclosures were the result of subprime lending practices.

I have worked with my colleagues to strengthen the housing market and the economy, expand affordable mortgage loan opportunities for families at risk of foreclosure, and strengthen consumer protections against risky loans in the future. Unfortunately, problems in the subprime mortgage markets have helped push the housing market into its worst slump in 16 years.

Last night, I offered an amendment that would prevent homeowners and debtors, who were facing mortgage foreclosure as a result of the unscrupulous and unchecked lending of predatory lenders and financial institutions, from having their mortgage foreclosure count against them in the determination of their credit score. It is an equitable result given that the debtors ultimately faced mortgage foreclosure because of the bad practices of the lender.

Simply put, my amendment would prevent homeowners who have declared mortgage foreclosure as a result of subprime mortgage lending and mortgages from having the foreclosure count against the debtor/homeowner in the determination of the debtor/homeowner's credit score.

Specifically, my amendment language was the following:

**SEC. 205. FORBEARANCE IN CREATION OF CREDIT SCORE.**

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(h) FORECLOSURE ON SUBPRIME NOT TAKEN INTO ACCOUNT FOR CREDIT SCORES.—

"(1) IN GENERAL.—A foreclosure on a subprime mortgage of a consumer may not be taken into account by any person in preparing or calculating the credit score (as defined in subsection (f)(2)) for, or with respect to, the consumer.

"(2) SUBPRIME DEFINED.—The term 'subprime mortgage' means any consumer credit transaction secured by the principal dwelling of the consumer that bears or otherwise meets the terms and characteristics for such a transaction that the Board has defined as a subprime mortgage.".

(b) REGULATIONS.—The Board shall prescribe regulations defining a subprime mortgage for purposes of the amendment made by subsection (a) before the end of the 90-day period beginning on the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall apply without regard to the date of the foreclosure.

The homeowners should not be required to pay for the bad acts of the lenders. It would take years for a homeowner to recover from a mortgage foreclosure. My amendment would have strengthened this already much needed and well thought out bill.

I intend to offer a bill later this Congress to address this issue.

HOUSING AND FORECLOSURES AND TEXAS

Despite being such a large state, Texas ranks only 17th in foreclosures, below the national average. One reason is that Texas homeowners enjoy strong constitutional protections under the state's home-equity lending law. These consumer protections include a 3% cap on lender's fees, 80% loan-to-value ratio (compared to many other states that allow borrowers to obtain 125% of their home's value), and mandatory judicial sign-off on any foreclosure proceeding involving a defaulted home-equity loan.

Nationwide, the number of home foreclosures rose nearly 60% from February 2007 to February 2008, while foreclosures in Texas actually decreased 1% during the same period. In fact, state-wide foreclosure filings in Texas dropped 17% from January to February.

Still, in the last month, in Texas alone there have been 30,720 foreclosures and sadly 15,839 bankruptcies. Much of this has to do with a lack of understanding about finance—especially personal finance.

Last year, Americans' personal income decreased $20.7 billion, or 0.2 percent, and disposable personal income (DPI) decreased $11.8 billion, or 0.1 percent, in November, according to the Bureau of Economic Analysis. Personal consumption expenditures (PCE) decreased $56.1 billion, or 0.6 percent. In India, household savings are about 23 percent of their GDP.

Even though the rate of increase has showed some slowing, uncertainties remain. Foreclosures and bankruptcies are high and could still beat last year's numbers.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an

increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping $400 billion worth of defaults and $100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight have affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent.

One in six homeowners owes more on a mortgage than the home is worth raising the possibility of default. Home values have fallen nationwide from an average of 19% from their peak in 2006 and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than $34,000.

Recently, the Congress set aside $100 billion to address the issue of mortgage foreclosure prevention. I have long championed that money be a set aside to address this very important issue. I believe in homeownership and will do all within my power to ensure that Americans remain in their houses.

BANKRUPTCY

I have long championed in the first TARP bill that was introduced and signed late last Congress, that language be included to specifically address the issue of mortgage foreclosures. I had asked that $100 billion be set aside to address that issue. Now, my idea has been vindicated as the TARP that was voted upon this week has included language that would give $100 billion to address the issue of mortgage foreclosure. I am continuing to engage in the dialogue with Leadership to provide monies to those in mortgage foreclosure. I have also asked for modification of homeowners' existing loans to avoid mortgage foreclosure. I believe that the rules governing these loans should be relaxed. These are indeed tough economic times that require tough measures.

CREDIT CRUNCH

A record number of commercial real estate loans coming due in Texas and nationwide the next three years are at risk of not being renewed or refinanced, which could have dire consequences, industry leaders warn. Texas has approximately $27 billion in commercial loans coming up for refinancing through 2011, ranking among the top five states, based on data provided by research firms Foresight Analytics LLC and Trepp LLC. Nationally, Foresight Analytics estimates that $530 billion of commercial debt will mature through 2011. Dallas-Fort Worth has nearly $9 billion in commercial debt maturing in that time frame.

Most of Texas' $27 billion in loans maturing through 2011—$18 billion—is held by financial institutions. Texas also has $9 billion in commercial mortgage-backed securities, the third-largest amount after California and New York, according to Trepp.

Mr. Chair, my amendment would have helped alleviate these problems. Although my amendment language was included in the bill, I believe that this bill is important and will do yeoman's work helping America get back on the right track with respect to the economy and the morgtgage foreclosure crisis. I wholeheartedly urge my colleagues to support this bill.

Mr. JORDAN of Ohio. I yield 2 minutes to a colleague and friend from Iowa, Congressman KING.

Mr. KING of Iowa. Mr. Chairman, this is a bad bill, and I would echo the statement of Congressman LOUIE GOHMERT from Texas.

We have community bankers. We have independent bankers. They're good bankers. These are people who understand their communities. They understand their customers. They understand their depositors. They make these discretionary decisions at a community level.

I represent 286 towns in 32 counties in western Iowa. Some of those towns have shriveled up. Some other towns have actually shriveled up and have gone away, but when I look at what's left of the towns that are shrinking, often the last enterprise is the community bank, the independent bank, because they're investing back into the community.

When I watch these communities grow back again—and some of them have grown back again since I've been elected to Congress—it's because there's an investment locally because decisions are made at the discretion of the depositors. They are those who support the board members who hire the loan officers who make these discretionary decisions. They want mortgages. They want to invest in the community. They're invested in the community. This cramdown bill hands it over to an unelected judge.

We had an intense discussion in the Rules Committee last night about what kind of accountability there is for judges. I'd like to hear a list of the names of those judges who have been removed for incompetence, let alone for poor discretion. I'd rather give that discretion to the banker who is accountable to the depositors than to a judge who is not accountable unless Congress happens to find him.

Speaking of accountability, I do rise in frustration that an amendment that I introduced in the Judiciary Committee that succeeded by a vote of 21–3 was taken out of this bill after the fact. Even though it had the support of the chairman and of all but three Democrats and every Republican, when something like that happens out of committee, I have to trust as an elected Member of Congress that there will be a level of respect so that when the committee votes, that's the will of the committee. I would argue that the job is for the Chair or for the Speaker or for whomever it might be to bring out the will of the group.

The CHAIR. The time of the gentleman has expired.

Mr. JORDAN of Ohio. I yield an additional minute to the gentleman.

Mr. KING of Iowa. The way you find out the will of the group is you have a vote, and there is a full expectation, when an amendment passes in committee, it is part of the bill. That's why we have the markup.

So I had an impromptu colloquy with the chairman, and he said, ''I accept responsibility. I'll find out what happened. I'll report back to you. I'll get back to you right away.''

I don't know the answer to that at this point. I can only draw the conclusion that, since no one knew this happened and since no member of the Judiciary Committee, no Member of Congress has said, ''I'm responsible,'' other than responsible for its happening, I trust it was a staff act that's not been held accountable. Until I get an answer, I'm going to operate under the assumption that no other agreement that's made between gentlemen is going to be valid until we can make this one valid.

Mr. CONYERS. Mr. Chairman, it is with great pleasure that I recognize for 2 minutes the subcommittee Chair of Immigration, the head of the Ethics Committee, and a great leader in the Congress, ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Chairman, there has been a lot discussed here on the floor today that this is a problem that is limited to just a few parts of our country—California, Nevada, Florida. I just think this is important:

I went and got the records for year to year on the rate of foreclosure. In Alabama, there was nearly a 73 percent increase; in Arkansas, a 127 percent increase; in Hawaii, a 139 percent increase; in Kentucky, a nearly 60 percent increase; in Maine, a 104 percent increase; in Missouri, a nearly 60 percent increase; in Nebraska, a 165 percent increase; in New Hampshire, a 356 percent increase; in New Mexico, a 270 percent increase; in North Carolina, a 126 percent increase; in North Dakota, a 150 percent increase.

This is happening all over the United States, and I'll tell you: when foreclosures hit a neighborhood, when half of the block is up for sale in a bank sale, the value of your home declines dramatically, and when the meth dealers move into those naked homes, I'll tell you that it does nothing to increase the value of the homes of the remaining homeowners.

It is essential that we interrupt this foreclosure wave. Now, this very modest bankruptcy piece is a small part of the picture. It's important to note that, contrary to some of the comments, this provision only relates to mortgages entered into before the effective date of this bill. It is not prospective. It is retroactive only. We have further narrowed the provision in the manager's amendment, which will be discussed later, but I think it's worth noting that the bad faith on the part of a debtor throws the whole thing out. We've made tremendous improvements. It's essential that we act soon.

Mr. JORDAN of Ohio. If the gentleman from Michigan has more speakers, we will reserve the balance of our time.

Mr. CONYERS. I yield 1 minute to the gentlewoman from California, LINDA SÁNCHEZ.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I rise in strong support of the Helping Families Save Their Homes Act.

The mortgage meltdown affects everyone. No one is immune from the widespread effects of home foreclosures. It hurts the families who are forced out of their homes, of course, but it also hurts their neighbors, who see a drastic drop in property values and communities that have to cut back services due to losses in property values. For too many, the American dream of owning a home has quickly eroded into a nightmare. The bill's mortgage bankruptcy and loan modification provisions will provide direct help to real American families.

As the former chairwoman of the Commercial and Administrative Law Subcommittee, I held many hearings on the mortgage foreclosure crisis and its impact on families. I know that this bill fixes an inequity in the bankruptcy code by ensuring that, under limited conditions, homeowners and bankruptcy proceedings will have access to the full range of financial support and options available.

I urge my colleagues on both sides of the aisle to support homeowners and neighborhoods by supporting this vital piece of legislation.

Mr. JORDAN of Ohio. We will continue to reserve the balance of our time.

□ 1245

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Chairman, Chairman CONYERS has done a wonderful job bringing this bill to the floor with others. This is a bill that shouldn't be partisan, but the other side has tried to make it such. And obviously it's not because otherwise Jack Kemp wouldn't be wholeheartedly supporting this. Besides Jack Kemp, Nobel Prize winners in economics, Joseph Stiglitz and Paul Krugman, as well as George Soros, endorse it. In fact, this is something the American people need.

President Obama just the other night spoke about doing something worthwhile, words engraved above the Speaker's rostrum. This is something worthwhile we can do to help individuals stay in their homes, help communities, help local governments.

If we lose these people's homes to foreclosure, which otherwise we would, it's no cupcake ride into the bankruptcy court. There are strict rules about income and assets that allow a person to get in there. And the judges who are there, who might be decried by some, are judges that are appointed and sit as a decider between the borrowers and lenders for what's equitable and right. These people lose their homes and the neighborhoods' values will go down, home values will go down, tax revenues to local and State governments will go down, crime will go up. This is an effective way for neighborhood stabilizations and to keep families in their homes.

The fact is this law came out of a compromise in the Congress in 1978. And Justice Stevens might have been talking about that legislation, but it wasn't Justice Stevens' logic. And he talked about the flow of capital into the housing market. Well, there was too much flowing of capital into the housing market, and that's what's caused these foreclosures.

This bill will force modifications. People have to give 15 days' notice before they can go into bankruptcy, and hopefully banks will then have voluntary modifications, which they've refused to do up to this point. And remember, the key to this bill is FDIC insurance. And if we don't pass this bill, the banks and the community banks and the credit unions won't get $250,000 of FDIC insurance to protect the banks for what has been their profligate ways that have put us in this circumstance that we are in now in this economy and in this country.

But we need to support this legislation and see that we get the FDIC insurance for the right spot, and then we need to do something for our families and our neighborhoods.

Mr. JORDAN of Ohio. Mr. Chairman, I continue to reserve.

Mr. CONYERS. Mr. Chairman, may I inquire how many speakers my friend on the other side has remaining?

Mr. JORDAN of Ohio. I will be closing.

The CHAIR. The Chair will note that both sides have 2 minutes remaining.

Mr. JORDAN of Ohio. Mr. Chairman, there is nothing in this bill that requires borrowers to attempt to work out a loan modification prior to filing for bankruptcy. There is nothing in this bill that will limit bankruptcy relief to only those borrowers that are in danger to losing their homes because they have a subprime or nontraditional loan.

In fact, I offered this very amendment to limit the scope of the provision in committee, same amendment that was actually the bill that came out of committee last session. Unfortunately, that was defeated.

There is nothing in this bill that addresses the moral hazard the bankruptcy provisions will create by incentivizing homeowners to file for bankruptcy so they can cram down their principal and receive a windfall when housing prices rise in the future. And there is nothing in this bill that will place a sunset on the bankruptcy provisions so that this relief is limited to the current crisis.

Americans want solutions to this crisis that do not abandon accountability and that do not reward those who acted irresponsibly. But think about this: 94 percent of mortgages are being paid on time. It is wrong to tell those individuals they are now going to have to in some way compensate or not be able to get credit in the future to accommodate those individuals, that 6 percent, who have behaved in an irresponsible fashion.

Bankruptcy cramdown is not such a solution. It absolves lenders and borrowers of the responsibility, passing that responsibility off on the taxpayers, those who borrowed responsibly, and those who will seek to borrow responsibly in the future.

I urge my colleagues to vote against this bill.

I yield back the remainder of our time.

Mr. CONYERS. Mr. Chairman, it gives me pleasure to yield the remainder of our time to the gentleman from North Carolina, BRAD MILLER.

Mr. MILLER of North Carolina. Mr. Chairman, it is remarkable after all that has happened in the American economy to still hear the talking points of the banking industry and the securities industry repeated verbatim without criticism, simply parroted. That the banking industry is really all about helping folks, that's what caused the problem; that they were trying too hard to help people; that they loaned, perhaps not wisely but too well.

The reality is, this is not going to affect the availability of credit. We've got plenty to judge that by. There have been rafts of economic studies by real economists in peer review journals that show that when you compare lending practices in one place and another at the same time with different laws, there is very little, if any, difference.

Now, the minority has tried to tap into the American anger at banks by calling this a bailout. The reason that the banking industry is so virulently opposed to this, this is the only proposal to deal with the foreclosure problem that does not give them tax money. We aren't begging them, we aren't bribing them to do the right thing; we will make them do the right thing. They will modify mortgages in the way they should have, voluntarily, involuntarily in bankruptcy court if they don't do it voluntarily.

Mr. GOHMERT suggests this is somehow going to be wild, arbitrary, the Wild West, no one knows what a bankruptcy court will do, what a bankruptcy judge will do. Mr. Chairman, there have been thousands of bankruptcy cases. The law is very clear. The procedures are very clear. The judges do this all the time. Everyone involved in bankruptcy knows exactly what will happen, and it will be a very predictable, orderly, logical modification of mortgages in bankruptcy so that borrowers will come out with the very mortgage—with the mortgage they should have gotten, if they should have gotten a mortgage at all—and the lender will come out with a mortgage they should have made in the first place.

Do something the banks won't like to solve this problem and pass this bill.

The CHAIR. The gentleman from Massachusetts (Mr. FRANK) will be recognized for 15 minutes and the gentleman from Alabama (Mr. BACHUS) will be recognized for 15 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, this bill is a joint product of two committees: the Committee on the Judiciary and the Committee on Financial Services. I very much appreciate the fully cooperative relationship that the gentleman from Michigan and I and the members of the committee staffs have had. Working with him has been a pleasure as he has taken the lead in the more controversial parts of this bill. I say controversial not in denigration but in support.

I think the bankruptcy provisions—which are the product of the Judiciary Committee, not the committee I chair—are essential. I was particularly struck—and I will enter into the RECORD letters from the National Council of Life Insurers specifically approving the bankruptcy provision, and from the National Association of Realtors also approving the bill.

Obviously, there are people entitled to a variety of opinions, but I think it's relevant to note that two important groups, one involved in housing—the Realtors—and another very, very much involved in finance—the Life Insurance Council—support the bill including the bankruptcy provision.

There is another reason why bankruptcy is relevant to some of the things in the jurisdiction of our committee. Even where there are people willing to modify mortgages, there are some legal tangles. We have this form of a servicer. A servicer is an entity which has been given control or authority over packages of mortgage securities. Even in cases where the servicer has been willing, in some cases, to do a modification, that entity is facing lawsuits from investors who say you can't do it.

There are also second mortgages, that is, even in cases where there are a lot of willing parties to this on both the lender and the borrower's side, the fact that there is such a tangle of legal rights has been an obstacle. Bankruptcy is the only way to cut through that. And given the moderate way in which bankruptcy has been put into this bill, that adds to—let me put it this way, people are saying let's have voluntary modification. But some modifications that are supported by almost everybody cannot go forward because of this.

Beyond that, this bill has some things that are widely supported. For instance, the increase in the insurance deposit limits is supported by the community banks and the National Federation of Independent Business and almost every other group. It does provide to the servicers to whom I just alluded a protection that was a bipartisan production of the gentleman from Delaware (Mr. CASTLE) and the gentleman from Pennsylvania (Mr. KANJORSKI) to say that if you as the servicer modify a loan that you hold on behalf of an investor in ways that will minimize the loss to the investor, you could not be successfully sued because you will have carried out your obligation. It authorizes the payment of a fee of up to a thousand dollars to servicers for modifications because this is a job that many of them did not expect.

It also improves the HOPE for Homeowners program which, when we passed it in July, had some hopes and they weren't realized; and I will acknowledge that we didn't do that well. We were at the time responding to pressures that said don't be too generous. As a result, particularly after the Senate got through with it, it became unworkable.

The impetus for change came in part from the Bush administration. The FHA, under the Bush administration, Secretary Preston and Commissioner Montgomery, said you've made this unworkable. So we have amendments that would make it workable. And what we hope coming together is this: no one ought to be encouraged to go bankrupt or think bankruptcy is an easy path. We do prefer voluntary modifications.

What we have is a package, along with the very good proposals enunciated last week by the President, worked on by Secretary Geithner and Secretary Donovan, who did an excellent job on it, we have a menu of ways using all the powers of the Federal Government, including authority, by the way, that we first gave the administration, the Bush administration, in the TARP bill, which they sadly refused to use. But this administration is using authorities that were given to the Bush administration through Fannie Mae and Freddie Mac, through the TARP, through other ways, through the FDIC and other bank regulators. This enhances the authority to do modifications.

So the result—and this is why it's a package. We strengthen the community banks, in particular, with this increase in the deposit insurance; we provide a set of options other than bankruptcy to modify; and we remove legal obstacles, to the extent we can constitutionally do so, to such voluntary modifications. But we then believe that in some cases, you will still need to go to bankruptcy to deal with these tangles that I mentioned, and we also believe that the fact that there is a bankruptcy looming will be an encouragement to negotiations.

On both the lender's and the borrower's side, we've heard complaints that they have tried to communicate with the other. Some people say, "I wrote to my lender. He didn't answer." Some lenders say, "I wrote to the borrower. She didn't respond."

One of the things that the Judiciary Committee did very well—and I think they did an excellent drafting job on this bill—is to say that if you want to go bankrupt, you have to notify your lender and then there is a waiting period.

So this will promote exactly the kind of communication between lenders and borrowers that we hoped would go forward.

NATIONAL ASSOCIATION OF REALTORS,
*Washington, DC, February 24, 2009.*

DEAR REPRESENTATIVE: When people lose homes to foreclosure, our communities, the housing market and our economy all suffer. The National Association of REALTORS® believes H.R. 1106, the "Helping Families Save Their Homes Act," includes provisions to minimize foreclosures, stabilize home values and move the country closer to an economic recovery.

The bill provides a safe harbor for mortgage servicers who conduct loan modifications in good faith. Currently few loan modifications are occurring because servicers face the threat of investor lawsuits. This provision will relieve servicers from liability, and allow more loans to be modified.

The bill also reforms the Hope for Homeowners program, allowing more borrowers to refinance into safe, affordable mortgages. Despite being well-intentioned, the Hope for Homeowners program has enjoyed very limited success. The program's constraints have made it very difficult for lenders and servicers to participate. H.R. 1106 eases current restrictions and makes the program more useable, while still preserving the benefits to homeowners and limiting risks to the FHA fund and the American taxpayer.

The bill strengthens oversight of FHA-approved lenders. FHA is experiencing unprecedented volume during this mortgage liquidity crisis. More and more lenders want to become involved with FHA. To ensure that predatory lenders are unable to participate, the bill provides a number of safeguards to protect the FHA fund and taxpayers from fraud and abuse.

As progress continues on the bankruptcy provisions within this bill, NAR would support reasonable and equitable requirements for judicial review of loan terms for homeowners who are forced into bankruptcy because they are unable to qualify for or obtain foreclosure prevention assistance.

The National Association of REALTORS® believes H.R. 1106 will help millions of homeowners who are at risk of losing their homes. It will also help neighborhoods avoid the ramifications of foreclosures and will help our economy on the road to recovery. We ask you to support this important bill.

Sincerely,

CHARLES MCMILLAN,
*2009 President.*

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FEBRUARY 24, 2009.

DEAR MEMBER OF CONGRESS: On behalf of the ACLI and its 340 member companies, I commend Congress and President Obama for considering different ways to mitigate the impact of foreclosures on homeowners. I am particularly pleased that as the House moves forward with H.R. 1106, which includes new mortgage "cram down" authority for bankruptcy courts, the effects on investors are being taken into consideration.

The policy rationale behind bankruptcy relief is laudable: providing a way for homeowners in financial distress but with sufficient means to remain in their homes. As the bill recognizes, it is equally important to ensure that there are no unintended negative consequences on those who have invested in mortgage backed securities to the benefit of millions of American homeowners.

The life insurance industry provides millions of Americans with the products that can help them attain financial and retirement security. To maintain sufficient reserves and surplus to meet obligations to policyholders, life insurance companies are required to invest in high quality financial instruments. For decades we have been the largest holder of corporate bonds in the U.S., and we also hold a significant amount of top tier mortgage backed securities. That is why language clarifying the new cram down law's effect on investors is so important to this industry.

Without clarifying language, top tier mortgage backed securities could be downgraded significantly, resulting in increased capital requirements for life insurers and a need to raise additional capital in a hostile environment. An inability to raise capital could result in unwelcome downgrades for life insurers.

This issue by itself is of extreme importance to life insurers. When coupled with the impact of other recent government actions, it could impair an otherwise strong and stable, but increasingly challenged, industry. For example, the $3.5 billion in bonds held by life insurers were virtually erased by the fire sale of WaMu to JP Morgan. Life insurers' $1 billion in preferred stock was virtually wiped out by the take-over of Fannie and Freddie. And we are tested daily by the SEC's failure to adjust mark to market accounting.

The cumulative impact of these actions on the life insurance industry could erode a vitally important sector of the financial services industry. Our companies can weather this economic storm, but only if lawmakers recognize the consequences of their actions on an industry that provides millions of Americans with financial protections they cannot obtain anywhere else.

That is why we endorse the inclusion of the language in Section 124 of H.R. 1106. We believe the inclusion of this language is a step in the right direction in avoiding negative, unintended consequences on investors who are vital to this nation's economic recovery. We look forward to working with the House and Senate as this legislation moves forward to make sure that all the ramifications are considered and properly addressed.

Sincerely,

FRANK KEATING,
*President & Chief Executive Officer, ACLI.*

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NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
*Washington, DC, February 25, 2009.*

Hon. BARNEY FRANK,
*Chairman, Financial Services Committee, House of Representatives, Washington, DC.*

Hon. SPENCER BACHUS,
*Ranking Member, Financial Services Committee, House of Representatives, Washington, DC.*

DEAR CHAIRMAN FRANK AND RANKING MEMBER BACHUS: On behalf of the National Federation of Independent Business, the nation's leading small business advocacy organization, I am writing in support of Section 204 of H.R. 1106, which makes permanent the deposit insurance limits enacted as part of the Emergency Economic Stabilization Act of 2008.

Specifically, we are pleased that H.R. 1106 permanently increases the FDIC insurance limits from $100,000 to $250,000, giving small businesses confidence that their business banking assets are secure. It also provides more assurance for banks, especially community banks, that their customers will not remove their money.

Permanently expanding deposit insurance coverage from $100,000 per account to $250,000 is critical for small businesses, many of whom rely on bank deposits to meet payroll and finance other business activity. According to the NFIB's Research Foundation, a majority of small-business owners use two or more financial institutions to conduct their firms' affairs.

America's 26 million small businesses are facing the toughest economic climate in decades. Raising FDIC deposit limits will ensure that small business owners can readily access their insured accounts, allowing them to survive and compete in today's challenging economy.

Thank you for your support of small businesses, and we appreciate your leadership on this issue.

Sincerely,

SUSAN ECKERLY,
*Senior Vice President,*
*Public Policy and Political.*

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AARP,
*Washington, DC, February 25, 2009.*

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

Hon. JOHN A. BOEHNER,
*Minority Leader, House of Representatives, The Capitol, Washington, DC.*

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: On behalf of AARP and its 40 million members, I am writing to reiterate our strong support for legislation to permit modification of home mortgages in bankruptcy as an option to help homeowners avoid foreclosure. Bankruptcy offers an existing structure, and an impartial and trusted process that can help hundreds of thousands of families save their homes, and do so at little cost to taxpayers.

Over 1.5 million homes with subprime mortgages have already been lost to foreclosure. A December 2008 Credit Suisse report estimated that foreclosures of all types of mortgages could exceed 8 million by the end of 2012 the equivalent of one foreclosure for every 6 households with mortgages. Recent research by AARP found that Americans age 50 and older hold 41 percent of all first mortgages and represent 28 percent of all homeowners in delinquency or foreclosure. Clearly, millions of older homeowners will face the loss of their homes, and much of their retirement assets, unless more effective foreclosure relief can be provided.

The foreclosure relief plan announced by President Obama last week includes support for judicial mortgage modification as part of a coordinated set of new initiatives to address the foreclosure crisis. While these initiatives will benefit many distressed homeowners, many others will not be assisted either because they are too deeply in debt to benefit from loan refinancing, their loans exceed the GSE loan principal limits, or they lose their jobs and have too little income to pay their mortgage. Court supervised loan modification thus becomes essential to the success of the broader foreclosure relief plan, serving both as an option of last resort for these families to save their homes and as an incentive for servicers generally to offer meaningful loan modifications outside of court.

Legislation to allow for judicial modification of primary mortgages (H.R. 200) was approved last month by the Judiciary Committee and has been combined with other important measures to stabilize the housing market and prevent foreclosures in H.R. 1106, the ''Helping Families Save Their Homes Act of 2009.''

This legislation offers a balanced approach to bankruptcy reform that will provide relief for many distressed homeowners while limiting any adverse impact on the cost of future mortgage credit.

We urge the House to resist all weakening amendments to the bankruptcy sections of H.R. 1106 and to immediately approve this timely and needed legislation.

Sincerely,

DAVID P. SLOANE,
*Senior Vice President,*
*Government Relations and Advocacy.*

I reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Chairman, I rise in opposition to H.R. 1106 because I believe the bill is unwise, unproductive, and most of all, unfair.

My heart goes out, Mr. Chairman, to anyone facing foreclosure. It's never easy to hear the stories of families losing their homes. But allowing bankruptcy judges to modify mortgages is not the right solution for our economy or for our housing market.

□ 1300

The provisions in this bill allow bankruptcy judges to cram down principal in mortgages on primary residences, and it will have long-lasting adverse and unintended consequences on our housing market. I offered an amendment that would take out these cramdown provisions, but unfortunately, Mr. Speaker, it wasn't even allowed to come to the floor.

This legislation is unfair to Americans who have made difficult decisions to cut back their spending in order to pay for their mortgages. By further tightening the credit market, this bill forces homebuyers to pay more for their mortgages.

Allowing judges to rewrite mortgage contracts will effectively increase the cost and reduce the availability of credit to homebuyers. No matter how narrow the mortgage cramdown provisions are, allowing these mortgages to be modified in bankruptcy courts will create additional uncertainly in the housing market. America needs certainty right now, Mr. Speaker, and this bill moves us in the wrong direction.

I urge my colleagues to join me in opposing H.R. 1106 to protect responsible homeowners.

Mr. FRANK of Massachusetts. I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this just as I appreciate his hard work and leadership.

We hear our Republican friends from the other side of the aisle who talk about their hearts going out to people across the country who are facing the tragedy of losing their homes. They have their home mortgage under water, in circumstances beyond their control in a system that has systematically destroyed the ability of people to be able to actually voluntarily deal with a modification of their loan as my friend, the chairman, mentioned. This legislation steps forward to restructure the relationship, to be able to have the modification. But most importantly, it is the fastest, least expensive way to cut through the thicket of these issues.

Now, I hear people talking about cramdown provisions. It's exactly the same provision that Donald Trump is going to have the next time he goes bankrupt on his fourth vacation home. I've got a situation in my community, and it's much worse on the gold coast of Florida, or in Las Vegas, or in some places in California, where we have condominia, where there are people who bought three, four, five units as investments. Then there is somebody who has the misfortune of just buying it to live in. The investor, the speculator can have the ''cramdown'' provision, he can have the terms modified, with the interest rate reduced, the balance reduced, but the poor person who just is living in his or her home is stuck. Doesn't sound to me like their hearts are going out to the people who are in trouble. That's not equitable. If we had had these provision in law before, we never would have securitized goofy loans and had this pyramid scheme start in the first place.

I salute the committee's work; I'm proud to support it. It is going to make a big difference, and everybody should vote for it.

Mr. BACHUS. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN. Mr. Chairman, I rise in opposition to H.R. 1106.

The poison pill in this legislation is the cramdown provision. And the cramdown provision will create uncertainty in our credit markets at the very time that we are trying to stabilize our financial system. It will significantly raise the cost of borrowing, not just for Americans who are trying to refinance their homes, but for all future American homeowners. It will significantly raise the cost of borrowing because it will create a risk premium that lenders will have to place on these loans, knowing full well that if the value of the property goes down, then they will take a loss. But the legislation also creates a fiction that if the value of the property rises, that the lenders will be able to recover some of those losses.

This cramdown provision is wrong for restoring our credit markets and it is wrong for the millions of future homeowners across this country who will be forced to pay more for those who will be able to use our court system to pay less.

I would encourage a ''no'' vote on this legislation.

Mr. BACHUS. At this time, Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I think I want to comment here on the marked difference that I've seen between the sanctity of the mortgage contract in the United States and what I've seen around the world.

Hernando de Soto, the Peruvian economist, touches on this in his book, ''The Mystery of Capital: Why Capitalism Succeeds in the West and Fails Everywhere Else.'' And his point is that, long term, this private mortgage contract is essential. If we begin to undo that contract, there isn't any reason to believe that interest rates won't climb up commensurate with the kinds of interest rates that we see with respect to what you pay on your Visa card or Master Charge.

The reality really is that Supreme Court Justice John Paul Stevens was right some 15 years ago when he cited that legislative history indicating that favorable treatment of residential mortgages were intended to encourage the flow of capital into the home lending market. And his point was that, without that capital flow coming in and pushing down interest rates, that long term we were going to face a considerably higher interest on home mortgages for the next generation.

Now, to those skeptics that have been convinced this is a temporary solution, I would just say that we should all remind ourselves that here in Washington there is nothing more permanent than a temporary solution. These things have a way of becoming permanent, and that is what I'm concerned about.

I am also concerned that we haven't recognized the role we played in this. And maybe, in terms of the good intentions of many of these Members who, frankly, if you look at the erosion of standards, once 20 percent was the down payment for a house, then it went to zero. And one of the reasons it went to zero was because of political pressure, because of the perception that we would make homeownership more affordable. One of the reasons Fannie Mae and Freddie Mac were allowed to over-leverage was for this same reason. This is not the solution.

The CHAIR. The gentleman's time has expired.

Mr. BACHUS. I yield an additional minute to the gentleman from California.

Mr. ROYCE. I thank the gentleman for yielding me that time because this is not the solution. We are going to compound the problem. We are going to put in motion here a reticence on the part of those who loan. And once the principal amount is reduced in these loans, once people know that they can go through the process of bankruptcy, they will be more hesitant to work through the process that Treasury has set up with this Hope Now Alliance. There's 2.3 million loans last year that were reworked with lower interest rates. And if you think about it, it's in the borrower's interest and it's also in the lender's interest to sit down and do these reworks. That's where our focus should be.

We should be encouraging those voluntary arrangements. We should be bringing resources to bear, to contact homeowners that are having trouble right now making those payments and remind them that instead of filing for foreclosure, if they get in touch with a lending institution, you can voluntarily right now run those out to 30-year loans now at 6 percent. And when people are contacted, we find that most of these don't go into foreclosure. That's where the focus should be.

Mr. FRANK of Massachusetts. I will yield myself such time as I may consume because the gentleman from California wants to talk about the history and who pressured people into doing this.

Yes, it's true, there is a governmental role here: it is a refusal to regulate subprime loans. In 1994—and party is relevant—the last time before the previous Congress that the Democrats were in the majority, this Congress passed a law directing the Federal Reserve to regulate home loans in the subprime category that were issued by everybody. Bank loans were regulated, nonbanks were not. Alan Greenspan, the Chairman of the Federal Reserve, refused to use the authority and acknowledged in testimony before the Committee on Government Reform late last year that he had refused to use it and that he was mistaken.

So, part of the problem was, yes, there was a lowering of standards because the Federal Reserve refused to impose them. And then, let me quote Mark Zandi, who had been an adviser to JOHN MCCAIN, is now an economist of great repute—he was then, too, obviously—who notes in his book on this crisis that in 2004, the Bush administration decided, as part of its strategy of expanding homeownership, to push for an increase here, including, in 2004, the Bush administration ordered Fannie Mae and Freddie Mac to increase the number of loans they gave to people below the median income. And I will put into the RECORD my quotation at the time from an article put out by Bloomberg in which I objected to that. Secretary Jackson made them increase by 10 percent the number of loans they had to give to people below the median. And I said I thought that would be bad for Fannie and Freddie and bad for the borrowers because helping people borrow money they can't repay does them no good. And there was then an effort to try to get legislation passed to do what the Federal Reserve refused to do under Mr. Greenspan, regulate subprime loans. But the Republican leadership of the House at the time said we don't want to do this.

There was also concern about Fannie Mae and Freddie Mac. And in 2005, I, as the ranking minority member of the Committee on Financial Services, joined the chairman, a former colleague, Mr. Oxley, in supporting a bill out of our committee to tighten the regulation of Fannie Mae and Freddie Mac. I later was opposed to what was done in the Rules Committee to weaken a housing provision, but I wanted the bill to go forward. And, in fact, that bill went to the Senate with a large majority. I opposed it on the housing ground, but I was for the regulatory part. The Bush administration rejected it. Then Secretary of the

Treasury Snow said he thought the President was wrong. Mr. Oxley said he was very disappointed that the administration wouldn't go forward.

In any case, the Republican-controlled Senate refused to take the bill up. So from 1995 until 2006, under Republican control of the Congress, no bill was passed to regulate Fannie Mae and Freddie Mac better, and nothing was done to restrain inappropriate subprime mortgages.

In 2007, the Democrats returned to the majority. Within 4 months, the Committee on Financial Services had reported on exactly the bill that the Bush administration wanted under Secretary Paulson to tight the regulation of Fannie Mae and Freddie Mac. There was an organization called FM Watch that existed to try to tighten regulation of Fannie Mae and Freddie Mac, and they have been quoted as saying, after the House acted, ''Well, we finally got what we wanted.'' That was in 2007.

So, yes, I regret the fact that in 2005 there was an intra-Republican split between Mr. Oxley and the President, with the Secretary of Treasury on Mr. Oxley's side and Senator SHELBY on the President's side, and we got no bill. We got it through the House in 2007. It was then delayed in the Senate, unfortunately. In 2008, I asked the Secretary of the Treasury to put it into the stimulus, the tough regulation of Fannie Mae and Freddie Mac. He couldn't do that at the time. We got it, but we got it too late. But we got it too late because 12 years of Republican rule went by and no bill became law.

Then we had subprime. When we were unable to pass a subprime bill in 2005 because the Republican leadership said no, we, in 2007, brought out a subprime bill. It passed this House. It was a bill to restrict inappropriate subprime loans. It was attacked by the Wall Street Journal—I'll put the editorial in there—it said it was ''Sarbanes-Oxley for housing,'' that we would be depriving people of the chance to buy homes—yeah, people who shouldn't have had that chance. Once again, that was held up in the Senate. But to his credit, Chairman Bernanke, a Bush appointee, used precisely the authority that Alan Greenspan refused to use from 1994, from that statute, and imposed strict restrictions on bad subprime loans.

I think we will go further. And I expect the Committee on Financial Services once again to bring out the bill to restrict inappropriate subprime loans. And I will look for that energy that I've heard from time to time expressed by some of my Republican colleagues about keeping people from being put into homes they shouldn't have. Because last time it was a more partisan fight than it should have been, although the ranking member, who has a very good history of being concerned about this, did join us in voting for the bill.

The only other thing I would say is this—and I would agree that voluntary modification is a good thing. But with the servicer-investor conundrum and with second mortgages, even almost entirely voluntary agreements to modify cannot go forward without bankruptcy.

FANNIE, FREDDIE TO SUFFER UNDER NEW RULE, FRANK SAYS

(By James Tyson)

June 17 (Bloomberg)—Fannie Mae and Freddie Mac would suffer financially under a Bush administration requirement that they channel more mortgage financing to people with low incomes, said the senior Democrat on a congressional panel that sets regulations for the companies.

The new rule compels the companies to put 57 percent of their mortgage financing by 2008 toward homes for people with incomes no greater than area median income. Fannie Mae and Freddie, the two largest U.S. mortgage finance companies, must currently meet a 50 percent threshold.

The White House ''could do some harm if you don't refine the goals,'' said Representative Barney Frank, a member from Massachusetts on the House Financial Services Committee. Frank's comments echo concerns of executives at the government-chartered companies that the new goals will undermine profits and put new homeowners into dwellings they can't afford. ''At their outer edges they become counterproductive—there are not loans to make that will get repaid,'' Freddie Mac Chief Executive Richard Syron said Monday in an interview, referring to the new financing rule.

Frank said the administration is aiming to reduce the role of the two companies in mortgage financing, and has seized on the higher goals ''as a useful stick by which to beat Fannie arid Freddie.''

HUD DEFENDS RULE

Alphonso Jackson, secretary of Housing and Urban Development, said the Bush administration has no hidden motives in seeking to raise the percentage of financing for low-income homeowners.

''There is no administration more supportive of Fannie and Freddie than we are,'' Jackson said today in interview. ''We are just actualizing what should have been done years ago.'' An agency within HUD, the Office of Federal Housing Enterprise Oversight, regulates Fannie Mae and Freddie Mac, which own or guarantee about half the $7.3 trillion U.S. mortgage market.

The housing guidelines, subject to a public comment period that ends on July 2, would become law Jan. 1. Referring to both the White House plans and the coming presidential election, Frank said, ''nothing can stop them except a change in November.'' He spoke at a news conference sponsored by the presidential campaign of Senator John Kerry of Massachusetts.

Frank and housing industry representatives such as Jerry Howard, chief executive of the National Association of Homebuilders, say the White House rules fail to focus financing on multifamily housing and other market segments. The regulations also don't address a decline in refinancing and other market changes, they said.

''We don't see how these goals in any way put Fannie Mae and Freddie Mac into specific types of affordable housing,'' Howard said.

The association, which represents Centex Corp., Toll Brothers Inc. and about 215,000 other companies in the housing industry, plans to ask for a 60-day extension of the public comment period, Howard said.

Referring to the housing goals and the two companies, Frank said, we want to push them further, but it doesn't make sense to push them in an undifferentiated way.''

Jackson said his critics should withhold judgment until after Jan. 1. ''I don't see how people can say something is not going to work when we have not had a chance to implement it.''

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A SARBOX FOR HOUSING—HOW TO RESTRICT LENDING TO THE POOR FOR YEARS TO COME

Throughout the 1980s and '90s, Congress prodded, even strong-armed, banks into making more mortgage loans to low-income and minority families. Washington enacted anti-discrimination and community lending laws with penalties against lenders for failing to issue riskier mortgages to homebuyers living in poor neighborhoods or with low down payments and subpar credit ratings. And so it was that the modern subprime mortgage market was born.

Now, and for a variety of reasons, some two million of those loans have gone sour, and the same politicians are searching for villains. Leading the charge is House Financial Services Chairman Barney Frank, who is accusing banks of ''predatory lending''—by which he means making loans to the very group of borrowers that Mr. Frank and his colleagues urged banks to serve.

As early as today, Mr. Frank plans to hold a committee vote on his Mortgage Reform and Anti-Predatory Lending Act of 2007, which would impose new rules and financial penalties on subprime lenders, while providing new lawsuit opportunities for distressed borrowers. ''People should not be lent money that's beyond what they can be expected to pay back,'' Mr. Frank says. Now, there's an idea. Why didn't the bankers think of that?

Mr. Frank's proposal is a trial lawyer's dream. It would forbid banks from signing up borrowers for ''overly expensive loans''; require banks to make sure that the consumer has a ''reasonable ability to repay the loan''; and insist that loans must be ''solely in the best interest of the consumer.'' This kind of murky language would invite litigation from every borrower who misses a payment. If it becomes law we can expect to see billboards reading: ''Behind on your mortgage? For relief, call 1–800–Sue–Your–Banker.''

Also for the first time, banks that securitize mortgages would be made ''explicitly liable for violations of lending laws.'' This is a version of secondary liability that holds the bundlers and resellers of mortgages responsible for the sins of the original lenders. The reselling of mortgages has been a boon both to housing liquidity and risk diversification. So to the extent the Frank bill adds a new risk element to securitizing subprime loans—and it surely will—the main losers will be subprime borrowers who will pay higher rates if they can get a loan at all.

No one disputes that there were lending excesses during this decade's housing revels. The Federal Reserve's easy money policy created a subsidy for debt and fed an asset bubble that made borrowers and lenders alike think prices would rise forever. If companies or individuals committed fraud, they should be punished. Meanwhile, federal regulators have been rewriting rules to outlaw the most abusive practices, such as onerous prepayment penalties and disguised balloon interest payments.

But for all the demonizing, about 80% of even subprime loans are being repaid on time and another 10% are only 30 days behind. Most of these new homeowners are low-income families, often minorities, who would otherwise not have qualified for a mortgage. In the name of consumer protection, Mr. Frank's legislation will ensure that far fewer of these loans are issued in the future.

All of this would also hit banks when they and their shareholders are already being

punished in the marketplace. The stock values of financial companies have taken a beating and executives are losing their jobs. Lenders are fleeing the subprime market, and the pendulum has swung to the opposite extreme as banks have tightened credit, which is contributing to the mortgage meltdown.

The latest housing data indicate that new home sales are down 23% from a year ago, with the biggest retrenchment in the subprime market. The volume of subprime securities was down a whopping 70% to $15 billion in the third quarter from $62 billion one year ago. Originations of the controversial subprime ARMs are down by 50% so far this year compared to 2006. Mr. Frank's bill couldn't come at a worse time, as it will further shrink credit to marginal borrowers, which will mean fewer buyers and extend the housing downturn.

The Frank bill is essentially a Sarbanes-Oxley for housing, an attempt to punish business in general for the excesses of an unscrupulous few and the perverse incentives created by Washington policy.

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

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise today in opposition to this bill and to express my sincere disappointment in the way it has come to the floor.

Yesterday, I brought to the Rules Committee two simple, straightforward amendments that would have made this a much better bill. They would have ensured that taxpayers are protected from others making unfair profits on their dime. They would also prevent flippers, speculators, illegals and criminals from taking advantage of a program that should be aimed at worthy borrowers who are struggling to keep their homes.

The first amendment I offered required that taxpayer-funded mortgage assistance not go to those who misstated their income to get a mortgage, aren't even living in the residence, were convicted of financial fraud, or aren't in the country legally and permanently.

The second amendment is that taxpayers get paid back first. It required that those who profit from selling a property that benefited from taxpayer support pay back some of the money through an added capital gains tax.

□ 1315

Why should the 93 to 95 percent of Americans who are paying their mortgages on time have to foot the bill for others to make a profit on their real estate? It's not fair to my constituents who acted responsibly, have worked hard, saved, and took loans they knew that they could afford.

Mr. Chair, these sound to me like principles that we can all agree on, and yet the majority in the Rules Committee has refused to allow Members of the full House to vote on these commonsense amendments. I don't think that's what the American people want, and I would urge my colleagues to oppose this bill.

The CHAIR. The Chair will note that the gentleman from Alabama has 7½ minutes remaining and the gentleman from Massachusetts has 2½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I will now yield 1 minute to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. I want to thank my chairman for allowing me this time.

Mr. Chairman, let me say I want to rise in favor of the Helping Families Save Their Homes Act. I have two particular areas that I am particularly interested in. One was the provision that allows a reconstitution and protection or hold harmless for those who do modify mortgages. And Mr. CASTLE and I worked on that provision in the last Congress, and substantially the same type of provision has been included in this bill. It benefits everyone other than those cranky few investors who have the weakest part of the tranches of the securitized mortgages who would like to stop those actions from being taken. But even most investors favor it and certainly the mortgage holder and the mortgage maker favor it. So I hope that provision will become law.

And, finally, we also included in this package the provision that allows the Federal Credit Union Act to be amended to allow a 5-year period of payment to rebuild the deposit insurance reserves of the Federal Credit Union. And as we all know, with these hard times and circumstances, the credit unions need the same help to rebuild their deposit reserves.

So, Mr. Chairman, I urge my colleagues to support this bill.

Mr. BACHUS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, to state the obvious, everybody in this economy is hurting. I've got personal friends of mine who never thought they would lose their jobs who have lost their jobs.

But when we look at this piece of legislation, you have to ask the question who are you helping, why are you helping, and whom are you hurting to help the other people? We need to remember, Mr. Chairman, that, first, 94 percent of all America still is either renting their home, they own it outright, or they're current on their mortgage.

Now, I want to make sure that we help those who through no fault of their own are finding themselves in arrears. I want to help the person who lost their job or through some debilitating disease can't keep up with their mortgage.

But, Mr. Chairman, mortgage fraud has ran rampant for the last 2 years. There were people out there who speculated in real estate. There were people who turned their homes into personal ATM machines. There are people who could have made sacrifices and now they expect their neighbor to make the sacrifice. Mr. Chairman, it's just patently unfair when you're struggling to pay your mortgage to be forced to pay your neighbor's as well.

I heard from one of my constituents about this very subject. I heard from Theresa Steele in Mesquite, Texas, and she wrote me: ''Congressman, I had to put off purchasing a home because of medical expenses that my family had to deal with. While paying these medical expenses, I was able to pay rent on a house. But it's really frustrating. You cannot get a break because our taxes keep going up along with the cost of groceries and gas, et cetera, and it seems no matter what you do, you cannot get ahead when others are out there throwing caution to the wind and seem able to have my tax dollars bail them out. It doesn't seem right to me.''

Well, Mr. Chairman, if Theresa Steele was here, I would say it doesn't seem right to me either. To increase her taxes to pay for somebody else's mistake is patently unfair, will not help our economy. You cannot tax and borrow your way back into prosperity.

Mr. FRANK of Massachusetts. Mr. Chairman, in the absence of any correction, I have only one speaker left; so I will reserve the balance of my time.

Mr. BACHUS. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

I certainly applaud the committee for trying to do something about this problem, but I'm afraid that this is not the right solution. It actually seeks to help a few at the cost of all homeowners.

First of all, the government seems to be very content these days picking winners and losers. But I don't understand if Mr. BACHUS is paying his mortgage and I'm not, why am I necessarily, just because of that, deserving to renegotiate the contract? What is it that the Federal bankruptcy judge will know about me which will make me have the insider advantage over my friend from Alabama? It doesn't make sense. The judge will have to decide, well, was I laid off because of something that I did? Did I bite off more than I should have chosen, because of my irresponsibility, because of the lender's irresponsibility? I think the precedent of this is extremely scary. And why only contracts that involve real estate? What about other contracts that people get involved with in terms of debt?

The fact of this is it's going to also not just put the government in a position of picking winners and losers, but it's going to put more uncertainty in the market. And right now, as I talk to Realtors and bankers and investors, what this market needs on Main Street and Wall Street is knowledge of rules. Rules that govern, regulatory practices, whatever they are, if they're here or if they're here, what Wall Street and the investment community needs to know is what are the rules? We will adjust to them. But here we go one more time increasing uncertainty by changing the rules.

Mr. Chair, the Helping Families Save Their Homes Act (H.R. 1106) would allow bankruptcy judges to reduce the principal owed on a mortgage, a practice often referred to as a ''cramdown.'' Judges would also be able to reduce interest rates or lengthen the term of the mortgage. This will help only a few people while raising the cost of borrowing for thousands of moderate-income and first-time homebuyers.

Although supporters claim that this is a limited provision that applies only to existing mortgages, the cramdown language can easily be amended to make it permanent at a later date—which would then be priced into future mortgages. In addition, the House bill lacks many of the targeted limitations designed to make sure that bankruptcy is a last resort. It even weakens language passed earlier by the House Judiciary Committee that was designed to keep those who filed fraudulent mortgage applications from taking advantage of cramdowns.

H.R. 1106 does contain two important provisions to correct flaws in the housing bailout plan passed last year.

Problems with Cramdowns: Allowing bankruptcy judges to modify mortgages would raise mortgage costs for everyone and even more for first time homebuyers. Cramdowns would add additional risk that mortgages will not be repaid as the contract requires. Lenders must charge for that added risk, and experts estimate that the additional costs would raise mortgage rates by as much as two full percentage points or substantially increase required down payments. This increase would apply to every mortgage applicant in order to ensure that the entire pool of mortgages remains profitable upon resale to the secondary market.

Mortgage companies would greatly expand ''risk based pricing'' of individual mortgages as well. These added costs would fall hardest on moderate-income and first-time homebuyers, who have a higher risk of defaulting on a mortgage. This will price many families out of the housing market.

Further undermine the value of mortgage-backed securities: Banks and other investors are already facing heavy losses not only because mortgage-backed securities have lost much of their value but because of uncertainties about whether the mortgages will be paid. The language in H.R. 1106 increases this uncertainty. Investors will be at risk of both foreclosure and cramdowns that reduce the earnings of these securities. Many cramdown mortgages will later go into foreclosure. Since investors have no idea what this new provision will do to the value of their securities, prices will drop further.

Fail to help many homeowners: Only one-third of all Chapter 13 fliers completes the process successfully and gets the fresh start that bankruptcy promises. The other two-thirds ''pay court fees, pay attorney's fees, pay fees to the bankruptcy trustee, invest time and money to restructure their financial affairs, and then wind up with nothing more than temporary relief. In fact, one third of chapter 13 filers go on to file for bankruptcy again.

Other Provisions in H.R. 1102: The Helping Families Save Their Homes Act also contains a mixture of other housing and financial provisions. These include:

Liability waivers for mortgage servicers that modify mortgages: Mortgage servicers receive payments from mortgages and forward them (after fees) to the owners of the mortgages. As the main contact with homeowners, mortgage servicers should be able to refinance or alter mortgages in order to ensure that the owners get the best possible return, but many fear that unhappy mortgage owners would sue them. The legislation provides these servicers with a safe harbor so long as they act within certain specified boundaries. This is a needed change.

Making $250,000 FDIC and MCUA deposit insurance levels permanent: Last fall, Congress increased deposit insurance coverage by FDIC and NCUA to $250,000 until December 2009. This bill makes that change permanent and also increases the agencies' borrowing authority to cover their losses. Borrowing authority is used only if the deposit insurance fund runs out. This is a useful change but unlikely to be needed.

Keeping predatory lenders from taking advantage of FHA programs: Section 203 of H.R. 1106 makes it easier for HUD and the FHA to prevent predatory lenders from underwriting FHA-guaranteed home loans. This is a needed reform.

Trying to fix the Hope for Homeowners program: Last summer, Congress created Hope for Homeowners, an FHA-based program that it originally. FHA claimed the program which is run jointly with Treasury, would help up to 2 million homeowners. To date, according to the FHA, it has actually helped about 500. The legislation makes a number of changes that will make it more attractive to homeowners, raise the cost of it by $2.3 billion, but is unlikely to otherwise improve it.

Making the Problem Worse: Mortgage cramdowns would further destabilize an already damaged housing market while increasing mortgage costs for future borrowers. The useful changes it makes are necessary but in no way overcome the downsides associated with the passage of this legislation.

ANALYSIS OF THE HOMEOWNER AFFORDABILITY AND STABILITY PLAN

Two of the bill's three key components are designed to provide subsidies and benefits primarily to homeowners who, while still current in their payments, may not be able to take advantage of attractive refinancing opportunities at lower interest rates because the value of their home has declined beyond the loan-to-value ratio permitted by rules governing mortgage investments made by Fannie Mae and Freddie Mac. The second such provision of the plan would provide taxpayer and investor subsidies to mortgage borrowers who have taken on more debt than they could safely manage, including, in some cases, credit card and automobile debt. The third component of the plan encourages the enactment of legislation allowing bankruptcy judges to alter the terms of certain mortgage loans, a practice that to date has been prohibited by federal law.

The legislation suffers from 12 specific weaknesses and risks: The plan's Stability Initiative bestows new and costly benefits on those who took on more debt than they could handle, including credit cards, automobile loans, and mortgages (including refinancing and seconds). Worse, the value of the benefits will vary in direct proportion to the degree of borrower financial irresponsibility and the intensity of community land regulations. Homeowners with a first mortgage as large as $729,750 are eligible for the initiative, meaning that the well-to-do will receive more financial benefits than those of modest means. And as analysts at one nationwide financial firm noted, ''The modifications would go disproportionately to borrowers who overstretched and who lied about their income.'' This moral hazard sends a clear message to the American people: The worse the behavior, the greater the reward.

Under this Stability Initiative, borrowers with a ratio of mortgage debt service to income greater than 31 percent can have their mortgage interest rate reduced to as little as 2 percent if that is what it takes to achieve the 31 percent ratio-with government paying half the subsidy and the investor/lender surrendering the other half. If this concession is insufficient to reach 31 percent. Eligible borrowers may also have loans that are as much as 50 percent greater than the value of the house.

It is also unlikely that, under the Stability Initiative, borrowers with a ratio of debt service payment to income as high as 55 percent—because of combined mortgage, credit card, and automobile debt—will be eligible to receive temporary payment reductions if they merely agree to HUD-approved counseling. Such borrowers may then be eligible for permanent payment reductions. This reduction scheme will be disclosed in rules that the Administration has announced it will release on March 4.

Because the investor/lenders will be responsible for a portion of the mortgage rate reduction, this program will deter private sector investment in all but the best mortgages. Combined with the proposed ''cramdown'' bankruptcy proposals, the net effect will be to require a substantial and permanent federal presence in the housing finance market to accommodate those many potential borrowers who are not highly qualified.

The plan also includes a formal endorsement by the President of a bankruptcy provision that allows judges to alter the terms of certain mortgages. This provision will increase the risk to lenders of all mortgages. The industry is already treating this as a permanent measure. Increased risk requires higher costs to compensate lenders, and either down payments or interest rates would have to rise, while potential borrowers with checkered credit histories would be denied access to credit. However, these costs would not rise evenly for all borrowers: Higher-risk borrowers (first-time buyers and moderate-income workers) would see costs rise more and have fewer opportunities to buy a house.

Anticipating such criticisms, the proposal contends that it will ''seek careful changes to personal bankruptcy provisions.'' However, because any changes in bankruptcy law must be passed in legislation, this outcome may merely be wishful thinking. As the President wants to make sure that ''millionaire homes don't clog bankruptcy courts,'' mortgages eligible for judicial ''cramdown'' cannot exceed $729,750 in value. Moreover, the most recent version of the legislation weakens language adopted earlier by the House Judiciary Committee to prevent borrowers who committed fraud in their mortgage application from taking advantage of cramdown.

The plan's Refinancing Initiative creates a new right for American borrowers now current in their mortgage payments; the right to refinance their home at a lower interest rate even

if the quality of the loan—as measured by the loan-to-value ratio—would otherwise pose a risk to the lender. As such, this proposal establishes the act of being highly leveraged or slightly ''underwater'' (the amount that a borrower owes on his or her mortgage is more than the value of the house) as a legitimate reason to default, and as a policy problem worthy of taxpayer support and federal intervention. The creators of this new right fail to recognize that many other consumer credit markets operate comfortably, successfully, and safely despite the fact that many borrowers are underwater the minute they sign the contract—notably home improvements, mobile homes, automobiles, RVs, and HDTV's. Though those borrowers do expect to be ''underwater'' for these kinds of purchases, it raises the question of whether future legislation will extend this concession to car loans and credit card debt, which are also experiencing significant levels of default.

Only borrowers with loans held or repackaged by the federally controlled and subsidized Fannie Mae and Freddie Mac will be eligible to exercise this new right to refinance. Borrowers whose loans are held by private investors are denied this right, further distorting the housing markets with government-selected winners and losers.

To date, the several, federal loan modification programs that have been put in place have had very limited success, and the rate of failures exceeds that of successes, especially for loans where one or more payments have been missed. For loans that were four months past due at time of modification, the recidivism rate is 80 percent after 12 months. For loans one month past due, the recidivism rate after 12 months is 60 percent. With the nationwide decline in house prices accelerating in recent months, the risk of recidivism under the new program could remain at high levels.

The program will cost $275 billion ($75 billion for problem mortgages and $200 billion for Fannie Mae and Freddie Mac).

Obama's plan will take a great deal of time to implement. A recent MarketWatch.com articles notes that loan refinancing applications are up 47 percent at a time when a substantial portion of the loan originating infrastructure has disappeared due to bankruptcy and bank consolidation. The prospect that a shrunken mortgage lending system could expeditiously accommodate the 7–9 million borrowers expected by the Obama plan is wishful thinking. The result will be long waits for refinancing that will come too late for some borrowers and may also crowd out efforts by unsubsidized borrowers to refinance due to the generous financial incentives offered to servicers participating in the new federal program.

Perhaps the most troubling part of the plan is the increased reliance being placed on the now federally controlled Fannie Mae and Freddie Mac, whose tax and corrupt behavior over the past decade was an important contributing factor to the present economic crisis. Although nominally privately owned, both are now run by the U.S. Treasury, whose massive holdings of preferred shares in both give it a huge implicit ownership stake. As is clear from the refinancing plan—which will reduce Fannie's and Freddie's earnings and thus weaken them further—the two have become little more than the federal government's captive mortgage financing banks to be used at will for any housing policy initiatives that the President and/or Congress wish to pursue. And with the plan's many provisions discouraging the private sector from getting involved in mortgage finance, this plan substantially advances the de facto nationalization of America's housing finance system for all but the ''jumbo'' mortgages that exceed conforming limits.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 10 seconds.

The gentleman from Georgia asked about what other contracts. This is precisely the bill to make this like other contracts. Everything else can be declared void in bankruptcy. So the gentleman has it absolutely backwards. This doesn't create an exception to general contract law. It amends one and makes this on the same footing as, quoting the gentleman, all other contracts.

Mr. BACHUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to introduce into the RECORD an article from the New York Times, dated September 30, 1999, and here's what it says:

''Fannie Mae, the Nation's biggest underwriter of home mortgages, has been under increasing pressure from the Clinton administration to expand mortgage loans among low and moderate income people . . . ''

And then they quote Franklin Raines: ''Fannie Mae has expanded home ownership for millions of families in the 1990s by reducing down payment requirements. Yet there remains too many borrowers whose credit is just below what our underwriting has required and who have been relegated to paying significantly higher mortgage rates . . .''

Well, I think we know the rest was history. They lowered their standards, they moved into this new risky form of lending, and then last July the American people were submitted the bill, and that bill was a half trillion dollars, and every day we're adding billions of dollars to that tab. And there were people at that time who warned that it was risky and who warned that ultimately the taxpayers may have to step in and bail out Freddie and Fannie. Now today we are being asked to adopt legislation, the HOPE for Homeowners Program, which would require FHA to insure loans with a greater risk of default and require a higher per loan taxpayer subsidy.

In fact, the Congressional Budget Office says that this program is going to help 25,000 borrowers, but it's going to cost up to $579 billion. Now, coupled with the new projection that the HOPE for Homeowners is going to only help 25,000 borrowers, that's $23,000 per borrower that you're going to ask the American people to pay or expose them to that risk.

I'm going to give you the same warning that was given in 1999. It's the taxpayer that's going to have to take up the cost of this subsidy and this risk. And for that reason, I am not willing to burden the taxpayer with another dollar.

These are terrible economic times. All taxpayers are under risk. Many taxpayers are facing loss of their job. At a time like this, an uncertain time like this, to further expose the taxpayers of this country, the American families we represent, to another half trillion dollars' worth of exposure is not something that I'm willing to do.

I am willing, and I have said many times I was willing, to endorse the Kanjorski-Castle provision, which would allow servicers with lenders and borrowers to work out terms, and I applaud that provision in the bill. Strip out this $23,000 per-loan program and we will all go down and vote for Castle-Kanjorski.

And let me say this: we have had one too many bailouts. We don't need another one. It's time that we started watching out for the taxpayer and help borrowers without submitting the bill to hardworking Americans.

[From the New York Times, Sept. 30, 1999]

FANNIE MAE EASES CREDIT TO AID MORTGAGE LENDING

(By Steven A. Holmes)

In a move that could help increase home ownership rates among minorities and low-income consumers, the Fannie Mae Corporation is easing the credit requirements on loans that it will purchase from banks and other lenders.

The action, which will begin as a pilot program involving 24 banks in 15 markets—including the New York metropolitan region—will encourage those banks to extend home mortgages to individuals whose credit is generally not good enough to qualify for conventional loans. Fannie Mae officials say they hope to make it a nationwide program by next spring.

Fannie Mae, the nation's biggest underwriter of home mortgages, has been under increasing pressure from the Clinton Administration to expand mortgage loans among low and moderate income people and felt pressure from stock holders to maintain its phenomenal growth in profits.

In addition, banks, thrift institutions and mortgage companies have been pressing Fannie Mae to help them make more loans to so-called subprime borrowers. These borrowers whose incomes, credit ratings and savings are not good enough to qualify for conventional loans, can only get loans from finance companies that charge much higher interest rates—anywhere from three to four percentage points higher than conventional loans.

''Fannie Mae has expanded home ownership for millions of families in the 1990s by reducing down payment requirements,'' said Franklin D. Raines, Fannie Mae's chairman and chief executive officer. ''Yet there remain too many borrowers whose credit is just a notch below what our underwriting has required who have been relegated to paying significantly higher mortgage rates in the so-call subprime market.''

Demographic information on these borrowers is sketchy. But at least one study indicates that 18 percent of the loans in the subprime market went to black borrowers, compared to 5 percent of loans in the conventional loan market.

In moving, even tentatively, into this new area of lending, Fannie Mae is taking on significantly more risk, which may not pose any difficulties during flush economic times. But the government-subsidized corporation may run into trouble in an economic downturn, prompting a government rescue similar

to that of the savings and loan industry in the 1980s.

''From the perspective of many people, including me, this is another thrift industry growing up around us,'' said Peter Wallison a resident fellow at the American Enterprise Institute. ''If they fail, the government will have to step up and bail them out the way it stepped up and bailed out the thrift industry.''

Mr. Chair, there are elements in this legislation that I support, such as permanently increasing deposit insurance coverage limits to $250,000 that will strengthen our banking system and help avoid destabilizing bank runs. The Kanjorski-Castle language, providing a safe harbor for mortgage servicers, is a timely and targeted solution that encourages loan modifications that benefit both homeowners and investors. It is a commonsense approach to help keep American families in their homes.

And while I do support certain provisions in this bill—and did so in Committee—I oppose the legislation as a whole, and urge my colleagues to do the same.

Enacted by Congress last July, Hope for Homeowners has been a failure by virtually every metric. And rather than cut taxpayer losses, this legislation aims to fix a fundamentally unfixable program, while abandoning key taxpayer safeguards.

Initially, proponents claimed this program would provide relief to 400,000 borrowers. They were wildly off mark. In fact, the program has received a mere 400 applications and closed on just 43 new loans.

If today's legislation was enacted, the Hope for Homeowners program would allow FHA to insure loans with greater risk of default and require a higher per loan taxpayer subsidy. The non-partisan Congressional Budget Office (CBO) projects that even with these changes, the program will help a mere 25,000 borrowers, at best. Far from the 400,000 promised, and far from a success.

According to CBO research, taxpayers may be responsible for up to $579 million as a result of potential defaults. This nearly billion dollar figure, coupled with the new projection that Hope for Homeowners will only assist at most 25,000 borrowers, could potentially cost the taxpayer an astounding $23,000 per loan.

Throughout the campaign, President Obama almost daily expressed his goal of ending wasteful, underperforming and duplicative government programs. How many times do we have to attempt to change a program that has helped 43 borrowers nationwide? Under President Obama's criteria, HOPE for Homeowners would certainly qualify as a program to be cut.

And worse, bankruptcy cram-down provisions included in this bill will further reward poor decisions made by a small amount of individuals and lenders, while adding uncertainty to the market and increasing mortgage costs for the vast majority of Americans.

Congress should be asking: who is this legislation intended to help, and is it fair? Will this bill reward irresponsible behavior and punish those who have played by the rules and lived within their means? And how will this legislation stimulate the economy?

Times are tough for American families—we all know that. But merely throwing good taxpayer money after bad is not the solution to our economic problems. We must consider the long-term consequences of our actions and how working American families and taxpayers will be affected. This legislation is not the answer. I urge my colleagues to vote ''no.''

The CHAIR. The gentleman from Massachusetts has 80 seconds remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of my time to one of the leaders in the effort to preserve homeownership for deserving people in America and the fight against abuses, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman and Members, I am so pleased to stand here today in support of H.R. 1106, the Helping Families Save Their Homes Act of 2009.

I work on both of these committees, the Financial Services Committee, the Judiciary Committee. I want to thank Mr. FRANK, I want to thank Mr. CONYERS, and all those Members who have been working so hard to try to assist our homeowners with loan modifications. We knew that we'd never be able to get this done without judicial modifications of home mortgages during bankruptcy for borrowers who have run out of options. That's in the bill.

The other thing in this bill, the safe harbor for servicers that would allow them to move forward now and do these modifications, the strengthening of HOPE for Homeowners, which Mr. FRANK has worked so hard on, and a piece that I wrote in on FHA approval that would ensure that predatory lending entities are not allowed to participate in the program because they have been ripping off our homeowners.

I want to thank JACKIE SPEIER and Mr. DRIEHAUS for working with me on this part of the legislation. Now I think we are finally putting all the pieces together that can truly do loan modification for so many deserving citizens. I believe that we don't have to deal with this one-by-one effort where homeowners are trying to call banks and servicers, not being able to get in touch with anybody, not being able to be serviced, but, rather, they can now depend on the law that we are putting out here today.

I would urge everyone to vote for this bill.

Mr. DINGELL. Mr. Chair, I rise today in support of H.R. 1106, the ''Helping Families Save Their Homes Act of 2009.'' We are in the midst of the gravest recession in recent memory and hear daily of countless foreclosures across the Nation, particularly in my home state of Michigan. As President Obama mentioned during his address to the Congress two days ago, the Federal government can and must pursue measures to mitigate the effects of this terrible economic blight upon the Nation's citizens.

With the painful memories of the Great Depression still clearly in mind, I offer my wholehearted praise and support for the President's call to action. Additionally, as the representative of a congressional district with one of the Nation's highest foreclosure rates and most dramatic decline in housing values, I feel it imperative that we move swiftly to stabilize the housing market to keep people in their homes.

H.R. 1106 is a good first step toward achieving this goal. Its improvements to the Hope for Homeowners program and provision for a safe harbor to mortgage servicers that elect to participate in mortgage modifications will help stem the tide of foreclosures sweeping across the country. The bill's provision to make permanent the increase in Federal deposit insurance from $100,000 to $250,000 will give Americans greater faith in the safety of their savings at a time of continued bank failures.

Nevertheless, I am troubled by the broad authority afforded to bankruptcy judges in Title I of H.R. 1106 to modify the terms of a loan for primary residences. It is my view that this authority should be limited to apply only to those homeowners subject to the ill effects of deceptive lending practices that gave rise to the recent mortgage crisis. Further, I am concerned that the aptly named ''cramdown'' authority in Title I of the bill will encourage people to seek bankruptcy as a matter of course, and not of last resort, in addressing their indebtedness.

This aside, I cannot in all good conscience oppose passage of H.R. 1106. I will vote in favor of this well-intentioned legislation but in so doing, call upon my colleagues to narrow the applicability of the H.R. 1106's loan term modification provisions in conference.

Mr. BLUMENAUER. Mr. Chair, this bill is a significant step in the right direction for all Americans struggling to pay their mortgages.

Today, our economy is facing a real and growing crisis, threatening the longest period of economic stagnation since the Great Depression. Nowhere is that problem more evident than in the wave of home foreclosures. In my state, the foreclosure rate is below the national average but continues to rise. According to the Center for Responsible Lending, more than 20,000 new foreclosures will be initiated in Oregon in 2009.

These foreclosures affect neighbors who may have paid off their mortgages long ago and communities whose tax bases are eroding quickly, creating a vicious cycle of house price declines, defaults, and foreclosures.

I would like to highlight the bankruptcy provisions in this bill. Providing the bankruptcy courts with the authority to reduce the principal owed on mortgages, reduce interest rates, and reduce fees is a crucial victory for consumers.

Under those provisions, the bill provides bankruptcy courts with the same options for the treatment of primary residences that are already available to the courts for second homes, vacation homes, and investment property.

It makes absolutely no sense that Donald Trump can have the mortgage of his fourth vacation home modified to more acceptable terms if he goes bankrupt, but that John and Jane Doe living in their primary residence of Anywhere, USA, are not afforded this help.

Another key set of provisions are the improvements to the Hope for Homeowners program. Under the Bush Administration, that program—while touted as a lifeline for struggling homeowners—did not insure a single loan.

This bill opens the door to participation by homeowners by reducing insurance premiums, easing requirements for lenders to participate, and defraying some of the costs of refinancing mortgages.

Overall, this legislation is a good step in the right direction, but we cannot take our eye off the ball, and I will continue working with my colleagues to addressing these challenges.

□ 1330

The CHAIR. All time for general debate has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TONKO) having assumed the chair, Mr. SERRANO, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1106) to prevent mortgage foreclosures and enhance mortgage credit availability, had come to no resolution thereon.

## EXPRESSING CONDOLENCES TO FAMILIES OF VICTIMS OF CRASH OF CONTINENTAL CONNECTION FLIGHT 3407

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 183.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ARCURI) that the House suspend the rules and agree to the resolution, H. Res. 183.

The question was taken.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 32, as follows:

[Roll No. 90]

YEAS—399

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—32

Becerra
Berman
Boucher
Campbell
Cao
Carter
Cassidy
Conyers
Deal (GA)
Doyle
Duncan
Grijalva
Hill
Kirk
Kline (MN)
Larson (CT)
Linder
Lucas
Massa
Miller (MI)
Miller, Gary
Murphy, Patrick
Pence
Perriello
Sanchez, Loretta
Snyder
Stark
Sullivan
Terry
Tiberi
Velázquez
Wamp

□ 1404

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.

## AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MARCH 4, 2009, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING THE RIGHT HONORABLE GORDON BROWN, PRIME MINISTER OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, March 4, 2009, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland.

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

There was no objection.

## ADJOURNMENT TO MONDAY, MARCH 2, 2009

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

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

There was no objection.

## HONORING JOHN MAYES

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

Mr. GINGREY of Georgia. Mr. Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community.

Today, I rise to recognize John Mayes of Rome, Georgia. John has been a dedicated public servant for the people of Rome and Floyd County, Georgia for the majority of his adult life. John is a three-term member of the Floyd County Board of Commissioners, and

he currently serves as the chairman. He is also the current Chair of the Floyd County Public Works Committee.

In addition to his commitment to improving his home county, John also dedicates much of his time to strengthening the health care community in Floyd County, serving on both the Floyd Medical Center Hospital Authority and Management Board and the Floyd County Board of Health.

Despite his heavy involvement in county and city government, John still finds time devote to philanthropic activities, founding Camp Uncle John, a private retreat designed to reach out to area youth, and serving as the director of community organizations such as the YMCA.

In 2007, John Mayes was honored by Rome residents for his selfless community service with the prestigious Heart of the Community Award.

I ask my colleagues, please join me in thanking John Mayes for his service to the people of Rome and Floyd County and his commitment to the betterment of his community.

## REGULAR ORDER SHOULD BE THE RULE OF THE DAY

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

Ms. KAPTUR. Mr. Speaker, I rise to express the opinion that in the recent vote on H.R. 1106, which had to do with mortgage foreclosures and so-called enhancement of mortgage credit availability, it would be incumbent upon leadership of the institution to follow normal process and to allow the membership, if they wish to offer amendments before the Rules Committee, to be afforded that opportunity.

The challenges we face in the mortgage market are enormous, and regular order should be the rule of the day here. You know, we wouldn't have all these difficulties in our country if we would be properly using the normal institutions to resolve loans, loan difficulties, the Federal Deposit Insurance Corporation and the Securities and Exchange Commission. When you don't use those, and you begin to try to tinker at the edges of a really large problem that the country faces, and the implosion of the mortgage market itself, you can make a lot of mistakes.

Members deserve respect. We deserve due diligence by the respective subcommittee and committees, including the opportunity to amend and include ideas in the manager's amendment. If that does not happen, we don't serve the American people well.

I think every Member here deserves that respect. And I would hope that, as next week begins, we will have the opportunity to perfect this legislation, if it can be perfected or, more properly, to meet with the Secretary of the Treasury and the economic leaders of the new administration to perhaps shape a different path forward.

Well, here's another Housing bill, claiming to be a nostrum for what ails us with housing foreclosures.

Last August, the same committee, with no hearings and no opportunity for amendment pushed through a landmark bill called Hope for Homeowners. It was supposed to help workouts, to bring assistance to counselors, to prevent foreclosures. To this date this program has worked out on 25 mortgages only. Twenty-Five—not 250, 2500, 25,000; just 25.

We have seen more foreclosures, not enough workouts, no Wall Street firms or their hired gun servicers coming to the table. The money for the communities engaged in counseling arrived late, and people lost their homes. The next batch of money did not arrive to allow cities to buy homes, and now out of state individuals or companies own the homes and these new owners have no vested interest in the properties. They are looking at the profit they will receive. The communities lose. The people lose. Even those homeowners who are paying their mortgages, keeping up with their bills and being overall good economic citizens are paying because their neighbors fell on dire straits, property values are plummeting. The money that did reach communities sometimes only reached certain communities—others suffered. In northern Ohio, Cleveland got the majority of the money and Toledo suffers with little or no money available to help people. I myself attended an auction run by a company in Dallas, TX, that sold away my constituent's homes to far away people and the communities are struggling and some neighborhoods are even dying.

Then, the last Administration shoved TARP at us. Crisis was coming or at hand and it was the only way to stop it. Those that voted for it thought that they were going to prevent more foreclosures—they wanted to help the people.

They found out Hank Paulson took all the money for Wall Street banks that didn't do workouts, and are not doing workouts. But the last Congress held them up, saved them, and paid them taxpayer dollars. To what end?

It's a new Congress and a new President. Foreclosures are still rampant. The economy is oscillating and the recession is deepening rather than stabilizing.

Now we are told: we've got another idea we want to sell you.

Let's go the bankruptcy route.

Of course, this won't deal with the millions of pending subprime foreclosures and achieve workouts. It will only address people filing for bankruptcy and about 20% of them might have a home involved in that process. These people could be helped, but we are not helping all the other people who are not turning to the last, absolute last resort of bankruptcy.

Do I understand this—no Wall Street big bank has been asked to go bankrupt and its assets distributed to more responsible community banks. But instead of bringing discipline to the banks, now we're going to ask the American people to file bankruptcy first. And, we're going to provide money to pay the fraudulent servicers.

If you're not sure how to vote on this, think what happened before. Think about the solutions we were told would work. Look around your community. Are they working?

I can tell you in my district they are not.

Here are some questions that ought to be answered before we move forward:

1. Does a family have to declare bankruptcy before qualifying for a "workout/refinancing"? Why do families have to do this but not the banks?

2. What % of troubled loans would this plan rescue—less than 10%, . . . up to 90%?

3. Are eligible loans only "subprime" ones, or any loan?

4. In Title 1, why do lenders need financial incentives to modify loans? They've got TARP $.

5. What % of appropriated funds for this program will go to lenders? Why? How @ servicers? They're not licensed or certified. Why let them qualify for anything? They've been awful.

6. How will the government recoup its money? Is there a shared appreciation provision that reimburses government for its investment?

7. What happens to credit union financed mortgages? They did no subprimes. Are their loans eligible for workouts? What happens when a reduction in principal wipes out their annual profits?

## STOP MEDDLING IN THE MORTGAGE INDUSTRY

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

Mr. FLEMING. Mr. Speaker, I rise to speak also about H.R. 1106, the so-called mortgage cram-down bill which, I am afraid, is being crammed down the throats of the American citizens.

There are families in this country seriously hurting in these tough economic times. They're looking for ways to keep their homes from going into foreclosure.

I would support a targeted measure to help those who didn't overreach when they purchased a home, but this broad stroke cram-down bill we have been given allows the court system to modify home mortgages, including reducing the loan principal. This would leave responsible homeowners to pick up the tab for the mistakes of others. Also, it would further encourage folks to file bankruptcy, rather than working out their financial problems. Giving the judges the power to arbitrarily change the terms of a mortgage is not the direction we need to go in this country. Home buyers will be forced to pay higher interest rates and downpayments if lenders face the risk that a judge could change mortgage terms in the future.

It was the meddling in the mortgage industry by Congress that helped start this economic mess in the first place. Why should we continue meddling?

Continued efforts by Congress to reward unwise financial decisions will keep the dream of affordable home ownership unattainable for many responsible citizens for years to come.

## PROTECT OUR CONSTITUTIONAL LIBERTIES

(Mr. BURTON of Indiana asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, we're not supposed to talk to the American people here. We're supposed to address our colleagues, so I will not talk to the American people. But if I could, I would say to them they ought to be very concerned about their constitutional liberties because they're being challenged and some of them may be done away with very quickly.

People who are members of companies, who work for companies, are going to be forced to do an open vote on whether or not they want to join a union if the Card Check Bill comes and passes this body or is passed by the administration through regulation. And this is something that would take away the right of these people to have a secret ballot on whether or not they want to join the union. That, in my opinion, is a violation of the first amendment.

And then also we have what's called the Fairness Doctrine they're going to try to pass, which would kill talk radio. The liberals in this body and the other body want to stop people like Rush Limbaugh and Sean Hannity from talking about the issues that face the American people because they're conservatives and they're making their points to the American people and the American people listen to them. They don't listen to the liberals, and so they're going to try to shut them up with the Fairness Doctrine. That's unconstitutional, and we should do everything we can to stop it.

## DOVER POLICY

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

Mr. HUNTER. Mr. Speaker, I had the privilege last night to meet with Angelia Phillips. Her son, Specialist Michael Phillips, was killed in Iraq on February 24, 2008, with the 1st of the 502nd, 101st Airborne. She was adamant, Mr. Speaker, when she was talking about the Dover Policy. That's the policy that we have right now that does not allow the media to take pictures of our soldiers, marines, sailors and airmen coming home from Iraq and Afghanistan. She said that that return of her son, Specialist Phillips, his returning to America, that was him coming home and to her, that was more important than the actual funeral because that was finally her son coming home to his country that he loved so much and that he gave his life for.

The Dover Policy is good policy. The American public does not need to see the flag-draped coffins of those who carry the burden of freedom for this country. It's up to that family because that's a special solemn moment, Mr. Speaker. The Dover Policy is good policy. We should not reverse it.

## THE APPROACHING FINANCIAL HURRICANE

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

Mr. CULBERSON. Mr. Speaker, the American people need to know that this Congress in less time has spent more money than any Congress in history. At a time in American history when we are at war worldwide with terrorists, at a time when we face financial crisis of unprecedented proportion, we, as Members of Congress, have a very special duty to protect the Treasury of the United States, to be careful, thoughtful and deliberative and an open process.

And I want to thank my colleague, Congresswoman MARCY KAPTUR of Ohio. She's exactly right. We need to follow the committee process, absolute transparency, an opportunity to offer amendments, an opportunity for public hearings. Let the public see what bills we are considering.

The stimulus, $800 billion, was only filed on the Internet 13 hours before the vote. And this Congress, in 21 days, has increased the annual budget of the United States by 110 percent, counting the President's budget today.

Congressman FRANK WOLF is going to speak for 5 minutes in just a minute. We must address the approaching financial hurricane. Congressman WOLF's commission deserves the attention of this Congress in a careful, thoughtful and deliberative way. Let the sun shine in, Mr. Speaker.

□ 1415

## ADMINISTRATION SHOULD LISTEN TO THOSE WHO SERVE IN THE ARMED FORCES

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

Mr. WOLF. I just want the Members to know that the son of former Congressman Duncan Hunter, now currently Congressman DUNCAN HUNTER who just spoke here about the flag drape policy with regard to our fallen soldiers who return to Dover Air Force Base, served in Iraq in combat and served in Afghanistan in combat. I think that the Obama administration ought to listen to people who serve.

## A NEW ERA OF RESPONSIBILITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–19)

The SPEAKER pro tempore (Mr. KISSELL) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

Throughout America's history, there have been some years that appeared to roll into the next without much notice or fanfare. Budgets are proposed that offer some new programs or eliminate an initiative, but by and large continuity reigns.

Then there are the years that come along once in a generation, when we look at where the country has been and recognize that we need a break from a troubled past, that the problems we face demand that we begin charting a new path. This is one of those years.

We start 2009 in the midst of a crisis unlike any we have seen in our lifetimes. Our economy is in a deep recession that threatens to be deeper and longer than any since the Great Depression. More than three and a half million jobs were lost over the past 13 months, more jobs than at any time since World War II. In addition, another 8.8 million Americans who want and need full-time work have had to settle for part-time jobs. Manufacturing employment has hit a 60-year low. Our capital markets are virtually frozen, making it difficult for businesses to grow and for families to borrow money to afford a home, car, or college education for their kids. Many families cannot pay their bills or their mortgage payments. Trillions of dollars of wealth have been wiped out, leaving many workers with little or nothing as they approach retirement. And millions of Americans are unsure about the future—if their job will be there tomorrow, if their children will be able to go to college, and if their grandchildren will be able to realize the full promise of America.

This crisis is neither the result of a normal turn of the business cycle nor an accident of history. We arrived at this point as a result of an era of profound irresponsibility that engulfed both private and public institutions from some of our largest companies' executive suites to the seats of power in Washington, D.C. For decades, too many on Wall Street threw caution to the wind, chased profits with blind optimism and little regard for serious risks—and with even less regard for the public good. Lenders made loans without concern for whether borrowers could repay them. Inadequately informed of the risks and overwhelmed by fine print, many borrowers took on debt they could not really afford. And those in authority turned a blind eye to this risk-taking; they forgot that markets work best when there is transparency and accountability and when the rules of the road are both fair and vigorously enforced. For years, a lack of transparency created a situation in which serious economic dangers were visible to all too few.

This irresponsibility precipitated the interlocking housing and financial crises that triggered this recession. But the roots of the problems we face run deeper. Government has failed to fully confront the deep, systemic problems that year after year have only become a larger and larger drag on our economy. From the rising costs of health

care to the state of our schools, from the need to revolutionize how we power our economy to our crumbling infrastructure, policymakers in Washington have chosen temporary fixes over lasting solutions.

The time has come to usher in a new era—a new era of responsibility in which we act not only to save and create new jobs, but also to lay a new foundation of growth upon which we can renew the promise of America.

This Budget is a first step in that journey. It lays out for the American people the extent of the crisis we inherited, the steps we will take to jumpstart our economy to create new jobs, and our plans to transform our economy for the 21st Century to give our children and grandchildren the fruits of many years of economic growth.

It is true that we cannot depend on government alone to create jobs or to generate long-term growth. Ours is a market economy, and the Nation depends on the energy and initiative of private institutions and individuals. But at this particular moment, government must lead the way in providing the short-term boost necessary to lift us from a recession this severe and lay the foundation for future prosperity. That's why immediately upon taking office, my Administration worked with the Congress to pass the American Recovery and Reinvestment Act. This plan's provisions will put money in the pockets of the American people, save or create at least three and a half million jobs, and help to revive our economy.

This moment is one of great paradox and promise: while there are millions of Americans trying to find work, there is also so much work to be done. That's why the Recovery Act and our Budget will make long overdue investments in priorities—like clean energy, education, health care, and a new infrastructure—that are necessary to keep us strong and competitive in the 21st Century.

To finally spark the creation of a clean energy economy, we will make the investments in the next three years to double our Nation's renewable energy capacity. We will modernize Federal buildings and improve the energy efficiency of millions of American homes, saving consumers and taxpayers billions on our energy bills. In the process, we will put Americans to work in new jobs that pay well—jobs installing solar panels and wind turbines; constructing energy efficient buildings; manufacturing fuel efficient vehicles; and developing the new energy technologies that will lead to even more jobs and more savings, putting us on the path toward energy independence for our Nation and a cleaner, safer planet in the process.

To improve the quality of our health care while lowering its cost, we will make the immediate investments needed to computerize all of America's medical records within five years while protecting the privacy of patients. This is a necessary step to reducing waste, eliminating red tape, and avoiding the need to repeat expensive medical tests. We also will fundamentally reform our health care system, delivering quality care to more Americans while reducing costs for us all. This will make our businesses more competitive and ease a significant and growing burden middle-class families are bearing.

To give our children a fair shot to thrive in a global, information-age economy, we will equip thousands of schools, community colleges, and universities with 21st Century classrooms, labs, and libraries. We'll provide new technology and new training for teachers so that students in Chicago and Boston can compete with kids in Beijing for the high-tech, high-wage jobs of the future. We will invest in innovation, and open the doors of college to millions of students. We will pursue new reforms—lifting standards in our schools and recruiting, training, and rewarding a new generation of teachers. And in an era of skyrocketing college tuitions, we will make sure that the doors of college remain open to children from all walks of life.

To create a platform for our entrepreneurs and workers to build an economy that can lead this future, we will begin to rebuild America for the demands of the 21st Century. We will repair crumbling roads, bridges, and schools as well as expand broadband lines across America, so that a small business in a rural town can connect and compete with its counterparts anywhere in the world. And we will invest in the science, research, and technology that will lead to new medical breakthroughs, new discoveries, and entire new industries.

Regaining our economic strength also is critical to our national security. It is a major source of our global leadership, and we must not let it waver. That's why this Budget makes critical investments in rebuilding our military, securing our homeland, and expanding our diplomatic efforts because to provide for the security of the United States we need to use all elements of our power. Moreover, to honor the service of those who have worn our military's uniform, we will make the investments necessary to take care of our veterans.

For these initiatives to lay a foundation for long-term economic growth, it's important that we not only change what Washington invests in, but how Washington does business. We must usher in a new era of responsibility in which we empower citizens with the information they need to hold their elected representatives accountable for the decisions they make. We need to put tired ideologies aside, and ask not whether our Government is too big or too small, or whether it is the problem or the solution, but whether it is working for the American people. Where it does not, we will stop spending taxpayer dollars; where it has proven to be effective, we will invest. This is the approach, for example, we have begun in allocating funds to education, health care, and national security. And as we continue the budgetary process, we will identify more cuts and reallocations for the full Budget presented this spring, and undertake efforts to reform how the programs you fund are managed so that overruns are avoided, waste is cut, and you get the most effective and efficient Government possible.

In the little more than a month my Administration has had in office, we have not had the time to fully execute all the budget reforms that are needed, and to which I am fully committed. Those will come in the months ahead, and next year's budget process will look much different.

But this Budget does begin the hard work of bringing new levels of honesty and fairness to your Government. It looks ahead a full 10 years, making good-faith estimates about what costs we would incur; and it accounts for items that under the old rules could have been left out, making it appear that we had billions more to spend than we really do. The Budget also begins to restore a basic sense of fairness to the tax code, eliminating incentives for companies that ship jobs overseas and giving a generous package of tax cuts to 95 percent of working families.

Finally, while we have inherited record budget deficits and needed to pass a massive recovery and reinvestment plan to try to jump-start our economy out of recession, we cannot lose sight of the long-run challenges that our country faces and that threaten our economic health—specifically, the trillions of dollars of debt that we inherited, the rising costs of health care, and the growing obligations of Social Security. Therefore, while our Budget will run deficits, we must begin the process of making the tough choices necessary to restore fiscal discipline, cut the deficit in half by the end of my first term in office, and put our Nation on sound fiscal footing.

Some may look at what faces our Nation and believe that America's greatest days are behind it. They are wrong.

Our problems are rooted in past mistakes, not our capacity for future greatness. We should never forget that our workers are more innovative and industrious than any on earth. Our universities are still the envy of the world. We are still home to the most brilliant minds, the most creative entrepreneurs, and the most advanced technology and innovation that history has ever known. And we are still the Nation that has overcome great fears and improbable odds. It will take time, but we can bring change to America. We can rebuild that lost trust and confidence. We can restore opportunity and prosperity. And we can bring about a new sense of responsibility among Americans from every walk of life and from every corner of the country.

BARACK OBAMA.

THE WHITE HOUSE, *February 26, 2009*.

## 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 IMMIGRATION OVERSIGHT AND FAIRNESS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to introduce the Immigration Oversight and Fairness Act, which will help address the shameful state of immigration detention in our country.

It is unconscionable that our government holds families in conditions reserved for hardened criminals, forces children caught on their own to spend harrowing nights in border jails and incarcerates in bare cells asylum seekers who came to these shores in search of freedom. These inexcusable abuses should never have happened, and Americans never should have tolerated them.

By strengthening existing regulations and giving them the force of law, the Immigration Oversight and Fairness Act will help ensure that the Department of Homeland Security does not violate its own detention standards.

□ 1430

My bill ensures that all detainees can communicate with their lawyers and obtain needed medical care. It will also help to expand legal orientation programs so that detainees understand their rights and the likelihood of winning their cases.

The Immigration Oversight and Fairness Act also protects vulnerable children who are arrested on their own and held in DHS custody at border stations. A recent report by the Women's Refugee Commission found that the Border Patrol continues to hold unaccompanied immigrant children in inappropriate conditions. This bill increases training for the Border Patrol officers and facilitates speedy transfers of children to safer, better-equipped facilities.

In addition, the bill expands the use of alternatives to detention. It costs the American taxpayer nearly $2 billion a year to house detainees, yet the vast majority of detained immigrants pose no threat to their communities or our country. This legislation will make it possible for vulnerable populations—including asylum seekers, torture victims, families, pregnant women, and the elderly—to be released using secure, proven methods of supervision that come at a fraction of the cost of incarceration.

Addressing the problems that plague our detention facilities will require a new commitment to openness and transparency. This bill, therefore, has oversight and accountability provisions which will shine a much-needed light on a system that, for too long, has operated in the shadows.

Because it introduces sensible reforms to correct the many failings of immigration detention in this country, the Immigration Oversight and Fairness Act has garnered broad-based support. More than 100 faith, human rights, civil liberties, immigrant and community organizations have signed a letter endorsing my bill. I would like to specifically thank the Lutheran Immigration and Refugee Service, the American Immigration Lawyers Association, and the National Immigrant Justice Center for the important role they played in formulating this legislation and for the tireless work they do every day on behalf of immigrant detainees.

Mr. Speaker, the detention system in which thousands of detainees languish daily—frequently denied access to loved ones, legal counsel, and medical care—is incompatible with our laws and inconsistent with our American values.

The Immigration Oversight and Fairness Act will ensure that our government honors its most sacred obligations: to respect our laws and to protect the children entrusted to its care.

I look forward to working with the Obama administration to fix America's broken immigration system, and I ask my colleagues to support the Immigration Oversight and Fairness Act.

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

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

## COMMISSION WITH TEETH: FORCING CONGRESS TO ADDRESS ENTITLEMENT ISSUE

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

Mr. WOLF. Mr. Speaker, today the President released his budget request which projects a $1.8 trillion deficit this year and a $533 billion deficit for 2013. Yet, the Congressional Budget Office ran a deficit projection using a baseline which assumed the policies in the President's budget request contends that the FY 2013 deficit will be a staggering $715 billion.

President Obama's pledge of cutting the deficit in half is important, but it will still be at record levels. In this morning's Washington Post, Maya MacGuineas, president of the bipartisan Committee For a Responsible Federal Budget, said she would like ''To see them [the Obama Administration] go much further in terms of fiscal responsibility in actually closing that deficit gap.''

More to the point, Brian Riedl, budget analyst for the Heritage Foundation, says, ''It is easy to cut the deficit in half after you've quadrupled it.''

Today's Politico features an article titled, ''Arguments Lost in Blizzard of Billions,'' which contends—and I agree—that Congress is so desensitized to numbers that ''a billion here, a billion there, pretty soon you're talking about—well, pretty soon no one has a clue what you're talking about.''

Have we forgotten that we have over $56 trillion in unfunded obligations through Social Security, Medicare, and Medicaid—already saddled on the back of future generations—$11 trillion of debt? Do elected officials know that Standard and Poor's Investment Service predicts the loss of America's triple-A bond rating as early as 2012?

When Secretary of State Clinton was in Beijing last week, she asked the Chinese—who now holds the paper of about 1 of every 10 American dollars—to keep buying our debt. I never thought I would see the day when the United States was forced to hold a tin cup in China mortgaging the future for our children and our grandchildren to some of the worst human rights violators in the world.

We are in a crisis today. Main Street is suffering. Americans everywhere understand our country is in serious trouble—we are sinking—and it is on this Congress' watch. The 111th Congress is doing nothing.

Confidence. The definition of ''confidence,'' according to Webster's Dictionary, is ''faith or the belief that one will act in a right, proper, or effective way.'' ''Act'' being the key word.

Americans are under the belief that elected officials will work together to solve the Nation's most pressing problem. But if Congress is paralyzed by partisan bickering, what happens to the word ''act''?

Entitlement spending and the massive debt we're leaving to our children and our grandchildren are pressing issues of economic and moral—this is a moral issue. The Tenth Commandment says, ''Thou shalt not steal.'' Well, this generation is stealing from the next generation. Every day the canyon of debt widens and deepens, and yet elected leaders—many hiding behind the mantra of regular order—seem to think the problem will magically go away. The fact is, congressmen give speeches and say, ''I'm all for this. I'm concerned. But let's go through regular order.''

When it goes through regular order and it goes through the Budget Committee, when it goes through regular order and it goes through the Ways and Means Committee, it is dead. This Ways and Means Committee this year will not act unless they're forced to act by changing the process.

With that, Mr. Speaker, we have to act to get control of our debt for our children and our grandchildren.

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.)

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

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

## PRESIDENT OBAMA'S BUDGET

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

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, today the President of the United States continued a tradition that has existed since the beginning of this Republic, and that is for the Presidents of the United States to send to Congress a message including his budget. This is the blueprint for this administration in the area of taxation and spending for the foreseeable future.

At the outset, Mr. Speaker, let me give the President credit where credit is due. We should remark that the President's budget does highlight the dire problem with unsustainable growth and entitlement spending. He acknowledges that, as it should be acknowledged, and he does it up front. And for that, he is due respect.

Secondly, the President does propose to fix the alternative minimum tax, the AMT, and builds the impact of this proposal into his budget's out-year projections. Now, this is something the previous administration did not do. So this is an improvement in terms of what we might call accounting procedures.

The reform of the AMT does fall short of full reform since it only adjusts for inflation, and bracket creep will push more and more of our constituents, the taxpayers of America, on to the AMT, which was originally considered to catch just a few, a handful, of multimillionaires who, in periods of time some decades ago, escaped any payment of taxes—not because they did anything illegal, but because they took advantage of various tax credits, tax shelters, et cetera, that were then available in the Tax Code.

The President does one courageous thing, I would suggest. He asks us to consider means testing Medicare Part D premiums. Always a controversial issue but one that the President at least presented us with the facts forcing us to deal with those facts.

And the President should be commended for proposing in this budget for emergencies. The previous President, President Bush, set aside $5.6 billion in a reserve for emergencies in his first budget, but President Obama should be advised that the results of that were that Congress quickly spent the reserve on other problems—base programs, not emergency programs. And there is a tendency in this body, and that on the other side of the Capitol, to do the same thing.

Now, those are the things for which I can give the President credit, but overall, this budget is of great concern to me and ought to be great concern to the rest of the American people.

What it would do is increase the national debt by $2.7 trillion. That's not billion; it's trillion with a ''T.'' $2.7 trillion this year to $12.7 trillion requiring another increase in the debt limit which was just increased to $12.1 trillion in the stimulus bill. It actually doubles the national debt in 8 years.

Now, I know my friends on the other side of the aisle have said, ''How can you Republicans speak? You didn't do a very good job.'' And I will be the very first to admit that when I came back here after an absence of 16 years, I was surprised by the lack of intestinal fortitude in this institution towards fiscal responsibility, and my party was in charge.

You might say, well, President Bush allowed the debt to rise from the first day he was in office to the day he left by $4.9 trillion. That is a record. But President Obama has already shown us that he's a record breaker because under his budget, the debt is projected to increase by $5.6 trillion in just 3 years.

How are we going to take care of this? Are we going to be more indebted to the Communist Chinese? Are we going to be more indebted to those around the world? When do we stop the printing presses printing our money? When does the impact of that fall on our most vulnerable in this society, that is those on fixed incomes, when the value of the dollar they have in their pocket or in their bank account or somewhere in the their investment portfolio is worth less than it was just a few months before?

So we raise taxes by $1.4 trillion over the next 10 years. Now, some of it doesn't really look like taxes because it's called cap and trade revenues. Cap and trade. So under the guise of global warming or climate change, we now are going to have a huge tax increase.

So what we have here is a budget with some small good points, huge debt, huge taxes. That's not the way forward. We must do something better. We can do better.

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

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

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

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

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

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

□ 1445

## NOT DOING AWAY WITH ''POLITICS AS USUAL''

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wyoming (Mrs. LUMMIS) is recognized for 5 minutes.

Mrs. LUMMIS. Mr. Speaker, I want to congratulate you, Mr. Speaker; you and I are freshmen colleagues, and it's wonderful to see you in the chair this afternoon.

You and I came to this Congress as freshmen with a desire to do away with ''politics as usual'' and start anew. And what I saw yesterday on this floor was not exemplary of that particular goal of mine, and I suspect yours and some of our other freshmen colleagues as well.

What I saw was a rule that was brought to the floor that would prevent us from discussing amendments to the big omnibus $410 billion spending bill. If you voted for that amendment to stop amendments to the bill, that was your way of being able to voice support for keeping congressional salaries capped. So those of us who are fiscal conservatives had to vote for that amendment in order to be consistent and true to our fiscal conservative roots; but at the same time, we had to disallow ourselves the opportunity to debate and discuss a $410 billion spending package. So I want to discuss it a little bit today. That bill has already passed, but there are some concerns I have about it, especially when coupled with the stimulus package we passed, especially when coupled with the President's budget that we just received today.

Some of my concerns are these: the President's proposal would provide that those who are making $250,000 a year and above will be those who are subject to a tax increase. That applies to many of our small businesses in the United States. And my State of Wyoming has no large businesses; it is entirely made up of small businesses. And those businesses create jobs for 70 percent of the jobs in this Nation. So we are, in essence, going to tax those who are creating jobs. And to me, when we're in a budget crisis and a fiscal crisis and a mortgage crisis, those are the wrong people to whom to turn and ask for more revenue.

In addition, the previous speaker pointed out that the President's message, although very comforting to me coming from a coal-producing State like Wyoming, that he does acknowledge that we need clean coal technology, in the very same sentence said we also need cap and trade. And cap and trade is a tax, it will fall primarily on coal, that will send us to other nations to derive our energy. And that, I think, is a step in the wrong direction as well.

Furthermore, the debt that we're taking on will have to be absorbed in large part by other nations. We're already the largest debtor nation in the world. China already owns over $1 trillion worth of our Treasury notes, our debt. And it must be of great concern to them that we would approach them to buy more of our debt knowing that the consequence of all of this spending will mean we will be paying them back in dollars that are worth less than the dollars that they needed to purchase our U.S. treasuries now. Inflation will be the consequence of all the spending we are doing.

Consequently, I was so hopeful that the President's budget would provide a modicum of discipline and would be flat spending so that the American people will have a chance to see if the stimulus package works before we undertake more government spending to see if the budget that was passed yesterday, the $410 billion, is responsive to stimulus so we can flatten budgets in the future. But what we saw yesterday is that we're going to increase spending over last year's budget, followed the very next day, today, by even more spending. The levels of spending just get higher and higher, government intervention into the private sector gets higher and higher. The people of this country need us to go shoulder to shoulder with them and exercise the fiscal discipline that they are having to exercise themselves.

Mr. Speaker, again, it's wonderful to see you in the Chair. I thank you for your time.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Members (at the request of Mr. DANIEL E. LUNGREN of California) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, March 5.

Mr. JONES, for 5 minutes, March 5.

Mr. WOLF, for 5 minutes, today.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

Mrs. LUMMIS, for 5 minutes, today.

## SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 234. To designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the ''Colonel John H. Wilson, Jr. Post Office Building''.

## ADJOURNMENT

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

The motion was agreed to; accordingly (at 2 o'clock and 49 minutes p.m.), under its previous order, the House adjourned until Monday, March 2, 2009, at 12:30 p.m., for morning-hour debate.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the fourth quarter of 2008 and the first quarter of 2009 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Juan Lara | 12/01 | 12/02 | Rome | | 150.00 | | | | | | 150.00 |
| Mike Brinck | 12/01 | 12/02 | Rome | | 150.00 | | | | | | 150.00 |
| Kingston Smith | 12/01 | 12/02 | Rome | | 150.00 | | | | | | 150.00 |
| Juan Lara | 12/01 | 12/05 | Berlin | | 682.00 | | | | | | 682.00 |
| Mike Brinck | 12/01 | 12/05 | Berlin | | 682.00 | | | | | | 682.00 |
| Kingston Smith | 12/01 | 12/05 | Berlin | | 682.00 | | | | | | 682.00 |
| Kimberly Ross | 12/14 | 12/17 | Rome | | 313.00 | | | | | | 313.00 |
| Brian Lawrence | 12/14 | 12/17 | Rome | | 313.00 | | | | | | 313.00 |
| Kimberly Ross | 12/14 | 12/23 | Paris | | 1,071.00 | | | | | | 1,071.00 |
| Brian Lawrence | 12/14 | 12/23 | Paris | | 1,071.00 | | | | | | 1,071.00 |
| Committee total | | | | | 5,264.00 | | | | | | 5,264.00 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HONORABLE BOB FILNER, Chairman, Feb. 10, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, THOMAS W. ROSS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 26 AND JAN. 31, 2009

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Thomas W. Ross, Jr. | 1/26 | 1/30 | Kosovo | | 796.00 | | 10,093.73 | | | | 10,889.73 |
| | 1/30 | 1/31 | Austria | | 361.00 | | | | | | 361.00 |
| Committee total | | | | | 1,157.00 | | 10,093.73 | | | | 11,250.73 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS W. ROSS, Jr., Feb. 9, 2009.

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Gary L. Ackerman | 12/12 | 12/14 | Cyprus | | 306.00 | | (3) | | | | 306.00 |
| | 12/14 | 12/15 | Afghanistan | | 75.00 | | (3) | | | | 75.00 |
| | 12/15 | 12/16 | Belgium | | 425.00 | | (3) | | | | 425.00 |
| David Adams | 12/12 | 12/14 | Cyprus | | 306.00 | | (3) | | | | 306.00 |
| | 12/14 | 12/15 | Afghanistan | | 75.00 | | (3) | | | | 75.00 |
| | 12/15 | 12/16 | Belgium | | 425.00 | | (3) | | | | 425.00 |
| Jasmeet Ahuja | 12/11 | 12/16 | Sri Lanka | | 875.00 | | | | | | 875.00 |
| | 12/17 | 12/19 | Pakistan | | 152.00 | | | | | | 152.00 |
| | 12/11 | 12/19 | | | | | [4] 11,382.33 | | | | 11,382.33 |
| David Beraka | 11/30 | 12/3 | Algeria | | 1,081.00 | | | | | | 1,081.00 |
| | 12/3 | 12/6 | Tunisia | | 616.00 | | | | | | 616.00 |
| | 11/30 | 12/6 | | | | | 10,412.18 | | | | 10,412.18 |
| Hon. Howard L. Berman | 10/12 | 10/16 | Russia | | 1,984.00 | | 11,497.37 | | | | 13,481.37 |
| | 12/15 | 12/19 | Israel | | 1,724.00 | | 9,254.30 | | | | 10,978.30 |
| Paul Berkowitz | 12/1 | 12/5 | Germany | | 1,760.00 | | | | | | 1,760.00 |
| | 12/5 | 12/11 | Russia | | 2,934.00 | | | | | | 2,934.00 |
| | 12/1 | 12/11 | | | | | [4] 9,845.46 | | | | 9,845.00 |
| Hon. Dan Burton | 11/6 | 11/9 | Peru | | 1,384.12 | | (3) | | | | 1,384.12 |
| | 11/9 | 11/11 | Chile | | 635.56 | | (3) | | | | 635.56 |
| | 11/1 | 11/13 | Paraguay | | 372.37 | | (3) | | | | 372.37 |
| Douglas Campbell | 10/12 | 10/16 | Russia | | 1,984.00 | | 8,872.17 | | | | 10,856.17 |
| Hon. Russ Carnahan | 9/30 | 10/1 | Kosovo | | 176.00 | | (3) | | | | 176.00 |
| | 10/1 | 10/2 | Italy | | 203.00 | | (3) | | | | 203.00 |
| Joan Condon | 12/8 | 12/9 | Belgium | | 341.00 | | | | | | 341.00 |
| | 12/9 | 12/10 | Senegal | | 249.00 | | | | | | 249.00 |
| | 12/10 | 12/11 | Guinea-Bissau | | 217.00 | | | | | | 217.00 |
| | 12/11 | 12/13 | Senegal | | 551.00 | | | | | | 551.00 |
| | 12/8 | 12/13 | | | | | [4] 11,668.18 | | | | 11,668.18 |
| Hon. William D. Delahunt | 11/30 | 12/5 | Germany | | 1,886.00 | | | | | | 1,886.00 |
| | 12/5 | 12/11 | Russia | | 2,967.00 | | | | | | 2,967.00 |
| | 12/5 | 12/11 | | | | | [4] 9,209.98 | | | | 9,209.98 |
| Howard Diamond | 12/12 | 12/14 | Cyprus | | 306.00 | | (3) | | | | 306.00 |
| | 12/14 | 12/15 | Afghanistan | | 75.00 | | (3) | | | | 75.00 |
| | 12/15 | 12/16 | Belgium | | 425.00 | | (3) | | | | 425.00 |
| Hon. Eliot L. Engel | 11/6 | 11/9 | Peru | | 1,384.12 | | (3) | | | | 1,384.12 |
| | 11/9 | 11/11 | Chile | | 635.56 | | (3) | | | | 635.56 |
| | 11/11 | 11/13 | Paraguay | | 372.37 | | (3) | | | | 372.37 |
| Hon. F. H. Faleomavaega | 12/9 | 12/10 | Samoa | | 466.00 | | | | | | 466.00 |
| | 12/10 | 12/15 | Tonga | | 1,290.00 | | | | | | 1,290.00 |
| | 12/9 | 12/15 | | | | | [4] 1,966,93 | | | | 1,966.93 |
| Hon. Jeff Flake | 12/12 | 12/14 | Cyprus | | 306.00 | | (3) | | | | 306.00 |
| | 12/14 | 12/15 | Afghanistan | | 75.00 | | (3) | | | | 75.00 |
| | 12/15 | 12/16 | Belgium | | 425.00 | | (3) | | | | 425.00 |
| Lelia Gomez | 11/5 | 11/9 | El Salvador | | 726.00 | | 2,025.30 | | | | 2,751.30 |
| Dennis Halpin | 12/2 | 12/7 | Taiwan | | 1,250.00 | | 11,059.36 | | | | 12,309.36 |
| Daniel Harsha | 11/13 | 11/16 | Spain | | 1,281.00 | | (3) | | | | 1,281.00 |
| Hon. Rubén Hinojosa | 12/12 | 12/15 | Peru | | 766.00 | | (3) | | | | 766.00 |
| | 12/15 | 12/16 | Chile | | 319.00 | | (3) | | | | 319.00 |
| | 12/16 | 12/18 | Argentina | | 599.42 | | (3) | | | | 599.42 |
| Hans Hogrefe | 11/8 | 11/13 | Ecuador | | 1,223.00 | | 2,241.30 | | | | 3,464.30 |
| Eric Jacobstein | 11/6 | 11/9 | Peru | | 1,384.12 | | (3) | | | | 1,384.12 |
| | 11/9 | 11/11 | Chile | | 635.56 | | (3) | | | | 635.56 |
| | 11/11 | 11/13 | Paraguay | | 372.37 | | (3) | | | | 372.37 |
| Jonathan Katz | 11/11 | 11/12 | Austria | | 369.00 | | | | | | 369.00 |
| | 11/12 | 11/13 | Belgium | | 425.00 | | | | | | 425.00 |
| | 11/11 | 11/13 | | | | | [4] 7,610.38 | | | | 7,610.38 |
| | 12/2 | 12/4 | Israel | | 862.00 | | | | | | 862.00 |
| | 12/4 | 12/5 | Czech Republic | | 413.48 | | | | | | 413.48 |
| | 12/2 | 12/5 | | | | | [4] 7,904.81 | | | | 7,904.81 |
| David Killion | 11/30 | 12/3 | Tunisia | | 1,081.00 | | | | | | 1,081.00 |
| | 12/3 | 12/6 | Algeria | | 616.00 | | | | | | 616.00 |
| | 12/6 | 12/10 | France | | 1,692.00 | | | | | | 1,692.00 |
| | 11/30 | 12/10 | | | | | [4] 10,453.60 | | | | 10,453.60 |
| Robert King | 10/12 | 10/16 | Russia | | 1,984.00 | | 8,872.17 | | | | 10,856.17 |
| Sophia King | 12/12 | 12/15 | Peru | | 766.00 | | (3) | | | | 766.00 |
| | 12/15 | 12/16 | Chile | | 319.00 | | (3) | | | | 319.00 |
| | 12/16 | 12/18 | Argentina | | 599.42 | | (3) | | | | 599.42 |
| Hon. Ron Klein | 11/13 | 11/16 | Spain | | 1,281.00 | | (3) | | | | 1,281.00 |
| | 12/12 | 12/14 | Cyprus | | 306.00 | | (3) | | | | 306.00 |
| | 12/14 | 12/15 | Afghanistan | | 75.00 | | (3) | | | | 75.00 |
| | 12/15 | 12/16 | Belgium | | 425.00 | | (3) | | | | 425.00 |
| Jessica Lee | 12/2 | 12/7 | Taiwan | | 1,388.00 | | 11,059.36 | | | | 12,447.36 |
| Vili Lei | 12/4 | 12/09 | Italy | | 2,475.00 | | 8,260.83 | | | | 10,735.83 |
| Gregory McCarthy | 12/12 | 12/14 | Cyprus | | 306.00 | | (3) | | | | 306.00 |
| | 12/14 | 12/15 | Afghanistan | | 75.00 | | (3) | | | | 75.00 |
| | 12/15 | 12/16 | Belgium | | 425.00 | | (3) | | | | 425.00 |
| Mary McVeigh | 12/2 | 12/7 | Taiwan | | 1,388.00 | | 11,059.36 | | | | 12,447.36 |
| Alan Makovsky | 12/15 | 12/23 | Israel | | 3,448.00 | | 7,100.30 | | | | 10,548.30 |
| Pearl-Alice Marsh | 11/9 | 11/11 | Senegal | | 530.00 | | | | | | 530.00 |
| | 11/11 | 11/12 | Italy | | 415.00 | | | | | | 415.00 |
| | 11/12 | 11/14 | Germany | | 668.00 | | | | | | 668.00 |
| | 11/9 | 11/14 | | | | | [4] 16,718.35 | | | | 16,718.35 |
| | 12/8 | 12/9 | Belgium | | 341.00 | | | | | | 341.00 |
| | 12/9 | 12/10 | Senegal | | 269.00 | | | | | | 269.00 |
| | 12/10 | 12/11 | Guinea-Bissau | | 217.00 | | | | | | 217.00 |
| | 12/11 | 12/13 | Senegal | | 551.00 | | | | | | 551.00 |
| | 12/8 | 12/13 | | | | | [4] 11,356.02 | | | | 11,356.02 |
| Hon. Gregory W. Meeks | 11/6 | 11/10 | Colombia | | 1,499.00 | | 2,341.90 | | | | 3,840.90 |
| | 12/12 | 12/15 | Peru | | 766.00 | | (3) | | | | 766.00 |
| | 12/15 | 12/16 | Chile | | 319.00 | | (3) | | [5] 8,124.15 | | 8,443.15 |
| | 12/16 | 12/18 | Argentina | | 599.42 | | (3) | | [5] 5,016.86 | | 5,616.28 |
| Hon. Brad Miller | 11/6 | 11/9 | Peru | | 1,384.12 | | (3) | | | | 1,384.12 |
| | 11/9 | 11/11 | Chile | | 635.56 | | (3) | | | | 635.56 |
| | 11/11 | 11/13 | Paraguay | | 372.37 | | (3) | | | | 372.37 |
| Jonathan Cobb Mixter | 10/12 | 10/15 | Malaysia | | 500.00 | | 13,371.44 | | | | 13,871.44 |
| | 12/2 | 12/7 | Taiwan | | 1,388.00 | | 11,059.36 | | [5] 977.15 | | 13,425.51 |
| Taylor Morgan | 12/8 | 12/10 | Kazakhstan | | 679.00 | | | | | | 679.00 |
| | 12/10 | 12/12 | Kyrgyzstan | | 562.00 | | | | | | 562.00 |
| | 12/12 | 12/16 | Uzbekistan | | 824.00 | | | | | | 824.00 |
| | 12/16 | 12/17 | United Kingdom | | 425.00 | | | | | | 425.00 |
| | 12/8 | 12/17 | | | | | [4] 13,570.93 | | | | 13,570.93 |
| Jim Nichols | 12/16 | 12/20 | Poland, Georgia, Iceland | | 1,495.00 | | (3) | | | | 1,495.00 |
| Elisa Perry | 12/5 | 12/11 | Russia | | 2,967.00 | | 8,770.36 | | | | 11,737.36 |
| Hon. Ted Poe | 11/1 | 11/2 | France | | 463.00 | | | | | | 463.00 |
| | 11/2 | 11/4 | Georgia | | 1,004.00 | | | | | | 1,004.00 |

(AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 2008—Continued

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| | 11/2 | 11/4 | | | | | [4] 13,175.79 | | | | 13,175.79 |
| | 12/15 | 12/17 | Greece | | 631.00 | | | | | | 631.00 |
| | 12/17 | 12/19 | Macedonia | | 373.00 | | | | | | 373.00 |
| | 12/15 | 12/19 | | | | | [4] 11,827.97 | | | | 11,827.97 |
| Peter Quilter | 11/6 | 11/9 | Argentina | | 595.00 | | 3,829.90 | | | | 4,424.90 |
| | 11/9 | 11/11 | Chile | | 635.56 | | (3) | | | | 635.56 |
| | 11/11 | 11/13 | Paraguay | | 372.37 | | (3) | | | | 372.37 |
| David Richmond | 12/4 | 12/9 | Italy | | 2,475.00 | | 8,260.83 | | | | 10,735.83 |
| Sheri Rickert | 11/24 | 11/28 | Brazil | | 1,212.00 | | 8,891.30 | | | | 10,103.30 |
| | 12/3 | 12/6 | Russia | | 1,338.00 | | 8,141.45 | | | | 9,479.45 |
| Joshua Rogin | 11/10 | 11/12 | Austria | | 738.00 | | | | | | 738.00 |
| | 11/12 | 11/13 | Belgium | | 425.00 | | | | | | 425.00 |
| | 11/10 | 11/13 | | | | | [4] 8,727.49 | | | | 8,727.49 |
| Hon. Dana Rohrabacher | 12/2 | 12/5 | Germany | | 1,320.00 | | | | | | 1,320.00 |
| | 12/5 | 12/11 | Russia | | 2,867.00 | | | | | | 2,867.00 |
| | 12/2 | 12/11 | | | | | [4] 9,283.78 | | | | 9,283.78 |
| Jule Schoenthaler | 11/6 | 11/9 | Peru | | 1,384.12 | | (3) | | | | 1,384.12 |
| | 11/9 | 11/11 | Chile | | 635.56 | | (3) | | | | 635.56 |
| | 11/11 | 11/13 | Paraguay | | 372.37 | | (3) | | | | 372.37 |
| Daniel Silverberg | 12/17 | 12/18 | Pakistan | | 76.00 | | 10,974.45 | | | | 11,050.45 |
| Hon. Albio Sires | 11/13 | 11/16 | Spain | | 1,281.00 | | (3) | | | | 1,281.00 |
| Amanda Sloat | 10/12 | 10/16 | Russia | | 1,984.00 | | | | | | 1,984.00 |
| | 10/16 | 10/18 | Ukraine | | 708.00 | | | | | | 708.00 |
| | 10/2 | 10/18 | | | | | [4] 8,021.48 | | | | 8,021.48 |
| | 12/15 | 12/20 | Bosnia | | 1,424.00 | | 9,276.36 | | | | 10,700.36 |
| Hon. Christopher H. Smith | 12/3 | 12/6 | Russia | | 1,338.00 | | 8,141.45 | | | | 9,479.45 |
| Jason Steinbaum | 11/6 | 11/9 | Peru | | 1,384.12 | | (3) | | | | 1,384.12 |
| | 11/9 | 11/11 | Chile | | 635.56 | | (3) | | | | 635.56 |
| | 11/11 | 11/13 | Paraguay | | 372.37 | | (3) | | | | 372.37 |
| Mark Walker | 11/6 | 11/9 | Peru | | 1,384.12 | | (3) | | | | 1,384.12 |
| | 11/9 | 11/11 | Chile | | 635.56 | | (3) | | | | 635.56 |
| | 11/11 | 11/13 | Paraguay | | 372.37 | | (3) | | | | 372.37 |
| Robyn Wapner | 11/6 | 11/9 | Peru | | 1,384.12 | | (3) | | | | 1,384.12 |
| | 11/9 | 11/11 | Chile | | 635.56 | | (3) | | | | 635.26 |
| | 11/11 | 11/13 | Paraguay | | 372.37 | | (3) | | | | 373.37 |
| Lynne Weil | 11/30 | 12/3 | Algeria | | 826.00 | | | | | | 826.00 |
| | 12/3 | 12/7 | Tunisia | | 768.00 | | | | | | 768.00 |
| | 12/7 | 12/10 | France | | 1,031.00 | | | | | | 1,031.00 |
| | 11/9 | 11/11 | Chile | | 635.56 | | (3) | | | | 635.26 |
| | 11/30 | 12/10 | | | | | [3] 10,428.60 | | | | 10,428.60 |
| Kristin Wells | 11/24 | 11/28 | Brazil | | 1,212.00 | | 7,563.30 | | | | 8,775.30 |
| Hon. Robert Wexler | 11/11 | 11/12 | Austria | | 369.00 | | | | | | 369.00 |
| | 11/12 | 11/13 | Belgium | | 425.00 | | | | | | 425.00 |
| | 11/11 | 11/13 | | | | | [4] 7,610.38 | | | | 7,610.38 |
| | 12/2 | 12/4 | Israel | | 862.00 | | [3] 10,428.60 | | | | 862.00 |
| | 12/4 | 12/5 | Czech Republic | | 413.48 | | | | | | 413.48 |
| | 12/2 | 12/5 | | | | | [4] 7,904.81 | | | | 7,904.81 |
| Lisa Williams | 12/4 | 12/9 | Italy | | 2,475.00 | | 8,260.83 | | | | 10,735.83 |
| Hon. Joe Wilson | 12/12 | 12/14 | Cyprus | | 306.00 | | (3) | | | | 306.00 |
| | 12/14 | 12/15 | Afghanistan | | 75.00 | | (3) | | | | 75.00 |
| | 12/15 | 12/16 | Belgium | | 425.00 | | (3) | | | | 425.00 |
| Brent Woolfork | 12/8 | 12/10 | Kazakhstan | | 679.00 | | | | | | 679.00 |
| | 12/10 | 12/12 | Kyrgyzstan | | 562.00 | | | | | | 562.00 |
| | 12/12 | 12/16 | Uzbekistan | | 824.00 | | | | | | 824.00 |
| | 12/16 | 12/17 | United Kingdom | | 425.00 | | | | | | 425.00 |
| | 12/8 | 12/17 | | | | | [4] 13,570.93 | | | | 13,570.93 |
| Hon. Lynn C. Woolsey | 11/13 | 11/16 | Spain | | 1,281.00 | | (3) | | | | 1,281.00 |
| Committee total | | | | | 119,932.55 | | 412,835.13 | | 14,118.16 | | 546,885.84 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Round trip airfare.
[5] Indicates delegation costs.

HONORABLE HOWARD L. BERMAN, Chairman, Feb. 5, 2009.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

685. A letter from the Director, Program Dev. And Regulatory Analysis, Rural Development Utilities Programs, Department of Agriculture, transmitting the Department's final rule — Amending the Water and Waste Program Regulations (RIN: 0572-AC11) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

686. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Change in Regulatory Periods [Doc. No.: AMS-FV-06-0184; FV03-925-1IFR] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

687. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's report on the evaluation of the Polytrauma Liaison/Noncommissioned Officer Program, pursuant to Section 1665 of the National Defense Authorization Act for Fiscal Year 2008; to the Committee on Armed Services.

688. A letter from the Acting Under Secretary of Defense (Personnel and Readiness), Department of Defense, transmitting the Department's report on the Family Subsistence Supplemental Allowance (FSSA) program, pursuant to 37 U.S.C. 402a(f); to the Committee on Armed Services.

689. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2008-0020; Internal Agency Docket No.: FEMA-8057] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

690. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

691. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting notification of an investment made by the Department through the Capital Purchase Program (CPP); to the Committee on Financial Services.

692. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — INTERACTIVE DATA FOR MUTUAL FUND RISK/RETURN SUMMARY [Release Nos.: 33-9006, 34-59391, 39-2462, IC-2861; File Number S7-12-08] (RIN: 3235-AK13) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

693. A letter from the Secretary, Department of Energy, transmitting notification of the Department's intentions to increase the ceiling dollar amounts of the Department of Energy's (DOEs) expiring energy savings performance contracts, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Energy and Commerce.

694. A letter from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report entitled, ''Emissions of Greenhouse Gases in the United States 2007,'' pursuant to Public Law 102-486, 1605(a); to the Committee on Energy and Commerce.

695. A letter from the Acting Director, Department of Health and Human Services, transmitting the Department's first Biennial Report to Congress of the NIH Director for Fiscal Years 2006 and 2007, pursuant to Public Law 109-482, section 403; to the Committee on Energy and Commerce.

696. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Enforcement Discretion Guidance Regarding the Applicability of the Bona Fide Prospective Purchaser Definiton in CERCLA Section 101(40) to Tenants — received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

697. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisd Guidance on Reclassification of Superfund Special Accounts — received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

698. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Extension of Deadline for Action on Section 126 Petition From Delaware [EPA-HQ-OAR-2009-0017; FRL-8774-6] received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

699. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities [EPA-HQ-OAR-2004-0083; FRL-8774-1] (RIN: 2060-AM71) received February 17, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

700. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Santa Ana, California) [MB Docket No.: 08-250 RM-11508] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

701. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Clovis, New Mexico) [MB Docket No.: 08-132 RM-11464] received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

702. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Danville, Kentucky) [MM Docket No.: 08-104 RM-11442] received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

703. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Montgomery, Alabama) [MB Docket No.: 08-230 RM-11504] received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

704. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Basin, Wyoming) [MB Docket No.: 08-43 RM-11420] received February 10, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

705. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Japan (Transmittal No. DDTC 149-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

706. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with France (Transmittal No. DDTC 140-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

707. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Canada and Mexico (Transmittal No. DDTC 136-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

708. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license agreement with Belgium (Transmittal No. DDTC 092-08), pursuant to 22 U.S.C. 2776(d); to the Committee on Foreign Affairs.

709. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Singapore (Transmittal No. 01-09) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

710. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting the Agency's report on services performed during Fiscal Year 2008 by full-time United States government employees who are performing services for which reimbursement is provided under Section 21(a) or Section 43(b) of the AECA; to the Committee on Foreign Affairs.

711. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles with India (Transmittal No. DDTC 142-08), pursuant to Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

712. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a report pursuant to Section 201 of Public Law 110-429; to the Committee on Foreign Affairs.

713. A letter from the Chief Operating Officer/ President, Financing Corporation, transmitting a copy of the Financing Corporation's Statement on the System of Internal Controls and the 2008 Audited Financial Statements; to the Committee on Oversight and Government Reform.

714. A letter from the Director, Financial Management and Assurance, Government Accountability Office, transmitting the Office's report on the results of the review of certificated expenditures from funds appropriated for fiscal year 2007 to the President and Vice President for these specified purposes, pursuant to 3 U.S.C. 105(d) and 106(b); to the Committee on Oversight and Government Reform.

715. A letter from the Chief Operating Officer/ President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on the System of Internal Controls and the 2008 Audited Financial Statements; to the Committee on Oversight and Government Reform.

716. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's reports entitled, ''Sexual Violence Reported by Juvenile Correctional Authorities, 2005-06'' and ''Sexual Victimization in Local Jails Reported by Inmates, 2007,'' pursuant to Public Law 108-79, section 4(c)(1)(A); to the Committee on the Judiciary.

717. A letter from the Ombudsman for Part E, Department of Labor, transmitting the Department's 2008 Annual Report of the Ombudsman for Part E of the Energy Employees Occupational Illness Compensation Program, pursuant to 42 U.S.C. 7385s-15(e); to the Committee on the Judiciary.

718. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Pollution Prevention Equipment [Docket No.: USCG-2004-18939] (RIN: 1625-AA90) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

719. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — ''Gasco'' Regulated Navigation Area, Willamette River, Portland, OR [Docket No.: USCG-2008-0112] (RIN: 1625-AA11) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

720. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — ''McCormick & Baxter'' Regulated Navigation Area, Willamette River, Portland, OR [Docket No.: USCG-2008-0121] (RIN: 1625-AA11) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

721. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Saftey Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2008-1247] (RIN: 1625-AA11) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

722. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Willamette River, Portland, OR Schedule Change [Docket No.: USCG-2008-0721] (RIN: 1625-AA09) received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

723. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Altus AFB, OK [Docket No.: FAA-2009-0001; Airspace Docket No.: 09-ASW-2] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

724. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Update of August 2001 Overflight Fees — received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

725. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Rockport, TX [Docket No.: FAA-2008-0988; Airspace Docket No.: 08-ASW-20] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

726. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Corpus Christi, TX [Docket No.: FAA-2008-0987; Airspace Docket No.: 08-ASW-19] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

727. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Colored Federal Airways; Alaska [Docket No.: FAA-2008-0661; Airspace Docket No.: 08-AAL-19] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

728. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Galena, AK [Docket No.: FAA-2008-0957; Airspace Docket No.: 08-AAL-27] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

729. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Atlantic, IA [Docket No.: FAA-2008-1105; Airspace Docket No.: 08-AGL-10] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

730. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Tulsa, OK [Docket No.: FAA-2008-1231; Airspace Docket No.: 08-ASW-25] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

731. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Corpus Christi, TX [Docket No.: FAA-2008-0987; Airspace Docket No.: 08-ASW-19] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

732. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Tulsa, OK [Docket No.: FAA-2008-1231; Airspace Docket No.: 08-ASW-25] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

733. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revocation of Class E Airspace; Rockport, TX [Docket No.: FAA-2008-0988; Airspace Docket No.: 08-ASW-20] received 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

734. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Branson, MO [Docket No.: FAA-2008-1102; Airspace Docket No.: 08-AGL-8] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

735. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting notification of progress of the report for Louisiana Coastal Protection and Restoration (LACPR) that is being prepared in response to the Energy and Water Development Appropriations Act of 2006; to the Committee on Transportation and Infrastructure.

736. A letter from the Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting notification of the current progress of the Comprehensive Plan report on the Mississippi Coastal Improvements Program (MSCIP) that is being prepared in response to the Department of Defense Appropriations Act, 2006; to the Committee on Transportation and Infrastructure.

737. A letter from the Acting Secretary of Labor, Department of Labor, transmitting the Department's first quaterly report in response to USERRA amendments made by the Veterans' Benefits Improvement Act of 2008; to the Committee on Veterans' Affairs.

738. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Amendment to List of User Fee Airports: Addition of St. Augustine Airport, St. Augustine, Florida [CBP Dec. 09-04] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

739. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections Relating to the Rules of Origin for Goods Imported Under the NAFTA and for Textile and Apparel Products [CBP Dec. 08-42] received February 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

740. A letter from the Chief, Trade & Commercial Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — TECHNICAL CORRECTIONS RELATING TO THE RULES OF ORIGIN FOR GOODS IMPORTED UNDER THE NAFTA AND FOR TEXTILE AND APPAREL PRODUCTS [CBP Dec. 08-42] received October 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

741. A letter from the Acting Assistant Secretary for Import Administration, Executive Office of the President, Office of the United States Trade Representative, transmitting the Administration's Annual Report on Subsidies Enforcement; to the Committee on Ways and Means.

742. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Purchase Price Safe Harbors for Sections 143 and 25 (Rev. Proc. 2009-18) received February 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRENSHAW (for himself, Mr. MEEK of Florida, Mrs. MCMORRIS RODGERS, and Mr. KENNEDY):

H.R. 1205. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. MCCARTHY of California, Mr. MCCOTTER, Mr. CARTER, Mr. HOEKSTRA, Mr. KING of New York, Mr. BUYER, Mr. RYAN of Wisconsin, Mr. BLUNT, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. BURTON of Indiana, Mr. ROYCE, Mr. MACK, Mr. WILSON of South Carolina, Mr. MCCAUL, Mr. POE of Texas, Mr. BILIRAKIS, Mrs. MYRICK, Mr. SHADEGG, Ms. FOXX, Mr. KIRK, Mr. FRELINGHUYSEN, Mrs. CAPITO, Mr. MARCHANT, Mr. SOUDER, Mr. CONAWAY, Mr. MILLER of Florida, Mr. GOHMERT, Mr. LINDER, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. TERRY, Mr. LAMBORN, Mr. TIBERI, Mr. BUCHANAN, Mr. BROUN of Georgia, Mr. ROONEY, Mr. SAM JOHNSON of Texas, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SENSENBRENNER):

H.R. 1206. A bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, Oversight and Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mr. KAGEN, Mrs. BACHMANN, Mr. BARTLETT, Mr. JONES, Mr. REHBERG, Mr. POSEY, Mr. BROUN of Georgia, Mr. POE of Texas, Mr. BURTON of Indiana, Mr. ABERCROMBIE, and Ms. WOOLSEY):

H.R. 1207. A bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes; to the Committee on Financial Services.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. PENCE, Mr. MCCARTHY of California, Mr. MCCOTTER, Mr. HOEKSTRA, Mr. KING of New York, Mr. BUYER, Mr. BLUNT, Mrs. BLACKBURN, Mr. PRICE of Georgia, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. MACK, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. MCCAUL, Mr. POE of Texas, Mr. BILIRAKIS, Mrs. MYRICK, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CONAWAY, Mr. MILLER of Florida, Mr. GOHMERT, Mr. LINDER, Mr. PLATTS, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. TERRY, Mr. LAMBORN, Mr. TIBERI, Mrs. BACHMANN, Mr. BUCHANAN, Mr. BROUN of Georgia, Mr. ROONEY, and Mr. SAM JOHNSON of Texas):

H.R. 1208. A bill to strengthen existing legislation sanctioning persons aiding and facilitating nonproliferation activities by the Government of Iran, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, Ways and Means, the Judiciary, Education and Labor, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNEY (for himself, Mr. KIRK, Mr. MORAN of Virginia, Ms. NORTON, Mr. CUMMINGS, Mr. BROWN of South Carolina, Mr. TAYLOR, Mr. ISSA, Mr. MICHAUD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of New York, and Ms. BORDALLO):

H.R. 1209. A bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans,

through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history; to the Committee on Financial Services.

By Ms. ESHOO (for herself, Mr. UPTON, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Ms. BORDALLO, Mr. LANGEVIN, Mr. KLEIN of Florida, Mr. MCDERMOTT, Mr. WU, Mr. BURTON of Indiana, Mr. KING of New York, Ms. BALDWIN, Mr. SARBANES, Mr. BISHOP of Georgia, Mr. YARMUTH, Mr. KENNEDY, Mr. RUSH, Mrs. CAPPS, Ms. HARMAN, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mr. BISHOP of New York, Mr. SENSENBRENNER, Mr. MURTHA, Mr. BERMAN, Mr. FRELINGHUYSEN, Mr. ISRAEL, Mr. MATHESON, Mr. SESSIONS, Mrs. EMERSON, Mr. PASCRELL, Ms. NORTON, Ms. MATSUI, Mr. TERRY, Mr. MCHUGH, Mr. GENE GREEN of Texas, Mr. HOLT, Ms. CASTOR of Florida, Mr. RAHALL, Mr. BOUCHER, Mr. NEAL of Massachusetts, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. SESTAK, Mr. MOORE of Kansas, Mrs. SCHMIDT, Ms. BERKLEY, and Mr. MORAN of Kansas):

H.R. 1210. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Energy and Commerce.

By Ms. HERSETH SANDLIN (for herself, Mr. MORAN of Kansas, Mr. BOOZMAN, Ms. GINNY BROWN-WAITE of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BOSWELL, Mr. WU, Mrs. MALONEY, Mr. MCDERMOTT, and Mr. BISHOP of New York):

H.R. 1211. A bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Enduring Freedom and Operation Iraqi Freedom, from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KANJORSKI:

H.R. 1212. A bill to amend the Sarbanes-Oxley Act of 2002 to provide oversight of auditors of brokers and dealers by the Public Company Accounting Oversight Board, and for other purposes; to the Committee on Financial Services.

By Mr. GENE GREEN of Texas (for himself, Mr. SHIMKUS, Mr. MCDERMOTT, Mr. SESSIONS, Mr. ORTIZ, and Mrs. BONO MACK):

H.R. 1213. A bill to amend title XVIII of the Social Security Act to provide that the Medicare initial preventive physical examination not be required for a referral with respect to ultrasound screening for abdominal aortic aneurysms and to provide for such screening with respect to at-risk Medicare beneficiaries between the ages of 65 and 75; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ (for himself, Mr. TOWNS, Mr. MEEKS of New York, Mr. CLAY, and Mr. SCOTT of Georgia):

H.R. 1214. A bill to amend the Truth in Lending Act to establish additional payday loan disclosure requirements and other protections for consumers, and for other purposes; to the Committee on Financial Services.

By Ms. ROYBAL-ALLARD:

H.R. 1215. A bill to reform immigration detention procedures, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. CLAY, Mr. CARNAHAN, Mr. SKELTON, Mr. CLEAVER, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. LUETKEMEYER):

H.R. 1216. A bill to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself, Mr. CLAY, Mr. CARNAHAN, Mr. SKELTON, Mr. CLEAVER, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. LUETKEMEYER):

H.R. 1217. A bill to designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. AKIN (for himself, Mr. CLAY, Mr. CARNAHAN, Mr. SKELTON, Mr. CLEAVER, Mr. GRAVES, Mr. BLUNT, Mrs. EMERSON, and Mr. LUETKEMEYER):

H.R. 1218. A bill to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. BILBRAY (for himself, Mr. FILNER, and Mrs. DAVIS of California):

H.R. 1219. A bill to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; to the Committee on Natural Resources.

By Mr. BOREN (for himself and Ms. FALLIN):

H.R. 1220. A bill to amend title 49, United States Code, to provide certain exemptions to drivers of intrastate commercial motor vehicles engaged in agricultural purposes, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself, Mr. CARTER, Mr. CONAWAY, Mr. CULBERSON, Mr. EDWARDS of Texas, Mr. GOHMERT, Ms. GRANGER, Mr. SAM JOHNSON of Texas, Mr. MARCHANT, Mr. MCCAUL, Mr. MCGOVERN, Mr. MCHUGH, Mr. NEUGEBAUER, Mr. PAUL, Mr. POE of Texas, and Mr. SMITH of Texas):

H.R. 1221. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa (for himself, Mr. KLINE of Minnesota, Mr. BOSWELL, Mr. LOEBSACK, Mr. LATHAM, Mr. KING of Iowa, Mr. OBERSTAR, Ms. MCCOLLUM, Mr. WALZ, Mr. FORTENBERRY, and Mr. PAULSEN):

H.R. 1222. A bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program; to the Committee on Armed Services.

By Ms. FOXX (for herself, Mr. SALAZAR, Mr. WILSON of South Carolina, Mr. ENGEL, and Mr. KISSELL):

H.R. 1223. A bill to require the Secretary of the Army to expand the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers; to the Committee on Armed Services.

By Mr. GRIJALVA (for himself, Ms. ROS-LEHTINEN, Mr. HINOJOSA, and Mr. FILNER):

H.R. 1224. A bill to improve the literacy and English skills of limited English proficient individuals, and for other purposes; to the Committee on Education and Labor.

By Ms. HARMAN (for herself and Mr. ROGERS of Michigan):

H.R. 1225. A bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agricultural Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself and Mrs. LUMMIS):

H.R. 1226. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. MEEK of Florida, Mr. RUSH, Mr. SESTAK, Mr. WATT, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. EDWARDS of Texas, Mr. FILNER, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. PAYNE, Ms. SUTTON, and Ms. WATSON):

H.R. 1227. A bill to waive the time limitations specified by law for the award of certain military decorations in order to allow the posthumous award of the Medal of Honor to Doris Miller for actions while a member of the Navy during World War II; to the Committee on Armed Services.

By Mr. KING of New York (for himself, Mr. PAUL, Mrs. BLACKBURN, Mr. HELLER, Mr. COBLE, Mr. BOOZMAN, Mr. GALLEGLY, Mr. CULBERSON, Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. BILIRAKIS, Mr. KING of Iowa, Mr. BROUN of Georgia, Mr. AKIN, Mr. PRICE of Georgia, and Mr. TAYLOR):

H.R. 1228. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes; to the Committee on Oversight and Government Reform.

By Mr. KING of New York (for himself, Mr. PAUL, Mrs. BLACKBURN, Mr. COBLE, Mr. BOOZMAN, Mr. GALLEGLY, Mr. LUCAS, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. BARTLETT, Mr. WITTMAN, Mrs. MYRICK, Mr. BILIRAKIS, Mr. KING of Iowa, Mr. BROUN of Georgia, Mr. AKIN, Mr. PRICE of Georgia, Mr. BUCHANAN, Mr. TAYLOR, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 1229. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI (for herself, Mr. BISHOP of Georgia, Mr. MURTHA, Mr. MCDERMOTT, Mrs. EMERSON, Mr. GENE GREEN of Texas, Mr. ABERCROMBIE, Ms. SCHWARTZ, Mr. CONYERS, Ms. HIRONO, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. FRANK of Massachusetts, Mr. WOLF, Mr. KING of

New York, Mr. VAN HOLLEN, Mr. MCGOVERN, Ms. DEGETTE, Mr. ARCURI, and Ms. ESHOO):

H.R. 1230. A bill to amend the Public Health Service Act to provide for the establishment of a National Acquired Bone Marrow Failure Disease Registry, to authorize research on acquired bone marrow failure diseases, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MOORE of Wisconsin (for herself and Mr. FRANK of Massachusetts):

H.R. 1231. A bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, 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. ORTIZ (for himself, Mr. HINOJOSA, Mr. CUELLAR, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DOGGETT):

H.R. 1232. A bill to authorize the Secretary of Veterans Affairs to construct a full service hospital in Far South Texas; to the Committee on Veterans' Affairs.

By Mr. PAUL (for himself, Mrs. BACHMANN, Mrs. BLACKBURN, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. TERRY, Mr. FRANKS of Arizona, Mr. MCCOTTER, and Mr. MCCLINTOCK):

H.R. 1233. A bill to prohibit any Federal official from expending any Federal funds for any population control or population planning program or any family planning activity; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, 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. PITTS (for himself and Mr. BRADY of Texas):

H.R. 1234. A bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 1235. A bill to award a congressional gold medal to Ray Charles in recognition of his many contributions to the Nation; to the Committee on Financial Services.

By Mr. ROTHMAN of New Jersey (for himself, Mr. HINCHEY, Mrs. CAPPS, Mrs. MALONEY, Mrs. DAVIS of California, Mr. MOORE of Kansas, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. MCGOVERN, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. TIERNEY, Mr. SIRES, Mr. NADLER of New York, Mr. KIND, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mrs. NAPOLITANO, Mr. HONDA, Mr. CARSON of Indiana, Ms. MCCOLLUM, Mr. BERMAN, Mr. ISRAEL, Mrs. TAUSCHER, Mr. SERRANO, Ms. WOOLSEY, Mr. KENNEDY, Mr. OLVER, Mr. MARKEY of Massachusetts, Mr. WEXLER, Ms. ZOE LOFGREN of California, Mr. HOLT, Mr. FARR, Mr. INSLEE, Mr. BRADY of Pennsylvania, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. STARK):

H.R. 1236. A bill to provide for the provision by hospitals receiving Federal funds through the Medicare Program or Medicaid Program of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. GRIJALVA, Ms. MATSUI, Mr. JOHNSON of Georgia, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mr. STARK, Mr. WATT, and Ms. SCHAKOWSKY):

H.R. 1237. A bill to amend chapter 1 of title 9 of United States Code with respect to arbitration; to the Committee on the Judiciary.

By Mr. SHADEGG:

H.R. 1238. A bill to prohibit the presence in the United States of any alien formerly detained at the Department of Defense detention facility at Naval Station, Guantanamo Bay, Cuba; to the Committee on the Judiciary.

By Mr. THOMPSON of Mississippi:

H.R. 1239. A bill to establish a homeowner mitigation loan program within the Federal Emergency Management Agency to promote pre-disaster property mitigation measures; to the Committee on Transportation and Infrastructure.

By Mr. VAN HOLLEN (for himself, Mr. BLUNT, Mr. WALZ, and Mr. EHLERS):

H.R. 1240. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Education and Labor.

By Mr. BECERRA (for himself, Ms. MATSUI, and Mr. SAM JOHNSON of Texas):

H.J. Res. 25. A joint resolution providing for the appointment of France A. Cordova as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Administration.

By Mr. SKELTON (for himself, Mr. MCHUGH, Mrs. DAVIS of California, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. BRADY of Pennsylvania, Mr. COURTNEY, Mr. ANDREWS, Mr. ORTIZ, Ms. BORDALLO, Mr. JOHNSON of Georgia, Mr. TAYLOR, Mr. LOEBSACK, Mr. REYES, Mr. MARSHALL, Mr. MASSA, Mr. SMITH of Washington, Mr. SPRATT, Mr. SESTAK, Mr. BARTLETT, Ms. SHEA-PORTER, Mr. MCKEON, Ms. LORETTA SANCHEZ of California, Mr. ABERCROMBIE, Mr. JONES, Mr. AKIN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CONAWAY, Mr. LARSEN of Washington, Mr. SNYDER, Ms. GIFFORDS, Mr. KISSELL, Mr. LANGEVIN, Mr. MEEK of Florida, Ms. PINGREE of Maine, Mrs. TAUSCHER, Mr. KRATOVIL, Mr. KLINE of Minnesota, Mrs. MCMORRIS RODGERS, Mr. COFFMAN of Colorado, Mr. LAMBORN, Mr. HUNTER, Ms. TSONGAS, Ms. FALLIN, Mr. FLEMING, Mr. ROONEY, Mr. MCINTYRE, Mr. BUTTERFIELD, Mr. DAVIS of Illinois, and Ms. HARMAN):

H. Con. Res. 64. Concurrent resolution urging the President to designate 2009 as the ''Year of the Military Family''; to the Committee on Armed Services.

By Mr. RANGEL:

H. Con. Res. 65. Concurrent resolution expressing the sense of the House of Representatives that James Brown, also known as the ''Godfather of Soul'', should be recognized for his contributions to American music as one of the greatest and most influential entertainers of the 1950s, 1960s, and 1970s as an American cultural icon; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Con. Res. 66. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music; to the Committee on Education and Labor.

By Mr. RANGEL:

H. Con. Res. 67. Concurrent resolution expressing the sense of Congress that Lena Horne should be recognized as one of the most popular performers of the 1940s and 1950s and for her outspoken opposition to racial and social injustice; to the Committee on Oversight and Government Reform.

By Mr. RANGEL:

H. Con. Res. 68. Concurrent resolution expressing the sense of Congress that Clifton ''Chuck'' Sutton should be recognized for his contributions as a community leader, activist, business executive, and a role model to young African-Americans; to the Committee on Oversight and Government Reform.

By Ms. SCHAKOWSKY (for herself, Ms. FALLIN, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mrs. CAPPS, Mr. DAVIS of Illinois, Mr. FATTAH, Ms. GRANGER, Mr. GRIJALVA, Mr. HINCHEY, Mrs. NAPOLITANO, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. LEE of California, Mr. MCGOVERN, Mr. MOORE of Kansas, Mr. MORAN of Virginia, Mr. REYES, Mr. RUSH, Mr. SCOTT of Virginia, Ms. SUTTON, Mr. WU, Mr. FARR, Ms. KILPATRICK of Michigan, Mrs. MALONEY, Mr. NADLER of New York, and Mrs. TAUSCHER):

H. Res. 194. A resolution supporting the goals of International Women's Day; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. CARNEY, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. MCCAUL, Mr. ROGERS of Alabama, Mr. AUSTRIA, Mr. SOUDER, Mrs. MILLER of Michigan, Mr. PASCRELL, Mr. CLEAVER, Mr. DENT, Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Ms. LORETTA SANCHEZ of California, Mr. CUELLAR, Mr. HIMES, Ms. KILROY, Ms. CLARKE, Ms. NORTON, Mr. MASSA, and Mr. SMITH of Texas):

H. Res. 195. A resolution recognizing and honoring the employees of the Department of Homeland Security on its sixth anniversary for their continuous efforts to keep the Nation safe; to the Committee on Homeland Security.

By Mr. DUNCAN (for himself, Mr. SHULER, Mr. COHEN, Mrs. BLACKBURN, Mr. COOPER, Mr. ROE of Tennessee, Mr. WAMP, Mr. TANNER, Mr. GORDON of Tennessee, and Mr. DAVIS of Tennessee):

H. Res. 196. A resolution congratulating the University of Tennessee women's basketball team (the ''Lady Vols'') and Head Coach Pat Summitt on her 1000th victory; to the Committee on Education and Labor.

By Mr. KENNEDY:

H. Res. 197. A resolution to commend the American Sail Training Association for its advancement of character building under sail and for its advancement of international goodwill; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H. Res. 198. A resolution expressing support for the designation of May 7 as National Information and Referral Services Day; to the Committee on Energy and Commerce.

By Mr. TIAHRT (for himself, Mr. CARTER, Mr. MACK, Mr. PAUL, Mr.

SHIMKUS, Mrs. BACHMANN, Mr. PRICE of Georgia, Mr. GINGREY of Georgia, Mr. BARTLETT, and Mr. MORAN of Kansas):

H. Res. 199. A resolution providing that the Congress should stop passing massive Government bailouts; to the Committee on Financial Services.

By Mr. WOLF (for himself, Mr. MANZULLO, Mr. FRANKS of Arizona, Mr. MCGOVERN, Mr. SMITH of New Jersey, Mr. PITTS, Mr. KIRK, Mrs. MYRICK, Mr. DOGGETT, Ms. BORDALLO, Ms. ZOE LOFGREN of California, Mr. MCCOTTER, Mr. SOUDER, and Ms. ESHOO):

H. Res. 200. A resolution calling on the Egyptian Government to respect human rights and freedoms of religion and expression in Egypt; to the Committee on Foreign Affairs.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. SIMPSON.

H.R. 22: Mr. FOSTER, Mr. SIMPSON, Mr. CARNAHAN, Mr. CLEAVER, Mr. THOMPSON of California, Mrs. MILLER of Michigan, and Ms. HERSETH SANDLIN.

H.R. 23: Mr. BRADY of Pennsylvania, Mr. PAUL, Mr. LUCAS, Mr. MILLER of North Carolina, and Mr. WOLF.

H.R. 34: Mr. STARK, Ms. LEE of California, and Mr. HINCHEY.

H.R. 118: Mr. GARRETT of New Jersey.

H.R. 131: Mrs. EMERSON.

H.R. 154: Mr. KING of New York.

H.R. 181: Mr. ARCURI, Mr. GRIJALVA, Ms. BORDALLO, Mr. CARSON of Indiana, Mr. PIERLUISI, Mr. MCGOVERN, and Ms. MARKEY of Colorado.

H.R. 182: Mr. ROTHMAN of New Jersey and Mr. FILNER.

H.R. 193: Ms. SCHAKOWSKY, Mr. ELLISON, and Mr. BLUMENAUER.

H.R. 211: Ms. WOOLSEY, Mr. TERRY, Mr. STARK, Mr. ALTMIRE, Mrs. CAPITO, Ms. SUTTON, Ms. KILPATRICK of Michigan, Mr. PETERS, Mr. MOORE of Kansas, Mr. LARSEN of Washington, Mr. CONYERS, and Mr. UPTON.

H.R. 235: Mr. DAVIS of Tennessee, Ms. JACKSON-LEE of Texas, Mr. BISHOP of Georgia, Mr. SALAZAR, Mr. LYNCH, Mr. WOLF, Mr. BISHOP of Utah, Mrs. NAPOLITANO, Mr. MURTHA, Mr. GARRETT of New Jersey, Mr. DENT, Ms. KAPTUR, Mr. DRIEHAUS, and Mr. ROSS.

H.R. 270: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. FOXX.

H.R. 272: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. RAHALL, Mr. DEFAZIO, Mr. MILLER of North Carolina, and Ms. CORRINE BROWN of Florida.

H.R. 273: Mr. BOREN.

H.R. 364: Mr. SHADEGG.

H.R. 375: Mr. MCCOTTER.

H.R. 422: Mr. ROSKAM and Mr. CANTOR.

H.R. 430: Mr. RADANOVICH.

H.R. 450: Mr. MACK.

H.R. 484: Mr. GORDON of Tennessee.

H.R. 503: Ms. ESHOO.

H.R. 521: Mr. MCCAUL.

H.R. 527: Mr. FATTAH.

H.R. 557: Mr. TERRY, Mrs. MYRICK, Mr. SHADEGG, and Mr. FLAKE.

H.R. 574: Mr. PLATTS, Mr. MCCOTTER, and Mr. GRIJALVA.

H.R. 616: Mr. FORTENBERRY, Mr. BOREN, Mr. DRIEHAUS, Mrs. BLACKBURN, Mr. RAHALL, Mr. CHILDERS, Mr. MANZULLO, Mr. ROGERS of Kentucky, Mr. BISHOP of New York, Mr. LEE of New York, Mr. PLATTS, and Mr. BRIGHT.

H.R. 627: Ms. ESHOO and Ms. SHEA-PORTER.

H.R. 630: Mr. KING of New York.

H.R. 636: Mr. GARRETT of New Jersey and Mr. BROWN of South Carolina.

H.R. 673: Mrs. BIGGERT and Mr. CARSON of Indiana.

H.R. 684: Mr. COHEN.

H.R. 702: Mr. NADLER of New York.

H.R. 723: Mr. SNYDER and Mr. SOUDER.

H.R. 734: Mr. KANJORSKI, Mr. NEAL of Massachusetts, Mr. CARNEY, Mr. DOYLE, and Mr. BOSWELL.

H.R. 814: Ms. SUTTON and Ms. SCHAKOWSKY.

H.R. 815: Ms. SUTTON, Mr. MCMAHON, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. CROWLEY, and Mr. CONNOLLY of Virginia.

H.R. 816: Mr. BILBRAY, Mr. YOUNG of Alaska, and Mr. CUELLAR.

H.R. 836: Mr. SHADEGG, Mr. RADANOVICH, Mr. JORDAN of Ohio, Mr. SESSIONS, Mr. BOEHNER, Mr. THOMPSON of California, Mr. POE of Texas, Mr. BERRY, Mr. BISHOP of New York, Ms. GRANGER, Mr. COLE, Mr. MCCAUL, Mr. HOEKSTRA, Mr. TERRY, Mr. YOUNG of Alaska, Mr. WILSON of Ohio, Mr. VISCLOSKY, Mr. MCHUGH, Mr. MITCHELL, Mr. RAHALL, Ms. BALDWIN, Ms. BEAN, and Mr. MCCARTHY of California.

H.R. 848: Mr. HIGGINS and Mr. POLIS of Colorado.

H.R. 870: Mr. SESTAK.

H.R. 903: Mr. ROGERS of Michigan and Mr. GENE GREEN of Texas.

H.R. 909: Ms. LEE of California and Mr. HASTINGS of Florida.

H.R. 959: Mr. DENT and Ms. SCHWARTZ.

H.R. 968: Mrs. BACHMANN, Mr. LAMBORN, and Mr. PLATTS.

H.R. 978: Mr. MILLER of North Carolina.

H.R. 979: Ms. SCHAKOWSKY.

H.R. 981: Mr. LEWIS of Georgia.

H.R. 982: Mr. POSEY and Mr. HOEKSTRA.

H.R. 988: Ms. BALDWIN, Mr. HOLT, Mr. ROSS, Mr. LATHAM, Mr. LOBIONDO, Mr. GRAVES, Mr. GRIJALVA, Mr. TANNER, Ms. KAPTUR, Mr. CHANDLER, Mr. LOEBSACK, Mr. MOORE of Kansas, Ms. SUTTON, and Ms. NORTON.

H.R. 995: Ms. SLAUGHTER and Ms. WOOLSEY.

H.R. 1015: Mr. GARRETT of New Jersey.

H.R. 1016: Mr. PLATTS, Mr. YOUNG of Alaska, and Mr. HINCHEY.

H.R. 1017: Mr. MICHAUD.

H.R. 1019: Mr. PETERSON.

H.R. 1023: Mrs. MYRICK, Mr. GARRETT of New Jersey, Mr. BROUN of Georgia, Mr. HENSARLING, and Mr. BISHOP of Utah.

H.R. 1024: Mr. LARSON of Connecticut and Mr. CLAY.

H.R. 1036: Mr. CARNAHAN and Ms. CORRINE BROWN of Florida.

H.R. 1068: Ms. LEE of California and Ms. WOOLSEY.

H.R. 1085: Mr. HALL of Texas and Mr. FRANK of Massachusetts.

H.R. 1090: Ms. SUTTON and Mr. BRADY of Pennsylvania.

H.R. 1136: Mr. MCCOTTER and Mr. INGLIS.

H.R. 1150: Mr. FATTAH.

H.R. 1193: Mr. BURTON of Indiana.

H.R. 1196: Mr. COSTA.

H.R. 1199: Mr. BILBRAY, Mr. SESSIONS, and Mr. COBLE.

H. Con. Res. 14: Mr. LANGEVIN, Mr. COBLE, Mr. LEWIS of Georgia, Mr. BACA, Mr. MILLER of North Carolina, Mr. CLAY, Mr. LARSEN of Washington, and Mrs. NAPOLITANO.

H. Con. Res. 36: Ms. CORRINE BROWN of Florida.

H. Con. Res. 48: Ms. DEGETTE.

H. Con. Res. 55: Mr. MARCHANT, Mr. MCKEON, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. BUTTERFIELD, Mr. SENSENBRENNER, Mr. BARTLETT, and Mr. MCCOTTER.

H. Res. 42: Ms. FOXX, Mr. BACHUS, Mrs. BLACKBURN, Mr. TERRY, Mrs. MYRICK, Mr. BOSWELL, and Mr. KING of Iowa.

H. Res. 57: Mr. ROTHMAN of New Jersey.

H. Res. 81: Mr. BERRY.

H. Res. 85: Mr. KIRK and Ms. FOXX.

H. Res. 89: Mr. TIM MURPHY of Pennsylvania and Mr. BISHOP of New York.

H. Res. 109: Mr. REICHERT and Mr. MOORE of Kansas.

H. Res. 111: Mr. GARRETT of New Jersey, Mr. MOORE of Kansas, Mr. ROE of Tennessee, Mrs. MALONEY, and Mr. SESSIONS.

H. Res. 130: Ms. TSONGAS, Mr. VAN HOLLEN, Mr. STARK, Ms. DELAURO, and Mr. MCDERMOTT.

H. Res. 175: Mr. VAN HOLLEN, Mr. WAXMAN, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. WILSON of South Carolina, Mr. CROWLEY, Mr. FRANK of Massachusetts, and Ms. ZOE LOFGREN of California.

H. Res. 178: Mr. BARROW.

H. Res. 182: Mr. YARMUTH, Mr. HONDA, and Mr. MILLER of North Carolina.

H. Res. 185: Mr. RYAN of Ohio and Mr. BARROW.

## PETITIONS, ETC.

Under clause 3 of rule XII,

17. The SPEAKER presented a petition of the Essex County Board of Supervisors in New York, relative to a resolution urging the Federal Government to include in the federal stimulus package funding for renovations or replacement of the Champlain Bridge at Crown Point; which was referred to the Committee on Transportation and Infrastructure.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, FEBRUARY 26, 2009 No. 34

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Dr. Charles W. Starks, district superintendent of the Wytheville, VA, district of the United Methodist Church.

The guest Chaplain offered the following prayer:

Let us pray.

As we pray, we remember the wisdom of Proverbs 24:10, ''If you falter in times of adversity, your strength is too small.''

O loving and eternal God, we are humbled and grateful for the privilege of gathering here in Your presence. We lift up to You our President, Barack Obama, and Vice President, JOE BIDEN. We lift to you, O God, each elected, appointed, and employed public servant at each level of government across these United States.

And this day, O God, we particularly intercede on behalf of the women and men of this Senate. We pray for these Senators to stand in unity of purpose, like great and sturdy trees in the face of the swirling and perilous storms of this day. We ask for the roots of their strength, courage, and wisdom to be nourished in Your abundant grace, even the grace of Jesus, who reminds us to treat others in the same manner we desire to be treated. From that rich grace, O God, allow these Senators the privilege of bearing good fruit which will be a blessing to the people of this great land and Your entire good Earth.

O God, we lift this prayer to You, our Creator, Redeemer, and Sustainer who loves us this day and for all times. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, February 26, 2009.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the District of Columbia House Voting Rights Act. At 10:30, the Senate will proceed to a rollcall vote in relation to the Kyl amendment regarding retrocession. Additional rollcall votes are expected to occur throughout the day.

Last night, I filed cloture on the bill. If we are unable to complete action on the bill today, the cloture vote will occur tomorrow. Under rule XXII, the cloture rule, the filing deadline for germane first-degree amendments is 1 o'clock today.

## MEASURES PLACED ON THE CALENDAR—S. 478, S. 482, H.R. 1105

Mr. REID. Mr. President, I understand there are three bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for the second time.

The assistant legislative clerk read as follows:

A bill (S. 478) to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

A bill (S. 482) to require Senate candidates to file designations, statements, and reports in electronic form.

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 160, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 160) to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

Pending:

Ensign amendment No. 575, to restore second amendment rights in the District of Columbia.

Coburn amendment No. 576 (to amendment No. 575), of a perfecting nature.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Thune amendment No. 579, to amend chapter 44 of title 18, U.S. Code, to allow citizens who have concealed carry permits from the State or the District of Columbia in which they reside to carry concealed firearms in another State or the District of Columbia that grants concealed carry permits, if the individual complies with the laws of the State or the District of Columbia.

Kyl amendment No. 585, to provide for the retrocession of the District of Columbia to the State of Maryland.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:30 will be equally divided and controlled between the Senator from Arizona, Mr. KYL, and the Senator from Connecticut, Mr. LIEBERMAN, or their designees.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, under the previous order, the Senate will now move to the Kyl amendment, I believe, on retrocession, not to be confused with retrogression, although there may be some similarity between the two.

I am looking at the Senator from Maryland, who will rise to the defense in a moment.

As my colleagues know, last night the majority leader filed a cloture motion on this bill, S. 160, the District of Columbia House Voting Rights Act. We made some progress yesterday. There are a few amendments still pending. Obviously, it is our hope that we will be able to complete the bill today and hopefully not have to go to the cloture vote. But that depends on our colleagues.

So I would yield on the pending Kyl amendment to the distinguished Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

AMENDMENT NO. 585

Mr. CARDIN. I thank my friend from Connecticut for his leadership on this issue. Let me tell my colleagues, I think this is a major human rights issue. I have the opportunity of representing this body as the chairman of the Helsinki Commission. The Helsinki Commission deals internationally with issues of human rights. It is interesting that the United States has taken the leadership on protecting the rights of individuals to vote and to be able to determine their own government. So we have invested a lot of resources in the Helsinki Commission to protect steps to monitor elections around Europe and central Asia and to fight for minority communities to have the right to vote and to have open and honest voting.

Let me tell you, last year there was a resolution filed in our Parliamentary Assembly of the CSCE to encourage America to give the people of the District of Columbia the right to vote. The international community understands that we are out of compliance with basic international norms on giving our citizens the right to participate in their parliament.

So I look at this bill first as a basic right, that every American should be able to have their voice heard here in the Congress of the United States. I support this bill because it moves us in the right direction. But I must tell you, I believe the people of the District should have two Members of this body, two U.S. Senators, and a voting Member of Congress, and I know we tried to do that in the 1970s with a constitutional amendment. I was proud at that time to be a State legislator in Maryland as speaker of the Maryland House. We passed and ratified that constitutional amendment because we thought it was the right thing for the District to have full representation in this body and to have a voting representative in the House of Representatives.

So this legislation, as I said, moves in the right direction. It gives the people of the District a voting Representative in the House of Representatives. That, we should do. And then it even goes further, recognizing the political sensitivity of having another Congressman who may represent one political party. Since the District registration is heavily Democratic, the compromise is to give another Representative to the State of Utah because they are the closest to having been able to obtain another Representative and the registration in Utah is heavily Republican. So it balances it from a political point of view. I understand that is how the system works here. I think this is a fair compromise. What I do not understand is why we are getting all of these other amendments on this bill as an effort to try to kill the underlying bill. Let's have an up-or-down vote on it.

The people of the District have been waiting a long time. I think it is the right thing for us to do to say: Let's give them a vote. Let's get rid of these amendments because these amendments are not aimed at trying to solve the problem, they are aimed at trying to defeat the bill, which brings me to the amendment offered by Senator KYL that is currently pending.

I find this amendment somewhat surprising. Let me tell you why. It would cede the District back to the State of Maryland. It would change the border of my State that I represent in this body. Now, I would have thought—maybe I am naive about this—that if a Senator was introducing an amendment which would change the border of a particular State, that he would talk to the Senators from that State, he would talk to the Governor from that State, he would try to work with the Representatives from that State because if this amendment were adopted, it would affect every single person in Maryland. Our formulas for aid to our counties and Baltimore City are based upon population. If all of a sudden Maryland grows by a couple hundred thousand people, it affects the way our counties operate essential services. Yet there was no effort made by the author of this amendment to consult with the political leadership of my State.

I do not know how another Senator would feel if I introduced an amendment—and I am glad to see Senator KYL has returned to the floor. I don't know how Senator KYL would feel if I introduced an amendment that said, perhaps, Arizona's borders should change a little bit because it makes more sense to do it that way, and there is no need to talk to the Senators from Arizona about it or the government of Arizona, we are just going to do it. I do not think that is the right thing to do.

So I am somewhat puzzled. I must tell you, to me, it is a matter of an unfunded mandate on my State. It is a matter of what federalism is about. It is a matter of States rights, and it is a matter of common decency.

Now, I read the amendment coming over, and I am not sure how these lines were drawn, but I would have thought, if Maryland were to get the District, we would at least get the Kennedy Center. But it looks as if they took the Kennedy Center out, for reasons I cannot explain. I do not know how these lines were drawn. So perhaps my friend will help me understand this better and understand whether the courtesies of the Senate mean you can put legislation in affecting the borders of one State or another without even having the courtesy to talk to the Members of that State.

I can tell you that Maryland very much works very closely with the Mayor of Washington and the people of the District. We have a wonderful regional governmental organization. We work cooperatively on providing services to the people of this region. We have an excellent relationship. We support giving the people of the District representation in Congress because it is the right thing to do, and we want them to have their own Representatives here. We think it is a wrong suggestion to now say: Oh, we can solve this problem by changing the borders of the State of Maryland for that.

I urge my colleagues to reject the Kyl amendment and let us get on with passing this very important bill for Americans who have been denied a voice in the Congress of the United States.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, if the Senator from Maryland has a moment, I would be very happy to respond to some of the concerns he raised. They are all legitimate questions, I acknowledge up front. No State should have territory foisted upon it. That is absolutely true. And the questions raised here were good questions.

First of all, the amendment before us is an amendment that has frequently been offered in the House of Representatives. It has been vetted over there for a long time. So this is not something new.

Secondly, it is absolutely clear from section 6 of the amendment that nothing happens with regard to retrocession unless the State of Maryland agrees.

The effectiveness provision reads as follows:

Not later than 30 days after the State of Maryland enacts legislation accepting the retrocession described in section 1(a), the President shall issue a proclamation announcing such acceptance.

Unless the State of Maryland affirmatively, through an act of the people's representatives of that State, vote to do this, there is no retrocession to the State of Maryland.

That answers the question of States rights.

Mr. CARDIN. Will the Senator yield?

Mr. KYL. Of course.

Mr. CARDIN. Does he believe it is fair to say to the people of the District of Columbia that their right to have a voice in the House of Representatives depends upon the will of the people of Maryland?

Mr. KYL. I say to my colleague, the first point he made was that the State of Maryland should have a say in this, and it should be a definitive say. If the State of Maryland doesn't want the residents of the District of Columbia to be part of the State, that informs our decision about what the people of the State of Maryland want. I wouldn't force that decision upon them any more than the Senator suggests should be the case. The State of Maryland should have that say. If the Senator is saying: I can tell you right now Marylanders don't want these folks from the District as part of their State, we ought to know that by a definitive process rather than assuming it to be the case going into the debate. That would be my response.

Mr. CARDIN. Will my colleague yield further?

Mr. KYL. I am happy to engage in a colloquy.

Mr. CARDIN. I am wondering how my colleague would feel if legislation was introduced here by a Senator not from Arizona saying: I understand what the people of Arizona want better than the Senator does. I want to introduce a bill affecting land rights or property rights or anything in the State of Arizona, and I will make it subject to the vote of the people of Arizona. It will change the border area a little bit, and I know you don't want this, but I am going to do it anyway. I am curious how the Senator would respond if such legislation was introduced and the Senator who introduced it said: I am allowing your Governor to take it to the people. I know there will be a lot of pressure building up on that. But it is not relevant to the Senators from Arizona.

Mr. KYL. Mr. President, my colleague makes a good point. I will respond in two ways. First, I appreciate the sentiment and would hope that when western land issues are dealt with in this body, our eastern colleagues would apply that same principle. Frequently, there is a sense that folks in the east know best about what we should be doing with Federal lands in the west. I certainly respect that sentiment. Obviously, in some respects, that is not as important as the fundamental political jurisdictional issue we are facing here. The question of retrocession is a fundamental issue, and it has to do with a fundamental right the District of Columbia residents would have to participate in State government. I recognize there are some differences, but I offer that first response.

Second, I am not presupposing anything with the amendment. The question will always be before the Maryland electorate whether they want to do this. I don't know whether the Maryland electorate wants to do this. I presume there would be a debate. The result of that debate, decided by the people of Maryland or their elected representatives, would be dispositive on the question. Nobody is foisting anything on anyone. I would be the first to say: If the people of Maryland don't want the residents of the District to be part of the State of Maryland, then the Congress would have to be informed by that decision. I would think it would be dispositive.

Could I respond to a couple other points first and then I will be happy to engage in a further colloquy.

On the matter of the way the lines were drawn, the history of this is that the so-called national areas, the areas where the Federal buildings, various Government departments are located, the Mall, the monuments and those sorts of things, would not be part of the retrocession. The bulk of the bill draws those lines. I can't tell my colleague exactly what the philosophy was with respect to each of those areas. Any question about what should or should not be in, be it the Kennedy Center or anything else, is a legitimate subject of discussion. It could be the subject of amendment. This has been a matter that has been not frequently but not infrequently debated in the House of Representatives. So there is some history of the rationale behind the line drawing. But with respect to where any of these particular lines are drawn, obviously, the Senators from Maryland should be key in helping us to decide where those lines would be. There is nothing locked in stone here that could not be considered the subject of an amendment.

Finally, with respect to the unfunded mandate part, I am not sure it wouldn't work the other way around. I cited a couple days ago the statistics about the money that the Government provides for the District of Columbia. Some of that money has to do with the running of these Government departments, the construction of buildings, maintenance of the buildings, and so on, but much of it does not. Much of it has to do with what the Constitution provides as to the general welfare of the people within the District. I suspect that under any scenario, the money that has been provided to the District of Columbia would still be far in excess of the money returned to any of the several States. And because of the unique nature of the District and the history and traditions, much of that funding would naturally carry over to future years. There is no way the Federal Government is not going to fund all of the national areas that are retained in this legislation.

As the District's Delegate NORTON said in a press release recently, much of the money in the stimulus bill that is going to refurbish or construct office buildings that are Federal Government buildings provides employment opportunities for the residents of the District. While we should obviously be sensitive to any issues of transfer, if the State of Maryland were to accept the residents of the District of Columbia, it is a very legitimate point, and all of those things are appropriate for discussion.

On the matter of the unfunded mandate, it would probably work the other way around, that Maryland would receive a lot of money from the Federal Government. In any event, the Federal national areas that would be receiving the amount of money that they naturally do would certainly help the residents who work here in what is now the District of Columbia.

There is nothing in this amendment that is intended to jam anything down the throats of the people of Maryland. They have the final and ultimate say of what is done. I wouldn't propose anything different from that.

Mr. CARDIN. Will the Senator yield?

Mr. KYL. Absolutely.

Mr. CARDIN. Let me make a brief comment with regard to the mandate on Maryland. Maryland would be under tremendous pressure to change funding formulas consistent with what aid the District currently receives. It would have a major impact on the ability of our State to carry out its fundamental aid formulas to local governments, considering how significant the District would be, the population, relative to the State of Maryland.

The second point is, I can tell you how the people of Maryland feel. They believe the residents of the District of Columbia should have their voting representative in the House of Representatives. That is how the members of our congressional delegation have acted. That is how Senators are acting. We know that is what the District wants. We agree with that. I hope we can get an up-or-down vote on this bill and let's move forward.

I thank the Senator for yielding.

Mr. KYL. If I may make one other point, we will have an up-or-down vote on this amendment at 10:30 and on the bill, of course. I want to conclude my comments to the Senator, because he, obviously, has a good sense of what the people of Maryland want. I concede that. Again, I concede the premise of his point which is that the people of Maryland should have a say before this is done. The reason for the amendment is simply this: We believe it is unconstitutional for the Congress to simply provide a congressional district without an amendment to the Constitution.

I personally think the residents of the District should be represented in the House. The only other way to do that, for those of us who believe it is unconstitutional to pass the legislation pending before us, and a court will in relatively short order make a determination on whether that is true, and let's assume that the court says, you can't do it, Congress, by simple legislation, then short of a constitutional amendment, this is the only other way to achieve the objective. It is presented in good faith. It is presented as the only other logical alternative for the residents of the District of Columbia to have their own congressional district. Because of the number of people who live in the District, something over 600,000, and because the representation from House congressional districts today is approximately a shade over 600,000, the fact is that the residents of the District could have a district of their own or essentially exactly as the District is configured today without presumably modifying the lines of other Maryland districts. Of course, that would be up to the State of Maryland in the way that it sets its congressional district lines.

Mr. CARDIN. Will the Senator yield on that point?

Mr. KYL. I am happy to.

Mr. CARDIN. Having served in the House and also going through redistricting, the courts are now requiring an exact number of equality. So it would be improbable that the lines would remain the same.

Mr. KYL. I said that is why it would be ''almost.'' You might have to include a few residents of what are now Maryland within the District, and I acknowledge that to be the case. In any event, I accept the fundamental premise of the Senator. Our amendment addresses that specifically. My hope would be that if the courts should declare that we cannot by legislation do what this bill attempts, then the people of Maryland would strongly consider whether the next best alternative is to provide for the retrocession we have in this amendment as the next best way to provide a vote for the residents of the District of Columbia.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Arizona and the Senator from Maryland for a thoughtful discussion. I rise to oppose amendment No. 585, offered by the Senator from Arizona. Unlike some of the other amendments pending, this one goes to the heart of what the underlying bill that came out of committee is all about, which is how do we give voting rights in Congress to 600,000 Americans who happen to live in our Nation's Capital who don't have such representation now. I disagree with the method, but I appreciate the fact that this is not germane in a parliamentary sense, but it is directly relevant to the underlying injustice and inequity. But for the reasons that the Senator from Maryland made clear, this is not a practical solution to the problem before us, the longstanding injustice.

It requires the consent of the people of Maryland, and all their leaders tell us that the people will not support it. So it may be a solution on paper, but it is not going to be a solution and a fix to the problem in fact. It is also full of complications that would ensue.

For instance, section 2 of the amendment would automatically transfer all pending legal actions in the District of Columbia to an ''appropriate Maryland court.'' We can only imagine the legal and political tangle that could create given that Maryland and the District actually have distinct legal structures, rules, and precedents. Section 3 of the amendment describes at some length the boundaries of a small but still sizable national capital service area that would continue to be controlled by Congress and which would consist of key Federal buildings and monuments. There are complications there too. Who would police and maintain those streets and otherwise administer this large swath of downtown Washington?

As has been said, it would require a constitutional amendment to repeal amendment XXIII which granted the District of Columbia three electoral votes in Presidential elections. If amendment XXIII were not repealed, presumably the effect would be to grant a disproportionately large role in Presidential elections to a relatively small population that would continue to reside in that national capital service area and that would remain under congressional control. In fact, the amendment recognizes this and, therefore, would not become effective until such a repeal amendment to the Constitution is ratified.

As I have said, this is an alternative solution to the problem. I appreciate it in that it would, if it overcame the obstacles, actually be a remedy, but it is not the right or realistic remedy to the injustice of nonvoting representation in Congress for residents of the District. The right and reasonable and realistic solution is the underlying bill before us, S. 160. That is why I oppose the amendment and urge the passage of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, let me respond to two points my colleague made, and they are both legitimate questions. The first is some of the technical problems. I am sure there are a lot of technical problems we have not even thought about that would attend. This is a big change. Whether you adopt the underlying legislation or you go through a process such as retrocession, there will have to be a lot of adjustments and accommodations, to be sure.

But on questions such as, for example, policing the Mall and so on, those things are already well understood and resolved. For example, I have spoken recently with Capitol Police and asked them about the overlapping jurisdiction: Where, for example, does the Capitol Police jurisdiction end and where does the DC Police jurisdiction begin, and so on? They have all these things worked out. I do not think there is any difficulty with those kinds of technical issues. But there will be, undoubtedly, others that will have to be addressed as well.

Secondly, my colleague is correct, in order to avoid the anomalous situation where a few people who might be technically residents downtown and not have other residence downtown—being in the Federal areas or national areas as described in this legislation—we would have to eliminate the twenty-third amendment to make sure those people would not have three electoral votes for the Presidency. I cannot imagine that if retrocession did occur the citizens of the country would not follow through on that essentially technical issue and approve the recession of the twenty-third amendment. But it is one of the things that will have to be done. That is absolutely true.

Again, I will conclude by saying, for those of us who believe it would be preferable for the residents of the District to have their own representative in the House of Representatives and, in fact, to be able to vote for Senators, and have that representation as well, if they are part of a State—if, in fact, the underlying legislation is unconstitutional, as many of us believe it is—then this amendment offers a constructive way to achieve the same result, I would suggest, with very little in the way of adjustment, but with some adjustment that would have to occur—again, subject solely to the approval of the people of the State of Maryland.

I say to our colleagues, this vote is scheduled for 10:30, so if there are people who want to discuss other amendments or other matters, or to further debate this amendment, this would be a good time to do so.

Mr. LIEBERMAN. Mr. President, I thank my friend from Arizona. He is absolutely right. I have been informed that the senior Senator from Delaware is on his way to the floor to speak on this amendment. But I echo what Senator KYL has said, that we have some other pending amendments. The floor is open until the vote at 10:30, and I urge our colleagues to come and take advantage of that opening.

With that, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. 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.

Mr. CARPER. Mr. President, yesterday morning, at about 8 o'clock, down

in, I think, S. 115, there was a prayer breakfast. Actually, that happens about every week. And for many weeks in the last year or two, our Acting President pro tempore was one of two Members—one a Democrat and one a Republican—who brought people together for an hour of fellowship. They would have breakfast together and sing a hymn—or at least try to sing a hymn—or a song of some kind, and they would share their story, if you will, their spiritual journey with one another.

I usually do not get to go to those; I am on a train coming down from Wilmington, DE. But I have been a time or two, and I find it very uplifting. There is a smaller gathering that will occur today a little after noon, right here off the Senate floor, and it will be a group convened by our Chaplain, Barry Black, who is a retired Navy rear admiral. He used to be Chief of Chaplains for the Navy and the Marine Corps.

What we have is a little bit like an adult Sunday school class. There are people of different faiths who show up. Sometimes we may have five or six or seven or eight or nine people there, Democrats and Republicans.

I always like to tell the story that happened about a couple years ago, when we were having orientation for new Senators—something our Acting President pro tempore has been a part of establishing—but we had a last session of orientation for new Senators—I think it was about 2004, right after the election—a last session where John Breaux, a Democrat, was leaving and Don Nickles, a Republican, was leaving the Senate, and they both were talking to our new Senators and their spouses about bridging the partisan divide.

Don Nickles talked—he has a great sense of humor; so does John Breaux, as we know—and Senator Nickles was about to leave the Senate. He was talking to the Democrats and Republicans who had just arrived, and their spouses, and he said: You all ought to think about going to this Bible study group. It is uplifting. It is inspiring. It is refreshing. You get to know your colleagues better. It does not take that much time every week. He said: You ought to try to do it. TOM CARPER and I go to that Bible study group. He is a Democrat and I am a Republican.

He said: Week after week, month after month, you sit together, you read Scriptures together, you talk and share with one another your thoughts and problems and what you are facing in your life. You pray for each other. He said: You know, after I do that, it is hard to walk out on the Senate floor and stab TOM CARPER in the back. He said: It is not impossible, but it is hard.

One of the other things that is hard is for us to actually figure out how our faith should guide us in the decisions we make here. I am always inspired by the depth of conviction of the floor manager, the chief sponsor of this bill, Senator LIEBERMAN, and how his faith guides him in the work we do here.

But Barry Black, our Chaplain, often challenges us in the Senate—Democrats and Republicans—and not just there, but, later today, in our Bible study class, and also at the Wednesday morning prayer breakfast, and throughout the week—he is always challenging us: How should we use our faith to help guide us in the decisions we make?

The other thing he is good at doing is reminding us, about every other week, of the two great Commandments in the New Testament. The first: Love Thy Lord Thy God with all thy heart, all thy soul, all thy mind. And the second one is: To love thy neighbor as thyself—which we also call the Golden Rule: Treat others the way we want to be treated. Chaplain Black likes to say the ''CliffsNotes'' of the New Testament is the Golden Rule: Treat other people the way we want to be treated.

When I run into great leaders in my life, in this country and in other countries, a lot of times the good leaders are those who actually internalize the Golden Rule, who do try to treat others the way they want to be treated. I am pleased to say that the two Senators who are here on the floor right now certainly embody that rule too.

How does that pertain to the legislation before us? Well, I think it pertains to the legislation before us because there are about 600,000 people who live in the District of Columbia. Some of them actually work here with us, but they live here in the District of Columbia and they pay taxes. They pay Federal taxes. They don't get to vote. They don't have a vote here in the Senate. They don't have a Representative, if you will, who can vote for them and for their interests and concerns in the House of Representatives.

Delaware has about 850,000 people, so we have a few more people than the District of Columbia. There are some other States that have fewer people than we do. There is actually probably a State or two that has fewer people living in it than does the District of Columbia. I won't call out those States here this morning. They are pretty big in geography but not so big in population. They have two Senators and at least one U.S. Representative. Whether the issue is foreclosures, budget, or stimulus package, they have somebody here to vote, to represent them, to speak on the floor and to offer legislation, amend legislation, and to vote on legislation. We saw in the stimulus package how critical one or two votes can be. The District of Columbia has nobody here and they have nobody voting for them in the House. They have a delegate—a very good one—who can vote in committee, offer legislation, offer amendments, and introduce bills, but can't actually vote when the time comes. There is something about that that seems unfair to me. It seems unfair to me. I think it certainly seems unfair to the sponsor of the bill, Senator LIEBERMAN, and to a lot of people who cosponsored the legislation, as have I.

None of us is suggesting that there ought to be two Senators representing folks from the District of Columbia. In allowing the delegate to become sort of a full-fledged U.S. Representative over in the House, there is a trade that—we would expect that person to be a Democrat, at least initially; maybe someday Republican—but the idea would be to provide an additional Republican representative, in this case from the State of Utah. That seat may become a Democratic seat. I wouldn't want to bet my paycheck on it, but it might. So we are trying to come up with an equitable, a fair, a reasonable compromise. Isn't politics the art of compromise? This is a compromise.

There are some who have suggested that is unconstitutional. I am not a constitutional expert. I know a lot of smart people have considered it. We will have an opportunity—if this legislation is passed and signed by the President, there will be an opportunity for an expedited process and the Federal courts, the appropriate courts will determine whether this measure, this statute actually is constitutionally sound. My hope is it will be. A lot of forethought has gone into this issue already.

In closing, let me say in the minute or so that is left on our side, I wish to thank Senator LIEBERMAN for his steadfast leadership on this issue and for making it not just a bipartisan issue but a tripartisan issue, by making sure we have both Republicans and Democrats and Independents such as himself and BERNIE SANDERS to weigh in and to support this legislation; not just to offer the bill but actually to stand up and call on the rest of us to do what we know in our hearts is fair and just, and to put ourselves in the shoes of the folks who live here in Washington, DC and who work and pay their taxes and who deserve a full-fledged vote, at least in the House of Representatives. We will wait another day to take up that battle here in the Senate.

That having been said, I yield back my time.

The ACTING PRESIDENT pro tempore. The time for the majority has expired.

Mr. LIEBERMAN. Mr. President, seeing no one on the other side in the Chamber, I ask unanimous consent to speak for no more than 5 minutes, probably less.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair. I will yield if anyone on the other side comes in.

I thank my friend from Delaware for his very eloquent and thoughtful statement. The pending amendment is on retrocession. As the Senator began his remarks about the Bible study and prayer groups, I thought he was going to talk about redemption and not retrocession, but he got to the point. I must say, if I may continue the argument the Senator from Delaware made

very eloquently in two ways, S. 160, the underlying bill, does provide—please allow me some license here for a kind of political redemption—for the voters of the District of Columbia who up until this time have been denied a voting representative in Congress. The whole premise of our Government is that we govern with the consent of the governed, but here we have 600,000 Americans who, through historical anomalies and maybe more recently partisan disagreements, don't get to consent or object to anything we do to them or even for them.

The second—and I thank my friend from Delaware for making this point about the Golden Rule. I hope all of our colleagues in the Senate will apply that fundamental ethical human principle to this vote and think about how we would feel if we were the District's Delegate in the House of Representatives. ELEANOR HOLMES NORTON is a gifted and wonderful person. I have known her—I won't state the year because I don't want to compromise the privacy of her age; mine has already been compromised this week. We were at law school together. She is an extraordinarily gifted person and a very diligent and passionate and aggressive advocate for the people of the District of Columbia. Imagine how we would feel if we were occupying the seat she occupies in the House of Representatives. She gets to debate issues. She gets to talk. But when the roll is called, imagine how we would feel—my friend from Delaware and our dear friend from Arkansas who occupies the Chair at the moment, myself—if there were a major item here in the Senate and we could debate it, but then the roll is called and it is as if our mouths are stifled, muffled. We couldn't vote. That is what Delegate NORTON goes through in the House of Representatives. If we think about it that way, in the terms the Senator from Delaware stated, to treat others as we would like to be treated ourselves, it seems only fair, reasonable, human to give Delegate NORTON and the 600,000 people she represents the right to vote on the floor.

So I thank my friend for taking the time to come over and speak as eloquently and convincingly as he has.

With that, I yield the floor and suggest the absence of a quorum.

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. LIEBERMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No. 585.

Mr. KYL. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Tennessee (Mr. CORKER).

Further, if present and voting, the Senator from Tennessee (Mr. CORKER) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 67, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—30

| | | |
|---|---|---|
| Alexander | Crapo | Kyl |
| Barrasso | DeMint | Martinez |
| Bennett | Enzi | McCain |
| Bond | Graham | McConnell |
| Bunning | Grassley | Risch |
| Burr | Hatch | Roberts |
| Chambliss | Hutchison | Shelby |
| Coburn | Inhofe | Thune |
| Cochran | Isakson | Vitter |
| Cornyn | Johnson | Wicker |

NAYS—67

| | | |
|---|---|---|
| Akaka | Gillibrand | Nelson (FL) |
| Baucus | Gregg | Nelson (NE) |
| Bayh | Hagan | Pryor |
| Begich | Harkin | Reed |
| Bennet | Inouye | Reid |
| Bingaman | Johanns | Rockefeller |
| Boxer | Kaufman | Sanders |
| Brown | Kerry | Schumer |
| Brownback | Klobuchar | Sessions |
| Burris | Kohl | Shaheen |
| Byrd | Landrieu | Snowe |
| Cantwell | Lautenberg | Specter |
| Cardin | Leahy | Stabenow |
| Carper | Levin | Tester |
| Casey | Lieberman | Udall (CO) |
| Collins | Lincoln | Udall (NM) |
| Conrad | Lugar | Voinovich |
| Dodd | McCaskill | Warner |
| Dorgan | Menendez | Webb |
| Durbin | Merkley | Whitehouse |
| Ensign | Mikulski | Wyden |
| Feingold | Murkowski | |
| Feinstein | Murray | |

NOT VOTING—2

| | |
|---|---|
| Corker | Kennedy |

The amendment (No. 585) was rejected.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Madam President, I believe two of our colleagues wish to speak as in morning business at this time. After that, our intention is to pick up the amendment offered by the Senator from South Carolina, Mr. DEMINT, on the fairness doctrine, and then Senator DURBIN also will be offering a matter on the fairness doctrine as well.

With that in mind, I yield the floor to one of the two Senators to my right, and they may joust as to who goes first.

Mr. BOND. Madam President, I thank my colleague from Connecticut, with whom I worked so closely last fall and at the end of January, for allowing us to go forward. I ask unanimous consent to speak as in morning business, and my colleague, the Senator from Iowa, I believe, wishes to speak as in morning business after that, as indicated by the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BOND and Mr. GRASSLEY are printed in today's RECORD under ''Morning Business.'')

Mr. ENSIGN. Madam President, I ask unanimous consent that the pending amendment be set aside to call up the amendment No. 587.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Reserving the right to object, it is my understanding that the Senator from Nevada wishes to call up the amendment and speak very briefly—he mentioned to me 2 minutes. I believe I am in the line to speak and I wish to speak on this amendment.

Is that the agreement?

Mr. ENSIGN. Madam President, I ask unanimous consent that I be allowed to call up my amendment, get it pending, and speak on it for 2 minutes.

Mrs. FEINSTEIN. Is the subject of this amendment vouchers?

Mr. ENSIGN. Yes.

Mrs. FEINSTEIN. No problem.

AMENDMENT NO. 587

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 587.

Mr. ENSIGN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reauthorize the DC School Choice Incentive Act of 2003 for fiscal year 2010)

At the end, add the following:

**SEC. ____. REAUTHORIZATION OF THE DC SCHOOL CHOICE INCENTIVE ACT OF 2003.**

(a) REAUTHORIZATION.—Section 313 of the DC School Choice Incentive Act of 2003 (title III of division C of Public Law 108–199, 118 Stat. 134) is amended by striking ''fiscal year 2004 and such sums as may be necessary for each of the 4 succeeding fiscal years'' and inserting ''fiscal year 2010''.

(b) SEVERABILITY.—Notwithstanding section 7, if any provision of this Act (other than this section), and amendment made by this Act (other than by this section), or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section, the amendment made by this section, and the application of such to any person or circumstance shall not be affected thereby.

Mr. ENSIGN. Madam President, I rise to offer a DC voucher program for low-income children at or below 185 percent of the Federal Poverty Line. Children would be eligible to receive up to $7,500 to attend a private school in the District.

It has been said that education, especially K–12 education is a civil right. I

believe it is. In Washington, DC, public schools are failing too many of our kids—especially our low-income kids. These children are trapped in schools that are failing.

About half the kids in Washington, DC, public schools do not graduate, and this is not because of money. The District spends perhaps the most in the country, on education. They spend almost $15,000 a year per student per year in public schools. That is almost three times the amount we spend per student per year in Nevada. Yet the performance of the public schools in the District is pathetic. There are very few Members of Congress who would allow their kids to go to these failing schools.

The reason I am offering my amendment today, which would reauthorize, for 1 year, a very valuable voucher program, is because the upcoming Omnibus appropriations bill basically guts the program. We need to make sure this program is in place in time for parents to plan for their children's education in the fall.

This is an important amendment. This is a civil rights amendment. We are talking about the right to a DC Representative voting here, we should care enough about our children to give them the right to a good education. That is what this amendment is about. Now, we are going to try to work this out. We may not be offering this amendment if we can get an agreement from the majority leader for time on the floor sometime this spring to be able to debate a full bill. That is what I would hope we could be able to do. If not, then we will hope for a vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, if I may very briefly respond to my friend from Nevada, I appreciate the statement he has made. Personally, I agree with him on this DC scholarship program which I supported in past years. The authorization is running out.

The Homeland Security and Governmental Affairs Committee, as my friend knows, actually still possesses jurisdiction over matters related to the District of Columbia. So we would be the proper committee to consider an authorization bill.

As I have said to my friend, I do not know what I would support. I do not know what the outcome of the committee would be. But I appreciate the spirit in which he has presented this amendment. I agree with him totally that we ought to be reauthorizing this program, and we will work together to see, with the majority leader, whether we can get an agreement that there will be floor time with a time limit given to a debate and an attempt to reauthorize the program when it expires, which I believe is in this fiscal year, meaning that it would affect the school year that begins in September.

So I will pursue that with the leader and will continue our conversations. I thank him for offering the amendment.

I now yield the floor to our distinguished colleague from California.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 575

Mrs. FEINSTEIN. Madam President, I thank the manager of the bill. I rise today to speak in strong opposition to amendment No. 575 offered by Senator ENSIGN. This amendment is not the instant amendment that he just spoke about; it is the amendment that essentially would repeal all commonsense gun laws in the District of Columbia.

I believe the amendment is reckless. I believe it is irresponsible. I believe it will lead to more weapons and more violence on the streets of our Nation's Capital. It will endanger the citizens of the District, the Government employees who work here, our elected officials, and those who visit this great American Capitol. And, of course, if successful, it will be the first new step in a march to remove all commonsense gun regulations all over this land.

The Ensign amendment repeals gun laws promoting public safety, including DC laws that the U.S. Supreme Court indicated were permissible under the second amendment in the Heller decision. I strongly disagree with the Supreme Court decision in Heller that the second amendment gives individuals a right to possess weapons for private purposes not related to State militias, and that the Constitution does not permit a general ban on handguns in the home. But that is the law. It has been adjudicated. It has gone up to the highest Court, and I am one who believes if we do not like the law, we should try to make changes through the proper legal channels. However, it is important to note that Heller also stands for the proposition that reasonable, commonsense gun regulations are entirely permissible.

As the author of the original assault weapons ban that was enacted in 1994, I know commonsense gun regulations do make our communities safer, while at the same time respecting the rights of sportsmen and others to keep and bear arms.

Just yesterday, the Department of Justice announced the arrest of 52 people in California, Minnesota, and Maryland. In addition to seizing 12,000 kilograms of cocaine and more than 16,000 pounds of marijuana, the DEA also seized 169 illegal firearms from members of the Sinoloa Cartel.

Where did they get those guns? It would be interesting to find out because this cartel is one of several that law enforcement believes is responsible for kidnappings and murders within the United States in addition to engaging in violent gun crimes.

In talking about the Sinoloa Cartel yesterday, Attorney General Holder noted that reinstituting the assault weapons ban would benefit the United States, as well as help stop the flood of weapons being sent from the United States to Mexico for use by drug cartels to cause violence on both sides of the border.

I am prepared to wage the assault weapons battle again and intend to do so. I have been quiet about this because there are many pressing needs of this Nation. But with the help of the President, the administration, and the people of this great country, we do need to fight back against these kinds of amendments.

Justice Scalia wrote in the majority opinion on the Heller case that a wide variety of gun laws are ''presumptively lawful,'' including the laws ''forbidding the carrying of firearms in sensitive places'' and regulations governing ''the conditions and qualifications of the commercial sale of arms.''

I cannot think of any place more sensitive than the District of Columbia. Even bans on ''dangerous and unusual weapons'' are completely appropriate under the Heller decision. So it is interesting to me that you have this decision, and then you have the Senate moving even to obliterate what is allowable under the decision.

Senator ENSIGN's amendment completely ignores Heller's language and takes the approach that all guns for all people at all times is called for by Heller. It is not.

We have all seen the tragic consequences of gun violence: the massacre of students at Virginia Tech University in 2007, the murders at Columbine High School in Colorado, the North Hollywood shootout where bank robbers carrying automatic weapons and shooting armor-piercing bullets shot 10 Los Angeles Police Department SWAT officers and seven civilians before being stopped.

We have seen criminal street gangs able to buy weapons at gun shows and out of the back seats or the trunks of automobiles. We have seen their bullets kill hundreds, if not thousands of people across this great land—men, women, and children.

I remember one case in the San Francisco Bay area not long ago where a youngster taking a piano lesson in a home had a bullet from a gang member pierce the wall of the home, cut his spine, and today he is a paraplegic. It is unbelievable for me to think of the ease with which people can buy weapons.

As Senator SCHUMER said, if this amendment becomes law, even if you cannot see, even if you cannot pass a sight test, you can have access to firearms. That is not what this Nation should encourage. Those incidents and the gun violence that occurs every day across this country show us that we should be doing more, not less, to keep guns out of the hands of criminals and the mentally ill and not give them unfettered access to firearms.

It is worth noting just how far this amendment goes in repealing DC law and just how unsafe it will make the streets of this Capitol. Here is what it

would do: It would repeal DC's ban on semiautomatic weapons, including assault weapons. If this amendment becomes law, military-style assault weapons with high-capacity magazines will be allowed to be stockpiled in homes and businesses in the District, even near Federal buildings such as the White House and the Capitol. Even the .50 caliber sniper rifle, with a range of over 1 mile, will be allowed in DC under this amendment. This is a weapon capable of firing rounds that can penetrate concrete and armor plating. And at least one model of the .50 caliber sniper rifle is easily concealed and transported. One gun manufacturer describes this model as a ''lightweight and tactical'' weapon and capable of being collapsed and carried in ''a very small inconspicuous package.''

Is this what we want to do? There is simply no good reason anyone needs semiautomatic, military-style assault weapons in an urban community. It is unfathomable to me that the same high-powered sniper rifle used by our Armed Forces will be permitted in the Nation's Capital. Yet this is exactly what the amendment would allow if passed by the Senate.

Next, the amendment would repeal existing Federal anti-gun trafficking laws. For years, Federal law has banned gun dealers from selling handguns directly to out-of-State buyers who are not licensed firearms dealers. This has helped substantially in the fight against illegal interstate gun trafficking, and it has prevented criminals from traveling to other States to buy guns.

Senator ENSIGN's amendment repeals this longstanding Federal law and allows DC residents to cross State lines to buy handguns in neighboring States. Illegal gun traffickers will be able to easily obtain large quantities of firearms outside of DC and then distribute those guns to criminals in DC and in surrounding States.

And no one should be so naive as to say that this amendment will not do this. It will. The amendment repeals DC law restricting the ability of dangerous and unqualified people to obtain guns. The amendment also repeals many of the gun regulations that the Supreme Court said were completely appropriate after Heller.

So all of those who will vote for this amendment should not do so thinking they are just complying with the Heller decision. This is part of a march forward by gun lobby interests in this country to begin to remove all commonsense regulations, and no one should think it is anything else.

This would repeal the DC prohibition on persons under the age of 21 from possessing firearms, and it repeals all age limits for the possession of long guns, including assault weapons.

Do we really want that? I think of the story of an 11-year-old who had a reduced barrel shotgun and just recently killed somebody with it. Is this what we want to see all over this country, the ability of virtually anyone to obtain a firearm regardless of their age? I don't think so.

The amendment even repeals the DC law prohibiting gun possession by people who have poor vision. I heard Senator SCHUMER speak about this yesterday afternoon. Unbelievably, under this amendment, the District would be barred from having any vision requirement for gun use, even if someone is blind. Is this the kind of public policy we want to make for our Nation? Is this how co-opted this body is to the National Rifle Association and others? I hope not.

One of the reasons we have 6-year terms is to allow us to make difficult decisions. There is no higher charge than protecting our public safety. We should protect individuals. The way we protect individuals is by enacting public policy that is prudent, reasonable, and subject to common sense. This amendment does none of the above.

I ask my colleagues to think carefully about this amendment, because if it succeeds, trust me, the march for similar legislation will be on. I introduced the assault weapons legislation. I survived. I had an election in 1994, just after I had introduced it. I survived. The people of my State want commonsense gun control. They don't want local jurisdictions stripped of any ability to enact prudent regulation.

The Presiding Officer is in the chair. The husband of one of her colleagues, going home on the Long Island train, was shot and killed by someone who never should have had a weapon. How many of these incidents do we have to have? How many businesses employing people who are mentally ill have to suffer when they have a grudge against an employee, and kill 6, 7, 8, 9, or 10 people? How many schools do we have to have where aggrieved students go out and acquire the most powerful weapons and come into cafeterias, libraries, or classrooms and mow down students? A vote for this amendment, any way we look at it, makes this easier to happen.

I believe passionately about this. I will never forget, many years ago, before I was mayor, walking into the robbery of a corner grocery store. When people die of gunshot wounds, it is not the way it is on television or in the movies. I saw brain matter all over the walls. I saw the husband, a proprietor, the wife, a proprietor. This individual who came in even shot the dog. People are capable of terrible criminality. We should not encourage that criminality by making their access to weapons so very easy.

As I say, this is the first step in a march to see that there is no ability to enact prudent gun regulation throughout the United States.

I ask every colleague, before they vote for this, to think about the people they represent and whether society is going to be safer because of their vote. How deep have we sunk in catering to these interests? For shame.

The amendment before the Senate repeals all firearm registration requirements in the District, making it even more difficult for law enforcement to trace guns used in crimes and track down the registered owner. The amendment repeals all existing safe-storage laws and prohibits the District from enacting any additional safe-storage laws. After the Heller decision, the District passed emergency legislation to allow guns to be unlocked for self-defense, but requiring that they otherwise be kept locked to keep guns out of the hands of children and criminals. We all ought to want that. The Ensign amendment repeals even this modest limitation and prevents the District of Columbia City Council from enacting any law that discourages—whatever that means—gun ownership or requiring the safe storage of firearms. How can we, in the Capital of the United States where we have had so many tragic events, possibly do this? This is simply ridiculous and goes well beyond the Supreme Court's ruling in Heller.

Think about what this means. Consider that every major gun manufacturer recommends that guns be kept unloaded, locked, and kept in a safe place. Under this amendment, the District could not enact any legislation requiring that guns be stored in a safe place, even in homes with children. How can anyone believe this broadbrush amendment is the right thing to do? How can any of us believe it provides protection for the people we represent?

Let me make one other point. The American people clearly do not agree with this amendment. Last fall, when a virtually identical bill was being considered in the House of Representatives, a national poll found that 69 percent of Americans opposed Congress passing a law to eliminate the District's gun laws—69 percent. That is about as good as we get on any controversial issue. Additionally, 60 percent of Americans believe Washington will become less safe if Congress takes this step. Is this what we want? Do we want the Capital of the United States to become less safe? I don't think so. Today, if this amendment passes in the Senate, it will be directly against the wishes of the American people. It will not pass because it is good public policy—it will only be passed to placate the National Rifle Association. I say for shame.

As a former mayor who saw firsthand what happens when guns fall into the hands of criminals, juveniles, and the mentally ill, I believe this amendment places the families of the District of Columbia in great jeopardy. The amendment puts innocent lives at stake. It is an affront to the public safety of the District. It is an affront to local home rule. This isn't just a bad amendment; it is a very dangerous one. I very strongly urge Senators to join me in opposing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I appreciate the debate on several key

amendments. I also want to recognize my colleague from California and her strong support—indeed, key position—on the voucher program, the DC scholarship program that she has been one of the primary architects of and wants to get measurables on it. It is in the subcommittee on appropriations on which I serve, and she has been a key person on that. It is my hope we can work that out, whether it is going to be at a later time for reauthorization or if we can pass it here today. It is a key program, and I want to recognize what my colleague has done on that historically. That is what I come to the floor to talk about, as well as a couple of other things that are coming up but particularly the DC scholarship program. It is an amendment. We have it appropriated in the appropriations bill, but it is required for reauthorization. It needs to be reauthorized. My hope is that the majority leader will say, yes, we will bring this up for reauthorization and give us floor time to do that. I understand the manager of this bill has said he would bring it up in his committee and do a markup in committee.

I have worked for this program for some period of time. I have worked with the students and parents in this program. They love it. They appreciate the chance to succeed in a failed school system. The DC Opportunity Scholarship Program has received applications from over 7,000 low-income students, has served over 2,600 of these children. We have far more applicants than we do slots. When these students entered the program, they had average math and reading test scores in the bottom third of all test takers. Recent evaluation by the U.S. Department of Education—this goes back to last year—affirms academic gains among scholarship students less than 2 years after receiving a scholarship. Last year, after less than 1 year in the program, two subgroups of students, representing 83 percent of participating students, showed positive results in math, and both years showed overwhelming parental satisfaction. Parents like it. Students are doing better. It is working.

I certainly wish to salute Mayor Fenty and DC school chancellor Michelle Rhee for making education reform and support for this program something important in the District. They made this a high priority.

Certainly, we have to get the schools functioning in the District of Columbia. This is a piece of it that is working for 1,700 students. We need it reauthorized to be able to continue to move it forward. It would be heartless for us not to do it.

I recognize a number of people have a problem with it on this bill. I understand that. If there is a chance we can get an agreement that the reauthorization would take place later, that would be a wise route to go, and then follow through regular order. But this one is working and is working well. It is being well received by parents and students. It has an odd sort of support base where it has both left and right. It has a lot of people in a low-income situation supporting it. It is one of those pieces of legislation that have a broad base of support ideologically and practically. People want to see it moving forward and have it succeed as an overall program. I am very hopeful this Congress can do that.

Two other quick points. One is coming up on the fairness doctrine that will be considered. The fairness doctrine, to educate my colleagues—I am sure everybody is familiar with it—was promulgated by the FCC in 1949 to ensure that contrasting viewpoints would be presented on radio and television.

In 1985, the FCC began the process of repealing the doctrine after concluding that it actually resulted in broadcasters limiting coverage of controversial issues of public importance.

Now we are hearing from some voices saying this doctrine should be put back in place. I urge colleagues to not do that. This isn't the way for us to get a good discussion going in the public marketplace. Indeed, the results in the past, and I believe today, would be that the doctrine would actually result in less, not more, broadcasting of important issues to the public. Airing controversial issues would subject broadcasters to regulatory burdens and potentially severe liabilities. They simply would say: We will not put anything on.

Just think about the changing landscape in broadcast radio and television that has taken place since 1949. These numbers are startling. In 1949, there were 51 television stations in the country and 2,500 radio stations. Maybe a lot of people wish we would go back to that era of less media, but we will not. In 1958, there were 1,200 television stations and 9,800 radio stations. Today, there are 1,800 television stations and 14,000 radio stations. There is simply no scarcity to justify content mandates such as the fairness doctrine that would be a regulatory nightmare for radio and television stations. Plus, we have all the new media, social networking, and individual citizen access to information on the Internet that does not warrant this being put back into place.

Finally, to comment on the second amendment rights, the Supreme Court, in a historic ruling, has found that second amendment rights apply to the individual, and that applies to individuals across the country, that applies to individuals in the District of Columbia. I think those should be continued and guaranteed and supported by this body as well. I think it would be appropriate for us to support that and support that in this legislation.

Madam President, in conclusion, I would like to have printed in the RECORD two editorials in agreement from two publications that frequently do not agree. One is from the Wall Street Journal and the other is from the Washington Post. Both are in support of the DC voucher program, saying it works—it works for kids, it works for parents—and is something that should be continued. I have never had printed in the RECORD before editorials from those two publications at the same time agreeing on the same topic, particularly in education. I think what it says is that this one is working and should be continued.

So I ask unanimous consent that the editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 25, 2009]

OBAMA'S SCHOOL CHOICE

President Obama made education a big part of his speech Tuesday night, complete with a stirring call for reform. So we'll be curious to see how he handles the dismaying attempt by Democrats in Congress to crush education choice for 1,700 poor kids in the District of Columbia.

The omnibus spending bill now moving through the house includes language designed to kill the Opportunity Scholarship Program offering vouchers for poor students to opt out of rotten public schools. The legislation says no federal funds can be used on the program beyond 2010 unless Congress and the D.C. City Council reauthorize it. Given that Democrats control both bodies—and that their union backers hate school choice—this amounts to a death sentence.

Republicans passed the program in 2004, with help from Democratic Senator Dianne Feinstein, and it has been extremely popular. Families receive up to $7,500 a year to attend the school of their choice. That's a real bargain, given that D.C. public schools spend $14,400 per pupil on average, among the most in the country.

To qualify, a student's household income must be at or below 185% of the poverty level. Some 99% of the participants are minority, and the average annual income is $23,000 for a family of four. A 2008 Department of Education evaluation found that participants had higher reading scores than their peers who didn't receive a scholarship, and there are four applicants for each voucher.

Vouchers also currently exist in Arizona, Florida, Georgia, Ohio, Louisiana, Utah and Wisconsin. And school choice continues to proliferate elsewhere in the form of tax credits and charter schools. The District's is the only federally funded initiative, however, and local officials from former Mayor Anthony Williams to current Mayor Adrian Fenty and Schools Chancellor Michelle Rhee support its continuation. As Ms. Rhee put it in a December 2007 interview with the Journal, ''I would never, as long as I am in this role, do anything to limit another parent's ability to make a choice for their child. Ever.''

Ms. Rhee is working to reform all D.C. public schools, which in 2007 ranked last in math and second-to-last in reading among all U.S. urban school systems on the federal National Assessment of Educational Progress. Without the vouchers, more than 80% of the 1,700 kids would have to attend public schools that haven't made ''adequate yearly progress'' under No Child Left Behind. Remember all of those Members of Congress standing and applauding on Tuesday as Mr. Obama called for every American child to get some education beyond high school? These are the same Members who protect and defend a D.C. system in which about half of all students fail even to graduate from high school.

On Tuesday, Mr. Obama spoke of the ''historic investment in education'' in the stimulus bill, which included a staggering, few-strings-attached $140 billion to the Department of Education over two years. But he also noted that ''our schools don't just need more resources; they need more reform,'' and he expressed support for charter schools and other policies that ''open doors of opportunity for our children.''

If he means what he says, Mr. Obama won't let his fellow Democrats consign 1,700 more poor kids to failing schools he'd never dream of letting his own daughters attend.

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[From the Washington Post, Feb. 25, 2009]

VOUCHER SUBTERFUGE

Congressional Democrats want to mandate that the District's unique school voucher program be reauthorized before more federal money can be allocated for it. It is a seemingly innocuous requirement. In truth it is an ill-disguised bid to kill a program that gives some poor parents a choice regarding where their children go to school. Many of the Democrats have never liked vouchers, and it seems they won't let fairness or the interests of low-income, minority children stand in the way of their politics. But it also seems they're too ashamed—and with good reason—to admit to what they're doing.

At issue is a provision in the 2009 omnibus spending bill making its way through Congress. The $410 billion package provides funds for the 2009–10 school year to the D.C. Opportunity Scholarship Program, a pioneering effort that awards scholarships of up to $7,500 a year for low-income students to attend private schools. But language inserted by Democrats into the bill stipulates that any future appropriations will require the reauthorization of the program by Congress and approval from the D.C. Council.

We have no problem with Congress taking a careful look at this initiative and weighing its benefits. After all, it was approved in 2004 as a pilot program, subject to study. In fact, this is the rare experimental program that has been carefully designed to produce comparative results. But the proposed Democratic provision would short-circuit this study. Results are not due until June, and an additional year of testing is planned. Operators of the program need to accept applications this fall for the 2010–11 school year, and reauthorizations are complicated, time-consuming affairs. Indeed, staff members on various House and Senate committees scoffed yesterday when we asked about the chances of getting such a program reauthorized in less than a year. Legislation seeking reauthorization has not even been introduced.

If the Democratic leadership is so worried about process, it might want to review a recent report from the Congressional Budget Office listing the hundreds of millions of dollars that have been appropriated to programs whose authorizations have expired. Many of these programs get far more than the $14 million allocated to the Opportunity Scholarships. House Minority Leader John A. Boehner (R-Ohio) was right to call out the Democrats for this back-door attempt to kill the voucher program. The attention should embarrass congressional Democrats into doing the right thing. If not, city leaders, including D.C. Mayor Adrian M. Fenty (D), need to let President Obama know that some 1,800 poor children are likely to have their educations disrupted.

Mr. BROWNBACK. Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the Senate now debate concurrently the DURBIN amendment No. 591 and the DEMINT amendment No. 573; that no amendments be in order to either amendment prior to a vote in relation to the amendment; with the time equally divided and controlled between Senators DURBIN and DEMINT or their designees; that at 2 p.m. today, the Senate proceed to vote in relation to the Durbin amendment No. 591, to be followed by a vote in relation to the DeMint amendment No. 573; that prior to the second vote, there be 2 minutes of debate equally divided and controlled in the usual form, and the second vote be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

The Senator from South Carolina.

Mr. DEMINT. Madam President, reserving the right to object—and I will not object—will the time be equally divided between now and 2 o'clock?

Mr. LIEBERMAN. That was my understanding. As a point of clarification, it actually is as I suggested earlier, which is that the floor is open for debate from now until 2 and that the time is equally divided. Obviously, if others want to come to the floor and speak about something else, they can ask unanimous consent to do that.

Mr. DEMINT. Madam President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 573

Mr. DEMINT. Madam President, I ask unanimous consent to set aside the pending amendment and call up DeMint amendment No. 573.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 573.

Mr. DEMINT. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent the Federal Communications Commission from repromulgating the fairness doctrine)

At the end of the bill add the following:

**SEC. 9. FAIRNESS DOCTRINE PROHIBITED.**

(a) LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

**''SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.**

''Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, guidelines, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part)—

''(1) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in In re Complaint of Syracuse Peace Council against Television Station WTVH, Syracuse New York, 2 FCC Rcd. 5043 (1987); or

''(2) any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance.''.

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

Mr. DEMINT. Madam President, I ask unanimous consent to add as cosponsors to my amendment Senators VITTER, INHOFE, WICKER, BOND, BENNETT, ENZI, BARRASSO, BROWNBACK, and ALEXANDER.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Thank you, Madam President.

This has been a good debate, not just about DC voting rights but constitutional rights in our country, and if we are going to go by our own opinions and good intentions or are we going to follow the Constitution. Clearly, a lot of us wish to give fair representation to everyone who lives in the District of Columbia. But our oath of office is not to our good intentions, it is to protect and defend the Constitution of the United States.

The Constitution is very clear that Congressmen and Senators are allocated only to States. The District of Columbia was set up as a neutral entity, certainly where people will live and work associated with the business of the Federal Government, but there is nothing in the Constitution that would give a Congressman or Senators to this Federal District of Columbia. So we are talking about a constitutional issue.

We have had other constitutional issues, such as the Bill of Rights guarantee to bear arms, and there will be an amendment to that effect with the bill. I wish to bring up another constitutional issue, which is the right of free speech and the freedom of the press.

A number of Members of Congress have been talking about the annoyance of having radio talk show hosts talk about what we are doing here. I do not blame the other side for being annoyed when a radio talk show host actually describes what is in a bill, since we have gotten in the habit of not actually reading them ourselves. When we have radio talk show hosts all around the country going through page by page, contradicting what is actually being said here, I can understand that people wish to muzzle those radio talk show hosts. That could be the opinion of some of those in Congress today, but it happens to go against the Constitution when we try to decide what people can say and what they believe.

There is actually a doctrine that was mentioned by the Senator from Kansas

called the fairness doctrine that is one of those political doublespeak titles that is radio censorship that actually tries to control what radio talk show hosts could say. That doctrine was dispensed with by Reagan, and since then we have thousands of radio talk shows with wide varieties of opinion. But many are starting to talk about bringing back this radio censorship idea to try to force radio stations to present alternative opinions every time a radio talk show host presents an opinion of their own.

What this would do is create a dysfunctional situation where no radio station could afford to have a talk show host express an opinion of any kind if they had to go out and find someone to express the opposite opinion and in the meantime face lawsuit after lawsuit from the ACLU and others. Because whose opinion is going to determine what is fair, what is balanced, what is diverse? But the whole implication here is that the Federal Government and the Federal Communications Commission are somehow going to decide for us what is fair and what is balanced and what is diverse.

The amendment I am offering today, which we call the Broadcaster Freedom Act, would prohibit the Federal Communications Commission from reestablishing any part of what is called the ''fairness doctrine'' into their regulatory structure today.

Plain and simple, most people here have said they do not want it to come back. President Obama said last week he is against the fairness doctrine. So who could oppose us making it a law that some bureaucrat over at the Federal Communications Commission could not write into regulations all or parts of this censorship of radio talk shows across the country?

It is a pretty simple amendment, but I have a feeling it is getting ready to sound lot more complicated when the other side starts presenting what is in it. We have found in this body that the facts, the truths, sometimes do not make a lot of difference. But anyone who votes against my amendment, the Broadcaster Freedom Act, is voting against the Constitution. They are voting against the freedom of the press. They are voting against the freedom of speech in this country.

The one hope we have to turn this Government around, to stop this spending, and the intervention in all areas of our life, is a free press that can tell people the truth about what is going on. More and more, we have the radio talk show hosts and the bloggers and some cable news that every day are telling Americans more about what we are doing, and Americans are getting more informed, they are getting more engaged and increasingly more outraged about what we are doing.

I encourage my colleagues to support my amendment and to vote against this side by side that is being presented by the Democratic majority. What we are seeing in this side by side is the real intention of the Democratic majority as far as dealing with this fairness doctrine. They are going to propose that we as a Congress direct the Federal Communications Commission—that we are going to say: ''shall take actions to encourage and promote diversity in communication media ownership.''

Now, they are not just saying radio here. This is ''communication.'' This includes the Web, the Internet, the blogs, blogisphere, television, newspapers. This language would direct the Federal Communications Commission to take action to enforce diversity in communication. This is Soviet-style language that you are going to get some rosy picture of in a minute. But it is so open and so vague that about every communication outlet in this country is going to be faced with accusations that their ownership is not diverse.

What does ''diverse'' mean? Does it mean ''white and black''? What they are after is what they believe, what their opinions are. If this were applied to our offices here in the Senate, we could not say anything, I could not express my opinion today without being obligated by law to go find somebody to say something completely opposite of what I am saying. This is not freedom. Anyone who votes for this alternative is voting to repress the freedom of speech in this country, the freedom of media.

The second part of what they have after ''promote diversity in communication media''—all media; only the lawyers and the bureaucrats are going to tell us what that means—is ''to ensure that broadcast station licenses are used in the public interest.'' That is already a law, and that is good, and television and radio stations that use the public airwaves all over the country are held accountable by current law to do things in the public interest, and many of them are very good at that, and it is very helpful in our communities.

But I will ask my colleagues not to let this distraction confuse them about the real intention. If we pass the broadcaster freedom amendment today, we are going to close the front door to taking away the freedom of speech in this country. But this alternative opens the backdoor to what the Democratic majority is after; that is, to muzzle this annoyance of people on the radio who are telling the truth about what is going on in this Congress.

If they can go out and threaten a station that they are not diverse in their ownership, and some judge or some bureaucrat is going to decide whether they are diverse—and who knows what that means—we are going to create such risk and such liability and such intimidation that this will not even look like America in a few years.

This is dangerous material that is being offered on the other side. I will encourage my colleagues to remember our oath of office. It has nothing to do with enforcing our opinions or some judge's opinion on some radio station out there that is trying to give its opinion to the American people. We are dangerously close to the enslavement of socialism in this country with the expansion of Government on every front.

This is intolerable. Do not let the pretty language you are getting ready to hear confuse you because this is against everything we swear an oath to in this Congress. I encourage my colleagues to vote against the Durbin amendment, vote for the Broadcaster Freedom Act, and I would appreciate their support.

Thank you, Madam President, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 591

Mr. DURBIN. Madam President, I am beginning to believe the Senator from South Carolina opposes my amendment. He has called it unconstitutional, Communist, socialistic, enslavement, and he is just getting started. So I wish to explain what the debate is all about.

It is a fundamental question, and it is one I have reflected on. The fairness doctrine is the idea that broadcasters should cover issues important to local viewers and should cover these issues fairly; in other words, allow for different viewpoints to be heard and allow those ideas to be presented in a way that is balanced or, as one of the networks say, fair and balanced.

The fairness doctrine isn't a new idea; it is one that has been around in some shape or form since the 1920s, and it was formally adopted by the Federal Communications Commission as a standard in 1949—60 years ago. Back then, though, the world was a lot different. Television was in its infancy. It was just starting. In the 1950s, of course, there emerged three major television networks—NBC, ABC, and CBS. Congress and the FCC had a legitimate concern that these three networks and their local stations could abuse their power, because when you broadcast to radio and television consumers, you are not using something you own, you are using the public airways. We own it. All of us collectively as Americans own it. We license those who use it and say: You are allowed to broadcast your television signal or your radio signal and you have to do it under certain rules and regulations. Listening to the Senator from South Carolina, he is basically saying: Government, step aside. If a private entity wants to get involved in broadcasting, that is an exercise of free speech.

Well, historically, the courts have not agreed with my friend from South Carolina. They have said that you can impose reasonable obligations on those who have licenses to use the airwaves. They don't own the airwaves; the public owns the airwaves, and there is a public interest in reaching certain goals in those airwaves. One of those

public interests was expressed and defined for many years as the fairness doctrine. The fairness doctrine basically said Americans are entitled to hear both sides of the story so there is balance and fairness in the news and in the expressions of ideas on these radio and TV stations. The fairness doctrine was clearly I think American, not Communist; constitutional—no one struck it as unconstitutional during the period of time it was in effect—and I don't know about the enslavement of socialism; I will have to reflect on that for a minute. But the fact is, it was the law of the land. The mightiest broadcast stations, radio and TV stations that could have gone to court, I say to my friend from South Carolina, and challenge that idea as unconstitutional were not successful in doing so. It is hard to imagine we would restrict their broadcasting and they wouldn't challenge it if it was unconstitutional. Well, that is a fact. Facts sometimes are hard to deal with in debates such as this, but that was the reality.

That was then and this is now. The world has changed. The world of broadcasting has changed. We still have the major networks—ABC, NBC, and CBS—but we also have CNN, FOX News, MSNBC, and hundreds of other channels on cable TV. We have public broadcasting. We have more than 14,000 AM and FM radio stations, hundreds of satellite radio stations, and we have the Internet. It is clear that technology has changed dramatically since 1949 and the institution of the fairness doctrine. There are more ways now than ever to hear a variety of perspectives on a number of issues.

So when the fairness doctrine was repealed in 1987, many of us objected. The basic argument: Americans have the right to hear both sides of the story; television and radio stations should still hold themselves to that standard. Let the American people decide. Don't let one major network jam through a political viewpoint over the public airwaves that the American people, frankly, have to take or leave. I thought that was the right position then in 1987, but I will tell my colleagues the world has changed.

President Obama has said while on the campaign trail and in the White House that he doesn't support reinstating the fairness doctrine, and neither do I. You will find no mention of the fairness doctrine on the White House Web site; you will find no effort to reinstitute the fairness doctrine in my amendment. Because, quite honestly, now it isn't a question of NBC giving me one point of view and I have to take it or leave it. We all know what happens when you go home with the remote control; you have more choices than you know what to do with. That gives a variety of opinions an opportunity to be expressed on television—the same thing is true on radio—for Americans to hear a different point of view. If they want to switch from Rachel Maddow to Bill O'Reilly, they will hear a much different view of the world. It is there. It reflects the reality of technology and media today.

So I think it is interesting that the Senator from South Carolina still bangs away at this notion that some people on the floor want to reinstate the fairness doctrine. I don't. There may be others who do. My amendment has nothing to do with that.

The amendment Senator DEMINT has written was not carefully written. I don't know if he understands some of the language he included. I call his attention to a paragraph in his amendment, paragraph 2 of section 303A. It seems like a very general statement that shouldn't cause any trouble, but I am afraid it does, because after he goes after eliminating the fairness doctrine, he also includes any similar requirement that broadcasters meet program and quotas or guidelines for issues of public importance. Now, that is a problem. I don't know if he understands it is a problem, but it is. This amendment does more than ban the FCC from doing something it wasn't going to do anyway. Incidentally, nobody is talking about reinstating the fairness doctrine. This is the ''bloody shirt.'' That term is a political term that came about after the Civil War when people would come to the floor and try to inflame passions, and they said: You are waving the bloody shirt of the war; stop that. Let's have a rational conversation.

Well, the rightwing broadcasters on their side, conservative broadcasters, have been waving this bloody shirt of the fairness doctrine for months. They love this. They have set up this kind of false choice that you are going to take away the right of free speech and they are trying to impose the fairness doctrine. It hasn't happened, it isn't going to happen, and I am not trying to make it happen.

The DeMint amendment also contains a provision which I read to my colleagues that seriously cripples the FCC's ability to ensure responsible broadcasting. Remember: Public airwaves that the radio and TV station owners apply for a license from the Government to use to make money. The public airwaves truly are the property of the American people. We say to broadcasters that in return for a license to use those airwaves, your Government is going to ask that you use them in the public interest. Now, what does it mean to say we use the airwaves in the public interest? According to Senator DEMINT, it is the enslavement of socialism. Well, here are the 14 major elements listed by the FCC when it comes to defining the public interest: Opportunity for local self-expression, development and use of local talent, programs for children, religious programs, educational programs, public affairs programs, editorialization by licensees, political broadcasts, agricultural programs, news programs, weather and market services, sports programs, service to minority groups, and entertainment programming.

Senator DEMINT's amendment—that second paragraph I read which has not been carefully written—goes way beyond stopping the fairness doctrine; it undermines the FCC's ability to make sure broadcasters meet these public interest obligations. So what. What if the public interest requirement disappeared tomorrow? What difference would it make? Let me tell my colleagues the difference it would make. There would be no requirement that your local station provide local news and weather. There would be no requirement that your local television station provide children with programming that is free from sex and violence. There would be no requirement to make sure advertising to children is subject to appropriate limitations and no requirement to provide a minimum amount of educational programming on each channel. Does that have anything to do with the fairness doctrine? It doesn't. What Senator DEMINT is doing is undermining broadcasting in the public interest.

If a station decided to run a religious program, they would be doing it in the public interest. Senator DEMINT removes that definition of public interest. In fact, he says—let's go back to the exact language of his amendment. He says, ''any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance.'' So his language goes too far.

What we have tried to do is to make sure we don't limit the FCC's ability to protect the most vulnerable and impressionable viewers and listeners in America—our kids and our grandkids. The DeMint amendment takes away that requirement of licensees, radio and TV licensees, to protect children from sex and violence. They might do it anyway, they might not, but there would be no license requirement under the DeMint language.

I still believe broadcasters who use public airwaves should use them in a fair and reasonable way in the public interest, and I believe the FCC should be able to enforce this. If the DeMint amendment is passed and if it became law, if you wanted to enforce the fact that on Saturday morning, when a lot of kids are watching television, the local television station is running a gory movie or one that is on the edge when it comes to sexual content, it would be hard, if not impossible, to do it. I am sure that is not the Senator's intent, but that paragraph was very poorly written, and that is why I change it.

Now, there is also the suggestion by the Senator from South Carolina that if we encourage diversity of media ownership, somehow that is communistic. From my point of view, it is not. Diversity of ownership opens the public airwaves to a variety of different owners. I am not saying here—and no one is suggesting—that the law for the Federal Communications Commission says you can give this license to a Republican and this one to a Democrat or

this one to a liberal and this one to a conservative. When I talk about diversity of media ownership, it relates primarily to gender and race and other characteristics of that nature. We don't mandate it, even though you would think we did when you hear Senator DEMINT read from my amendment. What we say is the Commission shall take actions to encourage and promote diversity in communications media ownership. I don't think that is a mandate to give licenses to any one group; it just says ''take actions to promote and encourage,'' something that is already in the law.

I might say to the Senator, section 307B of the Communications Act—and I hope you will have your staff look at it—requires that the FCC ensure that license ownership be spread among diverse communities. It is there already. It is there already. This enslavement of socialism, in the words of the Senator from South Carolina, is already there. I don't think this is socialistic, communistic or unconstitutional. It is in the law. So to say we are going to promote what the law already says is hardly a denial of basic constitutional freedoms. Second, the Communications Act requires the FCC to eliminate market entry barriers for small businesses to increase the diversity of media voices. That is section 257, which I hope your staff will look at too.

To argue that what I am putting in here is a dramatic change in the law or is going to somehow muzzle Rush Limbaugh is not the case. What we are suggesting is, it is best that we follow the guidelines already in the law to promote and encourage diversity in media ownership. Even with cable, satellite, and Internet, broadcast TV and radio, there are still important ways we learn about what is going on in our communities and in our country.

The Senator from South Carolina went on to say this amendment would affect the Internet and blogs. I have to remind the Senator they are not licensed. They don't have FCC licenses. They are not affected by this debate. You can start a blog tomorrow, I can, too, and I don't have to go to the FCC for approval. They certainly cannot monitor that blog to determine whether it is in the public interest. That is not the law. The Senator is on this rampage and, yet, when you look at the facts, they do not apply to the Internet or blogs.

We should be concerned, however, that the policies of the last decade have led to bigger and more consolidated media outlets controlling more of the stations and more of the content. As a result of these policies today, women and minorities are less likely to own media stations, even though the existing law says that is a goal when it comes to licensure. Nationwide, women own just 5 percent of all broadcast TV stations. Racial or ethnic minorities own just 3.3 percent. In Chicago, the city I am proud to represent—diverse and vibrant with many significant minority communities—there is only one commercial TV station owned by a racial or ethnic minority. The numbers are almost as dismal in radio. Nationwide, women own just 6 percent of broadcast stations; minorities, 7.7 percent. In Chicago, only four radio stations are owned by minorities. That is about 5 percent of the radio stations in Chicago, less than the national average.

The content of the media should reflect the diversity of America. These statistics show this is not currently the case. The law says that should be our goal. The existing law says that should be our goal. I restate the existing law, and the Senator from South Carolina calls it communism. I don't think it is. I think it is still a worthy goal so that there is diversity in ownership, diversity in stations. I am acknowledging the obvious.

I am acknowledging the obvious: We are no longer in the world of three television networks; we are in a world where we have many different choices. I ask that we reaffirm diversity and media ownership so there will be choices. I hope the Senator from South Carolina cannot argue that we should not have choices, that we cannot turn the dial to our favorite stations, or punch the remote control to reach those stations. I think that as long as America has those choices, it serves the original goal of letting us hear different sides of the story and doesn't reimpose the fairness doctrine, which none of us are asking for.

We need to make the media more accessible to all voices in America. Isn't that what we are all about in this country? Don't we basically say we trust the people of this country to hear both sides of the story and make up their own minds? We sure do. We give them a right to vote. I guess that is the most instructive delegation of authority you can give to a person: you get to pick your leadership based on your opinion.

All I am asking is that we encourage diversity of media ownership so there are more options, more opinions being shared, and Americans can choose the ones they want. I will repeat so my friend from South Carolina understands clearly, I do not favor the reinstatement of the fairness doctrine. The world has changed. The world of media and technology has changed. I believe Americans are entitled to hear different points of view, and that is why I restate the existing law—and I have given citations for both sections of the Communications Act—which is that we need to have more diversity in media ownership in America. I have not proposed taking away a license from anybody or giving one to anybody. Setting this as a goal is as American as apple pie and has nothing to do with communism or Marxism.

I say to the Senator I was careful in writing this amendment, so I included a section very similar to his section (2) but narrowing it to the issue of fairness. I say—and this is so short that I will read parts:

> The Commission shall take actions to encourage and promote diversity in communication ownership and ensure that broadcast station licenses are used in the public interest.

That is so there is diversity in ownership and we protect kids from sex and violence. If the Senator thinks that is communism, I disagree with him.

Then I say:

> Nothing in section 303A—

Which is what we are talking about in this amendment—

> shall be construed to limit the authority of the commission regarding matters unrelated to a requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance.

I protect what I think was the intent of his amendment to prohibit the reinstitution of the fairness doctrine, which nobody has suggested, but to make it clear that is as far as we go. We are not eliminating the requirement of broadcasting in the public interest for obvious reasons: We want to protect kids; we want to protect families; we want to keep sex and violence away from kids; and make sure there is local news and weather so people can turn on the TV stations and learn about it.

All of these things, from my point of view, are constructive, and I hope we all agree. The Senator from South Carolina has said that old DURBIN will argue for the fairness doctrine. Let's correct the record. I am not doing that. The fairness doctrine, in 2009, doesn't make sense. It might have made sense in 1948. We should not reinstitute that, but let's not give up on fairness. Let's make sure American viewers of television and listeners of radio have choices. Making those choices can form an opinion that leads to their expression of points of view and their votes. There is nothing wrong with that.

For the people who want to take a license and use the airwaves, there are basic rules. We don't want you to put gory movies and sex on television during early morning hours on a Saturday when kids are watching. We want you to be careful in your content so you don't do something that is abusive of your use of our public airwaves.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I always enjoy a good debate with the Senator from Illinois. He is certainly good at what he does and, in this case, that is confusing facts. The good news for us and all Americans is, this afternoon, on radio talk shows all across the country, they can find out what is in both of these amendments and what it really means. They are not going to hear it here today. There have been a lot of distortions but interesting admissions.

Certainly, the Senator from Illinois made it very clear that he should be a part of determining what is fair and balanced and how we should determine

what is both sides. He mentioned there are 14,000 radio stations. What he does with his amendment is he orders ''shall take action to encourage and promote diversity and communication media ownership.'' He wants our FCC to monitor 14,000 radio stations to decide if their ownership is diverse. He said it doesn't apply to the Internet, but we do regulate the Internet. We regulate everything in America, folks—everything that a Federal dollar touches.

Believe me, this language is not just about radio stations; it is about doing the impossible, and that is to centrally manage the ownership of radio and other communications in this country. It goes back to his original opinion that, yes, he believes there should be fair and balanced perspective presented in the media. But what he believes—and what many on his side believe—is that fairness should be determined by those of us in Government rather than the listeners and viewers who tune into that radio or the TV station or go to that Web site.

It is not for us to determine what is fair and balanced. His distortion about my amendment and what it does is exactly wrong. We do not address or change in any way the requirements of radio stations to act in the public interest. The nonsense about children's programming and indecency has nothing to do with this. It is another section in the law. I don't affect that in any way.

What this is about is, saying to your face, America, that they are not for reinstating the censorship of radio, while at the same time introducing an amendment that would allow us to go in and make our judgment, our opinion, about what is diverse ownership of a radio station.

Let me read again what this provision in my amendment addresses. He says it takes away the public interest clause. It has nothing to do with that. But it prohibits this backdoor approach to getting back to the principles of the fairness doctrine by saying broadcasters do not have to meet programming quotas and guidelines. In other words, we can't decide how many opinions they have to offer and what the guidelines for those opinions are. It is not for us to say. They have to fulfill their public interest obligations. We don't change that. But this clause would keep the good Senator from Illinois and those on his side who want to censor radio from allowing the FCC to go in and set some kind of quotas on how often, how they need to state their opinions, and the guidelines for that. It creates a license for us to go in and determine what opinions, how many opinions, and basically it is the fairness doctrine through the back door.

I will restate that this Broadcasters Freedom Act protects the constitutional rights of freedom of speech and freedom of the press. It does nothing to dislodge or change the requirement that public stations—radio or whatever communications—meet the current law requirements to act in the public good. But it does keep us, as a government, from setting quotas and guidelines of what opinions can be expressed and how often they can be expressed.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. DEMINT. Yes.

Mr. LIEBERMAN. On that last point, am I correct in reaching the conclusion—and that second clause is prohibiting any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance—that you do not intend to affect or dislodge in any way existing FCC laws or guidelines with regard to, for instance, decency standards, language, or sexually loaded content, or violent content that currently prevails?

Mr. DEMINT. The Senator is right. We have legal opinions on that, and it doesn't overrule any existing commission regulations. We asked the broadcasters' legal counsel, and this is intended to narrow this fairness doctrine backdoor approach of controlling what people say by establishing quotas and guidelines about how that is done. I thank the Senator for that question.

We have probably talked enough about this subject. I reserve the remainder of my time. 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. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Madam President, I ask unanimous consent that the time during the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. 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. VOINOVICH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 587

Mr. VOINOVICH. Madam President, today I speak as a Member of the Senate, but also as a former chairman and now ranking member of the Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee. I have had a relationship with the District for quite some period of time and have been very interested in the District and also in the District's reaching out in terms of providing a quality education for the boys and girls who live in the District, understanding that this is the Nation's Capital and it should be the shining city on a hill where people can come from all over America and see the very best we have in our country in terms of educational opportunities and, I also feel, the opportunity of people to have the right to vote.

As a result of my concerns about the ways to rectify the lack of voting representation for the District, I have approached this bill with the belief that citizens who pay taxes and serve in the military should have House representation so long as such representation conforms to the Constitution.

Although a constitutional amendment would provide the clearest constitutional means to ensure District residents are provided House representation, after studying the legal arguments, I have concluded that there are sufficient indicia and precedent that the Constitution's District clause grants Congress the constitutional authority to give the District a House Member. As for any argument that the bill is unconstitutional, I need only to say that I believe any ambiguity and disagreement will be resolved quickly by the courts.

After weighing the constitutional arguments and equities, I have decided to support this legislation—in fact, I am a cosponsor of this legislation—on one condition: We must also continue to give the families of the District a vote on how their children are educated.

Accordingly, I am proud to join Senator ENSIGN in offering an amendment to reauthorize the District of Columbia Scholarship Program for an additional year. Perhaps one may wonder why am I so concerned about this issue. It is because of the fact that when I was Governor of Ohio, we started a scholarship program in Ohio for children who were not members of the public schools. That experiment has worked to the benefit of thousands of children, particularly in the Cleveland district, who have gone through the system and are now in college. I meet with them, and they tell me: Were it not for the Cleveland Scholarship Program where I had a choice to go to another school, I don't believe I would be in college today and be as successful as I have been.

When I instituted that program, it was said it was unconstitutional. I am pleased to say that several years ago, the U.S. Supreme Court said that providing scholarships to nonpublic school systems fit in with the Constitution of our country.

When we had an opportunity to help the District, we provided $14 million for public schools, $14 million for charters, and $14 million for the scholarship program. It is a critical component of a three-sector education strategy to provide a quality education to every child in the District, regardless of income or neighborhood.

The program provides up to $7,500 per student per year to fund tuition, fees, and transportation expenses for K–12 for low-income DC families.

To qualify, students must live in the District and have a household income of no more than 185 percent of the Federal poverty level. In 2008, that was

about $39,000 per family of four. In fact, the average income for families using scholarships in 2008 was just over $24,000.

Since its inception, the program has served over 2,600 students. They have about 7,500 who would like to get in the program, but they do not have a place for them. Entering students had average math and reading test scores in the bottom third.

A recent evaluation of the Department of Education reaffirms academic gains among participants less than 2 years after receiving a scholarship. They are benefiting from it. We need more time to see how it works out. I wish to underscore that I think this is part of this whole package we put together.

Many Members of this body are unaware of the fact that today the people who live in the District can go to any public college in the United States and we provide up to $10,000 for out-of-State tuition. They are not aware of the fact that Don Graham over at the Washington Post got the business community together and set up the Washington scholarship program, the CAP program, and $2,500 is available for youngsters. Or that the Gates Foundation thinks so much of what is happening in the District that they provided another $120 million to keep kids in school in the two worst dropout districts in the District of Columbia.

There are some wonderful things happening in the District, and yet—and yet—there are some people here, because of special interest groups, who want to do away with the scholarship program. They want to deny these children an opportunity to have this educational opportunity, this smorgasbord we have available to them.

What this amendment does is it extends for 1 year that program as we look at it and see how it goes through its metamorphosis.

I have to say to my colleagues on the other side of the aisle and this side of the aisle, if you want to do something that is disastrous to the kids in the District in terms of public relations and the interest of all these people in the District, go ahead and make it impossible for this program to keep going.

Think about this: the Gates Foundation, the College Assistance Program—great things are happening in the District today. What a terrible message it would send to the rest of the country and those who care about education in the District if we were denied this opportunity, this experiment to continue in the District.

I ask unanimous consent to have printed in the RECORD two editorials, one on January 26 titled ''School Vouchers, District parents know why the program should continue.'' The demand for it is tremendous. They want it. And a recent editorial, ''Hoping no one notices, congressional Democrats step between 1,800 DC children and a good education.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 26, 2009]

SCHOOL VOUCHERS—DISTRICT PARENTS KNOW WHY THE PROGRAM SHOULD CONTINUE.

Early surveys of D.C. parents of children receiving federal school vouchers showed many of them liked the program because they believed their children were in safe schools. Over time, a new study shows, their satisfaction has deepened to include an appreciation for small class sizes, rich curricula and positive change in their sons and daughters. Above all, what parents most value is the freedom to choose where their children go to school.

Here, for example, is what one parent told University of Arkansas researchers studying the District's Opportunity Scholarship Program: ''I know for a fact they would never have received this kind of education at a public school. . . . I listen to them when they talk, and what they are saying, and they articulate better than I do, and I know it's because of the school, and I like that about them, and I'm proud of them.'' Overall, researchers found that choice boosts parents' involvement in their children's education.

Whether they continue to have such a choice could be determined soon. The program that provides scholarships of up to $7,500 per year for low-income students to attend private schools is funded only through the 2009–10 school year. Unusually restrictive language being drafted for the omnibus budget bill would forbid any new funding unless Congress reauthorizes the program and the District passes legislation in agreement. Yet results of the Education Department's scientific study of the program are not expected until June.

We hope that, despite his stated reservations about vouchers, President Obama includes money in his upcoming budget to safeguard the interests of children in this important local program and to preserve an unusually rigorous research study. Mr. Obama and his education secretary, Arne Duncan, say they eschew ideology in favor of what serves the interests of children. Here's a chance to help 1,716 of them.

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[From the Washington Post, Feb. 25, 2009]

VOUCHER SUBTERFUGE—HOPING NO ONE NOTICES, CONGRESSIONAL DEMOCRATS STEP BETWEEN 1,800 D.C. CHILDREN AND A GOOD EDUCATION

Congressional Democrats want to mandate that the District's unique school voucher program be reauthorized before more federal money can be allocated for it. It is a seemingly innocuous requirement. In truth it is an ill-disguised bid to kill a program that gives some poor parents a choice regarding where their children go to school. Many of the Democrats have never liked vouchers, and it seems they won't let fairness or the interests of low-income, minority children stand in the way of their politics. But it also seems they're too ashamed—and with good reason—to admit to what they're doing.

At issue is a provision in the 2009 omnibus spending bill making its way through Congress. The $410 billion package provides funds for the 2009–10 school year to the D.C. Opportunity Scholarship Program, a pioneering effort that awards scholarships of up to $7,500 a year for low-income students to attend private schools. But language inserted by Democrats into the bill stipulates that any future appropriations will require the reauthorization of the program by Congress and approval from the D.C. Council.

We have no problem with Congress taking a careful look at this initiative and weighing its benefits. After all, it was approved in 2004 as a pilot program, subject to study. In fact, this is the rare experimental program that has been carefully designed to produce comparative results. But the proposed Democratic provision would short-circuit this study. Results are not due until June, and an additional year of testing is planned. Operators of the program need to accept applications this fall for the 2010–11 school year, and reauthorizations are complicated, time-consuming affairs. Indeed, staff members on various House and Senate committees scoffed yesterday when we asked about the chances of getting such a program reauthorized in less than a year. Legislation seeking reauthorization has not even been introduced.

If the Democratic leadership is so worried about process, it might want to review a recent report from the Congressional Budget Office listing the hundreds of millions of dollars that have been appropriated to programs whose authorizations have expired. Many of these programs get far more than the $14 million allocated to the Opportunity Scholarships. House Minority Leader John A. Boehner (R-Ohio) was right to call out the Democrats for this back-door attempt to kill the voucher program. The attention should embarrass congressional Democrats into doing the right thing. If not, city leaders, including D.C. Mayor Adrian M. Fenty (D), need to let President Obama know that some 1,800 poor children are likely to have their educations disrupted.

Mr. VOINOVICH. Madam President, do you know why? It is because of the National Education Association. They do not want it to happen. They fought it in my State. The Ohio school boards fought it. I will never forget going up for an endorsement in 2004 when I ran last time. When I ran in 1998, I got support from the Ohio Education Society. They said: No Governor has done more for education than GEORGE VOINOVICH. So I came to Washington. They kind of forgave me for the scholarship program in Cleveland. They kind of let that go.

Madam President, 2004 came along, and I went through the whole endorsement procedure. I did everything. After it was over, many people came up to me and said: George, you absolutely did a fabulous job with your presentation, what you are trying to do with education on the national level and you are concerned about it. But we got the word from Washington that you are not going to be endorsed because you have broken the rule in supporting scholarships, supporting an opportunity for kids to have another opportunity to go to school and try something new.

I want to say this. In this country of ours, we cannot survive with half the kids in our urban districts dropping out of school. I am glad the President spoke about it in his State of the Union. I am glad the President talked about charter schools. But the real question is, Is he going to stand up and are the Democrats on the other side of the aisle and some Republicans going to stand up to the National Education Association, the National School Boards Association and some of these groups that want to keep things as they are?

I am going to tell you something, Madam President. We will never make

it. I want everybody to understand that I am for this bill, voting rights, but I am not going to support this bill unless I am convinced we are going to have an opportunity to debate this issue in the Senate and keep this program going for the boys and girls who are benefiting from it, the same kind of program that benefited so many thousands of people in the State of Ohio.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend from Ohio. He speaks with such admirable passion about the needs of children who obviously are not his. He has a record on this issue. He knows, as I do, though, that some groups may disapprove, oppose this DC low-income student scholarship program. One group that doesn't oppose it—in fact, enthusiastically supports it—is the parents of low-income children in the District who have oversubscribed by multiples for this program every year.

We are going to have conversations during this discussion. I support this program, as my friend from Ohio knows. Hopefully, we can get to a point where we can have an agreement that will get some floor time for this discussion. As I said earlier, since the Homeland Security and Governmental Affairs Committee has tucked within it jurisdiction over matters related to the District of Columbia, we would, I believe, be the authorizing committee.

I am certainly committed to holding a hearing on the reauthorization bill. The Senator from Ohio rightly wants to guarantee by one means or another that there will be floor debate on this issue in a timely way; that is, so that we can consider it in plenty of time for the DC school system to act.

Most of all, I tell him I admire the strength of his position because it is a position that cares for children. It is not against anything. It is for a good education for all our children. I thank him. I admire him.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 591

Mr. DURBIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the clerk report the amendment which I have pending at the desk.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 591.

Mr. DURBIN. I ask unanimous consent that the amendment be considered as read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage and promote diversity in communication media ownership, and to ensure that the public airwaves are used in the public interest)

At the end of the bill add the following:

**SEC. 9. FCC AUTHORITIES.**

(a) CLARIFICATION OF GENERAL POWERS.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

**"SEC. 303B. CLARIFICATION OF GENERAL POWERS.**

''(a) CERTAIN AFFIRMATIVE ACTIONS REQUIRED.—The Commission shall take actions to encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.

''(b) CONSTRUCTION.—Nothing in section 303A shall be construed to limit the authority of the Commission regarding matters unrelated to a requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance.''.

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

Mr. DURBIN. 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.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. LINCOLN and Mr. CHAMBLISS are printed in today's RECORD under ''Morning Business.'')

Mr. CHAMBLISS. 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. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUY AMERICA

Mr. BROWN. Mr. President, we are in the worst recession since the Great Depression. We have been in a recession in my State longer than the official 13 months that economists have noted. With the economic recovery package signed into law last week, we took a major step toward getting our economy on the path for success and toward rebuilding and strengthening the Nation's middle class. The economic recovery package means billions of dollars to help shore up State budgets and help States pay for essential programs such as Medicaid and unemployment insurance. The economic recovery package means money for job-creating efforts from shovel-ready projects to long-term investment in new technology.

In this economic crisis, we have seen demand for manufactured goods slow to a crawl. Coupled with the unavailability of credit, many manufacturers have ceased or idled operations. American manufacturing shed 800,000 jobs last year, nearly one-third of all job losses. Last week many people probably missed the bad news on manufacturing released by the Federal Reserve. The Fed reported that output in manufacturing fell 2.5 percent in January. That means manufacturing lost 207,000 jobs in January alone. That is on top of manufacturing falling nearly 3 percent in December. This puts manufacturing's decline over the last 3 months at a shocking 26.7 percent.

That is why this recovery package is so important. The recovery package has two key objectives: stimulate the economy and create jobs. The Government is investing billions of tax dollars in infrastructure, in safety net programs and alternative energy development. It is common sense to ensure that Federal funds for this recovery are used to buy American products and to help promote manufacturing and job creation.

Studies across the board say more jobs are created when we have strong domestic sourcing requirements. One recent study estimates 33 percent more manufacturing jobs will be created with ''Buy America''. When we utilize domestically manufactured goods, the more jobs we will create and the greater the stimulus will be to our economy, an economy that has been the engine of growth for the world. The American people clearly have spoken out that they want this ''Buy America'' provision. ''Buy America'' is common sense. The majority of Americans know that. Some 84 percent favored strong ''Buy America'' provisions in the stimulus.

Last week in Cleveland I visited ArcelorMittal Steel, a steel manufacturer that employs lots of people but is a foreign-owned company. I met with the plant manager and his staff. I met with union workers, including some who were recently laid off. This company, similar to all steel companies, is down 45 percent of its capacity. They are forced to lay off workers because the demand for steel has declined—steel for autos, steel for household appliances, steel for infrastructure projects. We talked about ''Buy America'' provisions and how that can help the plant get up and running again. It is important to note that ArcelorMittal is an international company. Its headquarters is not located in the United States. Yet that company believes ''Buy America'' provisions make sense, a foreign-based company that supports ''Buy America'' provisions in the recovery package. There

are more foreign-based companies with American factories such as ArcelorMittal that can benefit from the stimulus. I hope ''Buy America,'' if properly implemented and properly enforced, will help manufacturers such as ArcelorMittal and even attract new foreign investment in the United States. We need to make sure these provisions are properly implemented. We need to make sure that when a State or local government requests a waiver on ''Buy America'' provisions, the agency makes the request known. We need transparency so that, at the very least, the taxpayers know if dollars are going to domestic or foreign manufacturers.

There are good reasons on occasion to have waivers. Sometimes domestic steel or iron or cement might be too costly for a project to make sense. Sometimes the right product in the right quantity may not be available at the right time. Waivers are fine if implemented correctly, fairly, and with transparency. But that has not always been the case. Since 2001, the Federal Highway Administration has granted 54 ''Buy America'' waivers. The Federal Transit Administration has granted more than 40 waivers. Most were granted based on the product not being available in the United States. When the waiver request is not known by anyone except the Federal agency that receives it, how do we know the products are not made in America? Waivers can be fine but not if they are granted without transparency. We have a responsibility to the taxpayer to ensure that these dollars are creating American jobs.

Americans, whether they are in Denver or Columbus, have supported ''Buy America'' in large numbers. We know that, when the President spoke down the hall in the House about this stimulus package and about our efforts. We also know, if we are going to ask Americans to reach into their pockets and spend tens of millions of dollars on infrastructure projects, as Americans have said they would, we also need to know this will create the jobs we promised.

The American people want three things: Accountability, which we give in this package; they want to know that this infrastructure is done by American workers; and they want to know their tax dollars are used to buy materials made in America for these projects that American workers are building.

We have a responsibility to give American manufacturers the opportunity to bid on the steel and iron and cement and the concrete that will be in demand for these massive investments. ''Buy America'' is significant because it helps ensure we have a diverse and strong manufacturing base.

Textbook trade theory says that making companies more and more specialized in one sector is an unquestionable good, but that is not always true. We have seen countries such as Great Britain overspecialize in finance while neglecting manufacturing. Some might say that has happened here. The people screaming bloody murder about ''Buy America'' are the same people who oversold the benefits of free trade. These are entrenched interests, companies that, for instance, outsource their manufacturing, move their manufacturing plants abroad. They import products back into the United States, and they use cheap labor. That is so much of the story. In opposing ''Buy America,'' companies would say: We want to be able to sell our products overseas. That is not the real story. The real story is these companies want to outsource their production to China, use very inexpensive labor, take advantage of no worker safety rules in China, take advantage of very weak environmental rules in China, make those products there and then import them back into the United States, outsource the jobs to China, make the products there, and bring the products back to the United States. We know what that does to American employment. We also know what it does for food safety, toy safety, vitamins, all the things we have seen, contaminants in the food and toys. We cannot afford this any longer. We cannot be a healthy economy without strong manufacturing. A healthy economy is a balanced one, not overly dependent on one sector.

Let me be clear. ''Buy America'' is not about slowing international trade. The editorial boards and pundits may scream trade war when the Congress considers how it will spend taxpayer dollars, but there is no danger of a trade war. There is no danger of protectionism. We are a country with the most open markets in the world. We are a country with an $800 billion trade deficit, $2 billion a day going out of the country rather than money coming into the country. How can we be called protectionist when we have that policy?

The United States will continue to have the most open market in the world, and we should. The United States is a signatory to the World Trade Organization and other trade deals that actually limit policies that countries can use on things such as ''Buy America'' or on climate change or on food and product safety. That, in itself, is a subject matter for further debate.

This is about using tax dollars in the best way to create jobs in Illinois, Colorado, and in Ohio. Now that the provisions are in the bill, Congress will work with the Obama administration in implementing them with transparency and accountability. It is the right thing to do. It will put Americans back to work. Americans demand that their tax dollars be spent on American workers using American products to build this infrastructure to make a better economy.

I thank the Chair.

Mr. FEINGOLD. Mr. President, the fairness doctrine was repealed by the FCC over 20 years ago. I do not support its reinstatement because I don't like the idea of the government micromanaging speech. I also have serious questions about whether it would be constitutional to reinstate the fairness doctrine, given the wide variety of media outlets available for the expression of different points of view. That is why I voted for the amendment offered by Senator DEMINT banning the fairness doctrine.

Unfortunately, that amendment was drafted so broadly that it could have also restricted the FCC from encouraging localism and ensuring that broadcasters are living up to their public interest responsibilities. These are responsibilities that broadcasters agree to when they are provided a segment of spectrum—a valuable piece of public property—and they should not be undone. I supported the Durbin amendment to clarify that public interest obligations remain, while ensuring that the fairness doctrine does not return.

Mr. DORGAN. My vote on the DeMint amendment, No. 573, should not be construed as a vote in favor of restoring the fairness doctrine. I do not favor restoring the fairness doctrine.

However, the DeMint amendment went much further than legislating on the fairness doctrine. His amendment would have prohibited the FCC from establishing any program guidelines at all no matter how reasonable. For example, his amendment would have prohibited the FCC from establishing guidelines for children's programs or guidelines to prohibit violent programming during a family viewing hour in the evening. These are just two examples that the DeMint amendment would have prohibited.

To be clear, I support the provision in the DeMint amendment that would have precluded the restoration of the fairness doctrine. My view is that the fairness doctrine is not appropriate for today's market. I do support the creation of reasonable public interest standards that attach to a broadcast license dealing with localism issues and community responsibility. But, I could not vote for such a broad amendment that would have stripped from FCC reasonable and appropriate regulation of the type described above.

AMENDMENT NO. 591

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

Mr. DURBIN. It is my understanding the vote is scheduled for 2 o'clock.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. I ask unanimous consent that it be moved until 2 minutes after 2 and I be allowed to speak and there be response.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, before us is a debate on the fairness doctrine. Sixty years ago, the Federal Communications Commission said radio and TV stations had to tell Americans both sides of the story. In those days, television was just starting. In the 1950s,

three networks emerged and the fairness doctrine applied for decades. Then, in 1987, the FCC canceled the fairness doctrine, and there has been a debate ever since whether we should return to it.

Well, if you want to argue whether Americans should hear both sides of every story to make up their minds, I think it is a pretty basic concept. But while we were debating whether to return to the fairness doctrine, media and technology changed dramatically. It is no longer three networks, it is 200 channels, cable channels, and all sorts of opportunities for information.

So the fairness doctrine in its day was the right thing for the right reason. Today it is not. Senator DEMINT wants to eliminate it—make sure no one brings it back. No one is planning on bringing it back. There is no problem with that. But he included some language in his amendment that goes too far. It takes away the authority of the Federal Communications Commission to basically determine that radio and TV stations use their Federal licenses in the public interest. What does that mean?

It means the FCC can tell a television station it cannot put on a violent movie early on Saturday morning when kids are tuning in to cartoons. It cannot put on something with sexual tones to it at a time when children and family are watching. There are limitations because it is using America's airwaves to make money. Use them responsibly in the public interest. I think it was inadvertent, but, in fact, he removed that. He removed that authority of the FCC.

My amendment says two things. It is the first amendment we will vote on. First, the existing statutory requirement for diversity in media ownership is going to be encouraged so we have more and more different people applying for licenses for radio and TV stations. There is nothing wrong with that, as I see it. It is already in the law. Secondly, do not take away the FCC's power to say to public licensees of television and radio: Operate in the public interest. Make sure you have local news and weather. Make sure you do not have sexual content and violence on children's shows—basic things that are common sense.

I do not think the Senator from South Carolina wanted to change that. He did inadvertently. My amendment cleans it up. If the Durbin amendment is adopted, I encourage people to support both the Durbin amendment and the DeMint amendment. If my amendment is not adopted, I hope they will reconsider their support for Senator DEMINT's amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I am going to proceed for a few moments on leader time.

The PRESIDING OFFICER. The Senator may proceed.

Mr. MCCONNELL. Mr. President, in recent months, a number of our colleagues on the other side of the aisle have expressed support for reinstating the so-called fairness doctrine. But let's be honest. The fairness doctrine was anything but fair. It amounted to Government control over political speech, and in the end it actually resulted in less, not more, political discourse over the airwaves because broadcasters did not want to deal with all of its redtape. That is precisely why the Federal Communications Commission repealed it back in 1987, and why we must keep it from being reinstated now.

The reality behind this so-called fairness doctrine is that some of my friends on the other side do not like what they are hearing on the radio these days. So instead of addressing the criticisms head on, they want to silence them.

Americans will not stand for that, and we will not let it happen. Government is not the speech police, and I will not support—and I am confident the American people do not support—efforts to restrict free speech.

The Founding Fathers enshrined the right to free speech in the very first amendment to the Constitution because they knew it was fundamental—that it was the one right without which the others would lose their force. They also knew future generations would have to continue to defend that right from those who viewed it as an obstacle to their goals.

We should adopt the DeMint amendment to kill the so-called fairness doctrine once and for all.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 591 offered by the Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—57

| | | |
|---|---|---|
| Akaka | Carper | Johnson |
| Baucus | Casey | Kaufman |
| Bayh | Conrad | Kerry |
| Begich | Dodd | Klobuchar |
| Bennet | Dorgan | Kohl |
| Bingaman | Durbin | Landrieu |
| Boxer | Feingold | Lautenberg |
| Brown | Feinstein | Leahy |
| Burris | Gillibrand | Levin |
| Byrd | Hagan | Lieberman |
| Cantwell | Harkin | Lincoln |
| Cardin | Inouye | McCaskill |
| Menendez | Reed | Tester |
| Merkley | Reid | Udall (CO) |
| Mikulski | Rockefeller | Udall (NM) |
| Murray | Sanders | Warner |
| Nelson (FL) | Schumer | Webb |
| Nelson (NE) | Shaheen | Whitehouse |
| Pryor | Stabenow | Wyden |

NAYS—41

| | | |
|---|---|---|
| Alexander | DeMint | McCain |
| Barrasso | Ensign | McConnell |
| Bennett | Enzi | Murkowski |
| Bond | Graham | Risch |
| Brownback | Grassley | Roberts |
| Bunning | Gregg | Sessions |
| Burr | Hatch | Shelby |
| Chambliss | Hutchison | Snowe |
| Coburn | Inhofe | Specter |
| Cochran | Isakson | Thune |
| Collins | Johanns | Vitter |
| Corker | Kyl | Voinovich |
| Cornyn | Lugar | Wicker |
| Crapo | Martinez | |

NOT VOTING—1

Kennedy

The amendment (No. 591) was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. NELSON of Nebraska. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 573

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, before a vote in relation to amendment No. 573 offered by the Senator from South Carolina. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, if I could have my colleagues' attention for just a moment, I think this should be an easy vote for all of us. President Obama has expressed his opposition to the fairness doctrine. Senator DURBIN has expressed his opposition to the fairness doctrine. This amendment, the Broadcasters Freedom Act, prohibits the Federal Communications Commission from implementing all or part of the fairness doctrine, which has been repealed.

I wish to clear up one misunderstanding that has been stated on the other side. This amendment does not affect the public interest requirements of broadcast radio. It does not change children's programming or opposition to indecency. What it does is, it prohibits quotas and guidelines on programming, which is another way to prohibit the implementation of the fairness doctrine.

While the fairness doctrine is a direct and obvious method to burden and chill broadcaster speech, there are also several indirect ways that are not as well-known, but no less available to proponents of limiting the freedom of our national media.

Last year's FCC Localism Notice of Proposed Rulemaking—MB Docket No. 04–233, released January 24, 2008, ''Localism Notice''—contained a number of ''tentative conclusions'' that, if adopted, would result in greater regulation of broadcaster speech.

First, the FCC proposed to reintroduce license renewal processing ''guidelines'' that would measure specific categories of speech aired by broadcasters.

The guidelines would pressure broadcasters to air Commission-specified amounts of programming in Commission-defined program categories. Although the Localism Notice does not specify which categories broadcasters would be measured by, political programming, public affairs programming, and local news are mentioned as possible types of programming to be regulated. Broadcasters that do not meet the thresholds to the Commission's satisfaction would risk losing their license to broadcast.

While ostensibly the renewal processing guidelines are meant to increase the total amount of local programming, the adjective ''local'' is ill-defined in this proceeding. It could be expanded to include an almost limitless array of speech and could shift with the political winds.

My amendment, DeMint No. 573, would not eliminate the FCC's power to develop license renewal processing guidelines completely, but only its authority to develop processing guidelines that mimic its past authority under the fairness doctrine, hence the language which limits it to quotas or guidelines for issues of public importance.

The second way in which the Commission has proposed to indirectly regulate broadcaster speech is by return of ascertainment requirements, which would mandate that every broadcaster develop and meet with an ''advisory board'' made up of community groups and local officials that would ''inform the stations' programming decisions.'' This proposal would make broadcasters very vulnerable to pressure or even harassment by groups that do not approve of their programming.

A similar ascertainment requirement was eliminated in the early 1980s after the Commission determined that the rule did more to create bureaucratic burdens than it did to improve broadcasting.

Like the processing guidelines, the ascertainment requirement could become a factor for broadcasters at license renewal. Groups that feel a local broadcaster did not listen to their suggestions through the advisory board—suggestions to, for example, air more programming that addresses whatever social or political issue is of concern to these groups—could challenge the broadcasters' license and argue that the broadcaster ignored the ''needs and interests'' of their local community. Talk radio would be particularly vulnerable to this type of harassment, as would religious broadcasters.

Again, my amendment, DeMint No. 573, would not eliminate the Commission's authority to mandate ascertainment completely, but only its authority to mandate that broadcasters seek out opposing viewpoints on ''issues of public importance.''

I encourage all of my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. LIEBERMAN. Mr. President, I yield back the time on our side.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—87

| | | |
|---|---|---|
| Akaka | Durbin | McConnell |
| Alexander | Ensign | Menendez |
| Barrasso | Enzi | Merkley |
| Baucus | Feingold | Mikulski |
| Bayh | Gillibrand | Murkowski |
| Begich | Graham | Murray |
| Bennet | Grassley | Nelson (FL) |
| Bennett | Gregg | Nelson (NE) |
| Bond | Hagan | Pryor |
| Boxer | Hatch | Reid |
| Brown | Hutchison | Risch |
| Brownback | Inhofe | Roberts |
| Bunning | Inouye | Schumer |
| Burr | Isakson | Sessions |
| Burris | Johanns | Shaheen |
| Byrd | Kaufman | Shelby |
| Cantwell | Klobuchar | Snowe |
| Cardin | Kohl | Specter |
| Carper | Kyl | Stabenow |
| Casey | Landrieu | Tester |
| Chambliss | Lautenberg | Thune |
| Coburn | Leahy | Udall (CO) |
| Cochran | Levin | Udall (NM) |
| Collins | Lieberman | Vitter |
| Corker | Lincoln | Voinovich |
| Cornyn | Lugar | Warner |
| Crapo | Martinez | Webb |
| DeMint | McCain | Wicker |
| Dodd | McCaskill | Wyden |

NAYS—11

| | | |
|---|---|---|
| Bingaman | Harkin | Rockefeller |
| Conrad | Johnson | Sanders |
| Dorgan | Kerry | Whitehouse |
| Feinstein | Reed | |

NOT VOTING—1

Kennedy

The amendment (No. 573) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I have a unanimous consent request that has been agreed to on both sides. It is as follows: I ask unanimous consent that amendments Nos. 579 and 587 be withdrawn and that when the Senate resumes consideration of the Ensign amendment No. 575, the second-degree amendment No. 576 be withdrawn; that there then be 30 minutes of debate prior to a vote in relation to the Ensign amendment, with no amendment in order to the amendment prior to a vote, with the time equally divided and controlled between Senators ENSIGN and FEINSTEIN or their designees; and further, that Senator FEINSTEIN's 15 minutes begin at 3:30 p.m.; that at 3:45 p.m., the Senate proceed to vote in relation to amendment No. 575; that upon disposition of amendment No. 575, no further amendments be in order; that the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill; that passage of the bill be subject to a 60-vote threshold; that if the bill achieves that threshold, then the motion to reconsider be laid upon the table; provided further that the cloture motion be withdrawn, with this addendum: that 2 minutes of Senator ENSIGN's time be reserved to occur at 3:45 p.m., with the vote occurring with respect to Ensign amendment No. 575 following Senator ENSIGN's 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota.

AMENDMENT NO. 579 WITHDRAWN

Mr. THUNE. Mr. President, I had filed an amendment and have pending at the desk amendment No. 579, which is a concealed carry amendment. I talked about it yesterday on the floor of the Senate. I would like to have had a vote on it and certainly believe it is something the Senate ought to consider. It is worth voting on.

My State of South Dakota is one of many States around the country that has concealed carry laws. What my amendment simply would have done is allowed those who have concealed carry permits in a particular State to have reciprocity with other States that have concealed carry laws, respectful of the laws of those other States, but it would have allowed people of this country under the second amendment to exercise the individual right to carry firearms insofar as they are adhering and following the laws of the State not only in which they reside but the State in which they would be carrying that firearm. That is something for which I think there is a lot of support.

I introduced a bill in the Senate. It has 19 cosponsors. As I said, I offered the amendment to this particular piece of legislation. My understanding is the other side does not want to vote on it. What I have tried to ascertain is whether the chairman of the Judiciary Committee, the Senator from Vermont, Mr. LEAHY, would be willing to hold a hearing. He informs me he will do that. I will have a hearing on the bill itself.

With that understanding, Mr. President, my intention is to withdraw amendment No. 579 and hope that we will have an opportunity to consider it at some point at a future date.

The PRESIDING OFFICER. The amendment has been withdrawn.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from South Dakota. I just want to say as a manager of the bill, I was present at the conversation with Senator LEAHY, the chairman of the Judiciary Committee, and Senator THUNE. The conversation was exactly as reported.

Senator LEAHY could not be here because he had other pressing business,

but he asked me to represent to our colleagues that the Judiciary Committee will hold a hearing on the amendment offered by Senator THUNE and now withdrawn.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, the last amendment is going to be debated soon. Senator ENSIGN is here to begin that debate.

Both Senator MCCONNELL and I would like to make some brief remarks.

(The remarks of Mr. KYL and Mr. MCCONNELL are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 575

Mr. ENSIGN. Mr. President, I wish to take a little bit of time to refute some of the inaccuracies about my amendment dealing with the repeal of the gun ban in the District of Columbia. This really is about restoring second amendment rights to residents who live here in the District of Columbia. We have a constitutional right and duty to deal with matters dealing with the District of Columbia.

Last year, the Supreme Court ruled that the laws that had been passed by the city council in the District of Columbia were in fact unconstitutional because the District of Columbia did not recognize there was a constitutional right to the individual—not just a militia but to the individual—to keep and bear arms. Since then, the District of Columbia has attempted to subvert what the Supreme Court said by putting very burdensome types of laws to make it more and more difficult for District residents to own a gun in order to protect themselves in their own homes.

It is interesting. If you go back to what the Founders talked about, as far as the second amendment, look at James Madison. He wrote in Federalist No. 46:

> . . . the advantage of being armed, which the Americans possess over the people of almost every other nation . . . forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of.

Washington, DC, has blatantly violated this right for more than 30 years, and it has led to catastrophic results. This chart reflects the murder rates in Washington, DC, relative to 48 other of the largest cities, excluding Chicago, from the top 50 list. And this is all weighted by population. You can see here, and especially as we go forward, when other crime rates in the country were actually going down and murder rates in the country were going down, as Washington, DC, was enacting more and more gun ban laws and stricter gun ban laws, the murder rate in Washington, DC, continued to rise.

It has been characterized that this bill would allow a 10-year-old to carry shotguns in the streets of Washington, DC. That is completely ridiculous. That is a scare tactic. Our amendment basically ensures the individual's second amendment right. It removes the tremendous barriers and burdens on law-abiding citizens to be able to have the protection they want, to protect themselves in their own homes.

Right now, we know that if a criminal in Washington, DC, wants to get a gun, they will get a gun. We are making it difficult for the people who actually abide by the law to get a gun. We want law-abiding citizens to have the arms, not just the criminals. That is what this amendment is really all about.

You are probably going to hear some people say that Washington, DC, is just trying, within the Supreme Court decision, to enact laws that will put reasonable restrictions on guns. I would say that is not the case, and the reason it is not the case is they are actually trying to make technical changes in the law which they think will restrict people's rights to keep and bear arms. It is going against the intent of what the Supreme Court has enacted.

People across the United States have recognized for a long time how important it is for individuals to be able to keep and bear arms.

Around the world, we often hear asked: Well, why does Great Britain have a lower murder rate than the United States? Well, first of all, there are a lot of cultural differences between the United States and Great Britain. But also, since Great Britain enacted some of its strictest gun control laws, murder rates have actually gone up in London.

In case after case where you look to find out whether gun control laws actually are effective in reducing crime, the statistics are pretty overwhelming against it. Criminals will get the guns. They get them on the black market or they go someplace, but they get their guns. The question is, Are law-abiding citizens going to be able to protect themselves in their own homes?

That is what this amendment is attempting to do, to say to citizens who live in the District of Columbia: We are going to protect your second amendment rights. The laws the District of Columbia has enacted to own a gun are stricter than what we require in Nevada to get a concealed weapons permit.

Mr. President, I believe it is high time this body give the citizens who live in the District of Columbia that second amendment right to keep and bear arms in order to protect themselves in their own homes, so I urge my colleagues to support this amendment.

Mr. President, I will save a couple of minutes right before the vote to be able to conclude my remarks, but how much time remains on my side?

The PRESIDING OFFICER. There is 9 minutes remaining.

Mr. ENSIGN. Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, I rise now for the second time in strong opposition to Senator ENSIGN's amendment. This is a dangerous amendment that goes far beyond anything the Supreme Court contemplated in the Heller decision. If you have been committed to a mental institution, if you can't pass a vision test, this forces the District of Columbia to still allow you to have a gun. That doesn't make any sense.

Americans basically believe in the Heller decision, which says there is a right to bear arms in the Constitution. But Americans have the good sense to know that no amendment is absolute. We put limitations on the first amendment—libel laws, pornography; you can't falsely scream ''fire'' in a crowded theater. We put limits on every other amendment. Why is it that some in the gun lobby say there should be no limitation on the second amendment? They support limitations on the first amendment. I am sure most of them feel antipornography laws are justified.

Just as those on the left, I believe, are wrong to say the first amendment should be broad, the fourth amendment should be broad, the fifth amendment should be broad, but the second amendment should be seen through the pinhole of only militias, those on the other side are equally wrong when they do the converse and say the first amendment should be narrow, the fourth amendment should be narrow, the fifth amendment should be narrow, but the second amendment should have almost no limitation.

Isn't it reasonable to say that someone who has been in a mental institution shouldn't automatically get a gun? Isn't it reasonable to say that if someone fails a vision test, they should not automatically get a gun? Of course it is. But because we get into sort of a macho game here of, hey, we are going to show there should be no limitations on the second amendment, we end up hearing about fundamentally absurd propositions that those who fail vision tests should be allowed a gun. It defies common sense to say that someone who is voluntarily committed to a mental institution should be allowed to get a gun. In fact, limitations on access to guns by the mentally ill was one of the few things Justice Scalia, a strong second amendment supporter, specifically said would be okay after Heller.

Let me just say to my colleagues, we are only a few years after Virginia Tech and the pain and tragedy for the parents who anguish every day for their lost sons and daughters. They came to us and lobbied us and said: Please just pass minimal laws to prevent those who are mentally ill from getting a gun. Now we are saying that in the District of Columbia that will be OK.

As for the vision, there cannot be a more reasonable restriction than the requirement that someone see before they are allowed on the streets with a gun. We wouldn't want that in our communities where we live. Why would we impose it on the District of Columbia? The District of Columbia has the highest per capita homicide rate in the United States. I understand, if you are from, say, Wyoming—there are broad, open spaces, very low crime rate—that the rules on guns should be different than the rules in Washington, DC and New York City. I understand that. I accept it, as someone who has been an advocate of gun control.

But why are we imposing those laws that may work in Wyoming on the people of the District of Columbia? Firearms cause more needless damage in Washington, DC than anywhere else. The Heller decision made it clear that Washington, DC could impose reasonable restrictions on the right to bear arms and that was perfectly consonant with the Constitution. Every Justice of the Supreme Court, including those who are the most conservative, such as Justice Scalia, such as Justice Thomas, believe there can be some limitation imposed. Because the NRA does not, too many in this country, and in this Chamber, jump when they say so.

It is wrong. It makes people's lives less safe. It is unfortunate. I hope this body will have the courage to reject the Ensign amendment while still affirming the right to bear arms as certified in the Heller case.

I yield the floor.

Mr. HATCH. Mr. President, I rise to support final passage of S. 160, the District of Columbia House Voting Rights Act.

I have spoken and written many times about my conclusion that the Constitution allows Congress to provide a House seat for the people of the District of Columbia.

And I have said for more than 30 years that Americans living in the District should have all the rights of citizenship, including voting rights.

The bill would also give an additional seat temporarily to the State next qualifying for one under the 2000 census.

I believe the bill before us is a constitutional and balanced way to achieve these important goals.

Article I, section 2, states that the House shall be composed of Members elected by the ''People of the several States.''

The District did not yet exist when those words were drafted.

The observation that this provision does not itself provide a House seat for the people of the District begs rather than answers the constitutional question.

That question is whether the House Composition Clause prohibits Congress from providing for the people of the District what the Constitution provides for the people of the States.

The Constitution uses the word ''States'' in various provisions.

Opponents of this bill have argued that some of those cannot include the District.

Once again, that observation begs rather than answers the constitutional question.

For more than two centuries, the Supreme Court has held that other provisions framed in terms of ''States'' can indeed apply to the District.

Or, even more relevant to the bill before us today, the Supreme Court has ruled that Congress can legislatively do for the District what the Constitution does for States.

I believe the House Composition Clause falls in this category.

The Supreme Court has held, for example, that Congress could apply to the District the direct taxes that the original Constitution apportioned among the several States.

Opponents of the bill before us have not even attempted to explain why the phrase ''the several States'' can apply to the District, which is obviously not a State, but the phrase ''the People of the several States'' cannot apply to the District, which obviously has population.

The Supreme Court has held that Congress can extend to the District Federal court jurisdiction over lawsuits by citizens of different States.

The great Chief Justice John Marshall wrote in 1805 that while the Constitution does itself extend such diversity jurisdiction to the District, ''this is a subject for legislative . . . consideration.''

He added that the contrary conclusion, which I take to be the position of those opposing the bill before us today, would be simply extraordinary.

Those opponents have not even attempted to explain why extending diversity jurisdiction to the District is a subject for legislative consideration but extending House representation to the people of the District is not.

The Supreme Court has held that Congress can extend to the District the restrictions the fourteenth amendment imposes upon the States.

Once again, the Court suggested that Congress's plenary authority over the District would be a sufficient basis for such legislation.

Opponents of S. 160 have cited the decision in Adams v. Clinton for the proposition that the Constitution does not provide a right to congressional representation for the District.

I agree.

That decision did not say, however, that Congress was precluded from doing so.

In fact, the court said the opposite.

The court in Adams said that while it lacked authority to grant such representation in the name of the Constitution, the plaintiffs could ''plead their case in other venues,'' including ''the political process.''

That is precisely what the bill before us represents and opponents of S. 160 have not even attempted to explain otherwise.

Let me repeat, the constitutional question is not whether the Constitution itself grants House representation to the people of the District. It does not.

The constitutional question is whether Congress may, under its explicit and plenary authority over the District, legislatively provide for the people of the District what the Constitution provides for the people of the States.

Those who say that the word ''States'' necessarily excludes the District must at least try to show that the many judicial precedents saying otherwise either were wrongly decided or are somehow irrelevant to this bill. They have not even attempted to do either.

I believe that the foundational principle of representation and suffrage, the legislative actions by America's Founders, two centuries of judicial precedent, and Congress's explicit legislative authority over the District in all cases whatsoever combine to allow Congress to enact the bill before us today.

One of my predecessors as a Senator from Utah, George Sutherland, was later appointed to the Supreme Court.

He wrote for the Court in 1933 what I believe is relevant to this debate today:

> The District [of Columbia] was made up of portions of two states of the original states of the Union, and was not taken out of the Union by the cession. Prior thereto its inhabitants were entitled to all the rights, guarantees, and immunities of the Constitution. . . . We think it is not reasonable to assume that the cession stripped them of those rights.

More than 30 years ago, I made the same argument on this floor and later argued that one way to achieve this goal was by giving the people of the District representation in the House.

The defeat of the retrocession amendment offered by the Senator from Arizona showed that the underlying bill is the only legislative vehicle for providing this representation.

I voted for that amendment as a vote on the idea of retrocession, which I find has some general merit.

Even with my vote, however, the Senate resoundingly defeated it.

So I urge the Senate to pass this bill.

It constitutionally gives one House seat to the people of the District.

It fairly gives another seat to the State qualifying for one under the last census.

It explicitly and implicitly disclaims Senate representation for the District.

It provides for expedited judicial review.

In short, I believe this is a sound and fair way to strengthen our system of self-government so that Americans can exercise the most precious right available in a free country, the right to participate in electing those who govern us.

Mr. FEINGOLD. Mr. President, I am pleased to support this bill, and congratulate the Senator from Connecticut and the Senator from Utah for their tireless efforts. Senator LIEBERMAN and Senator HATCH have

put forward innovative, bipartisan legislation that will strengthen our democracy. I also want to recognize the contribution of the majority leader, who, by championing this issue, renews and fulfills our country's commitment to equality, democracy, and justice.

When I watch my colleagues on the floor today, I see the spirit of Paul Douglas, Hubert Humphrey, and Everett Dirksen. This legislation is part of the struggle to fulfill the promise of America that led to the landmark civil rights bills of 1957, 1964, and 1965. Today, we follow in the footsteps of some of our greatest predecessors. We are here to right a historic wrong, to enfranchise hundreds of thousands of our fellow Americans by giving them a vote in Congress.

The struggle to give Washington, DC, a vote in the House of Representatives has already been historic. I was disappointed that the Senate was the graveyard for this bill in 2007. By using a filibuster to prevent the bill from even reaching the floor at that time, opponents of this bill recalled history, too—an unfortunate history we should not revisit. I am sure that I do not need to remind anyone here that for decades the Senate was an implacable bulwark that no civil rights bill could breach. Unfortunately, when this great institution was faced a year and a half ago with a new kind of voting rights bill, it did not rise to the challenge.

Now we have a chance to correct this breach of American principles and pass the District of Columbia House Voting Rights Act of 2009. And so now is the time to remedy the injustice being done to Americans residing in the District of Columbia, and stop this violation of their fundamental rights. Now is the time to take action on this legislation and to finally give the disenfranchised District at least a partial say in the decisions of the Congress, to make the ''People's House'' a body that truly represents all of the people of this Nation.

In 1964, the Supreme Court stated that ''[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live.'' It is time for Congress to live up to those words. At a time when Americans whose families wait for them at home in the District are fighting for our country overseas, it is a cruel and bitter irony that their own country denies them the right to representation in the House.

With all of the difficult issues and momentous decisions facing this Congress, the people of DC deserve a voice in it, now more than ever. As of February 14, 29 DC residents have been killed or wounded in Iraq or Afghanistan, wars that their elected representative had no say in commencing or funding. Approximately 1,500 homes are in foreclosure or pre-foreclosure, unemployment has gone up over 3 percent in the last year, to 8.8 percent. Just like all other Americans, the residents of the District want to participate in the crucial and difficult debates this Congress is having over foreign and economic policy. They want to set a new course for this country. Their voices should count just as much as their fellow citizens'.

Opponents of this bill have asserted that it is unconstitutional. I chaired a Judiciary Committee hearing in May 2007 to examine whether the Constitution, perhaps the greatest testament to democracy and freedom in human history, prevents the elected legislature of the people of this country from granting the most basic right of citizenship to the people of the District of Columbia. The hearing confirmed that while this is not an easy question of constitutional interpretation, there are strong arguments for the bill's constitutionality. Our conclusions were strengthened by the finding of the Committee on Homeland Security and Governmental Affairs that Congress's authority to legislatively extend House representation is supported by two centuries of judicial precedent.

In light of the historic wrong that this bill will correct, the case for its constitutionality is certainly strong enough to justify enacting it and letting the Supreme Court make the final decision. The Constitution grants Congress the power of ''exclusive legislation, in all cases whatsoever,'' over the District; I believe that we can use that authority to ensure that this Government's just powers are derived from the consent of the governed. Moreover, the basic sweep of the Constitution, its very essence, is to protect the fundamental rights of the citizens of this country, including the right to be represented in Congress.

The other fundamental document of our founding, the Declaration of Independence, laid out a list of grievances against the King of Great Britain, including the following:

> He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

That inestimable right has been denied to the residents of the District of Columbia for far too long.

We in Congress have a duty to fulfill the promise of democracy for DC residents. Those who rely on constitutional arguments to oppose this bill should ask themselves what the Framers would think today, if they were faced with the question of whether their handiwork should be used to prevent Congress from granting over a half million people the most basic right in a democracy—the right of representation in the legislature. It is simply inconceivable to me that those great and brave patriots would be comfortable with such a blatant injustice.

I hope that we finally have the votes to right this historic wrong. I urge my colleagues to support the District of Columbia House Voting Rights Act of 2009, and grant the most basic of democratic rights to the people of the District.

Mr. CORNYN. Mr. President, I ask unanimous consent a Washington Times article by George Smith on February 13, 2009; testimony by John P. Elwood, Deputy Assistant Attorney General before the Subcommittee on the Constitution, Civil Rights, and Property Rights, Senate Committee on the Judiciary on May 23, 2007; and a Statement of Administration Policy from September 18, 2007, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 13, 2009]

NOT ON CONSTITUTION AVENUE

(By George C. Smith)

As the Obama administration commences its reign of one-party government, attention has understandably focused on the president's economic stimulus program and his new approach to the foreign terrorist threat.

But preoccupation with these topics should not divert attention from what may be the most ominous, and radical, collaboration between the new president and the Democratic-controlled Congress: the enactment of blatantly unconstitutional legislation to bypass the constitutional amendment process and give the District of Columbia a seat in the House of Representatives in a crass triumph of raw political power over the rule of law.

With relentless clarity, in provision after provision, the Constitution specifies that representation in both Houses of Congress is limited to the states—and the District of Columbia is not a state. The very first sentence of the Constitution says, ''All legislative powers herein granted shall be vested in a Congress of the United States''—not a Congress of the United Entities, Districts, Territories or Enclaves. The second sentence then specifies that the House of Representatives is to be composed of members ''chosen by the people of the several States.'' All told, no fewer than 11 constitutional provisions make it clear that congressional representation is linked inextricably to statehood.

If there were any plausible doubt that congressional representation was intentionally limited to the states when the Constitution was drafted in 1787, it would have been conclusively removed when the 39th Congress reiterated that ''Representatives shall be apportioned among the several States'' when it revisited the question of congressional apportionment in drafting the 14th Amendment in 1866. (In 1866 as well as in 1787, there was no ambiguity and no mistake in the express linkage of congressional representation to statehood.)

This does not mean, however, that the District of Columbia cannot obtain congressional representation. It only means it must do so by means of a constitutional amendment, as plainly provided in Article V of the Constitution.

For more than 200 years, this understanding of the Constitution (intelligible to any literate 12-year-old who reads its text) was accepted even by ardent advocates of D.C. representation. On repeated occasions in the 1960s and 197os, for example, the Democratic-controlled House Judiciary Committee ruefully acknowledged that a constitutional amendment was ''essential'' if D.C. were to receive such representation. They expressly recognized that the Constitution did not allow Congress to grant D.C. representation by simple legislation, and

proceeded to propose the constitutional amendment that was necessary. The amendment failed to achieve ratification, but the rule of law was honored.

The constitutional text limiting congressional representation to the states has not changed during the past several years. Nor have judicial interpretations of that text, which have consistently acknowledged that limitation. What has changed, however, is the willingness of D.C. representation advocates to run roughshod over the Constitution because they now have the raw political power to pass a statute awarding the District a seat in the House by main force.

As a fig leaf to cover up their brute power play, they invoke the risible theory that a constitutional provision authorizing Congress to exercise legislative jurisdiction over federal enclaves—including the District, but also including military reservations, park lands and similar enclaves—enables Congress to override express constitutional requirements, including the limitation of congressional representation to states, as long as they are doing so on behalf of the District. Oddly, this interpretation of the Enclave Clause somehow escaped the grasp of the Framers, the courts, and Congress for more than two centuries.

Apart from the fact that the Supreme Court has flatly held that Congress' power under the Enclave Clause is indeed limited by other constitutional requirements, the absurdity of the theory is demonstrated by considering its logical consequences. It would enable Congress to undercut the entire structure of state-based congressional representation—in the Senate as well as in the House—by extending representation to an unlimited variety of enclaves and territories by simply passing statutes reflecting evanescent political majorities. A more radical subversion of constitutional government would be difficult to imagine.

During the 110th Congress, it was only President Bush's veto threat, and a razor-thin sufficiency of Republican Senate votes to sustain a filibuster, that prevented enactment of the D.C. House seat legislation—what liberal legal scholar Jonathan Turley referred to as the most ''premeditated'' unconstitutional act in decades. But with Barack Obama's election and solid Democrat majorities in both Houses, there is no longer a finger in the dike. D.C. Delegate Eleanor Holmes Norton has asserted that Mr. Obama has committed to signing such legislation.

Significantly, the Justice Department carefully and forcefully opined and testified during the last Congress that the D.C. House legislation is patently unconstitutional. Given the current president's apparent commitment to sign the bill, however, it is difficult to envisage the new political appointees of the Obama Justice Department raising any constitutional objections to this grotesque power play. Interestingly, however, former Clinton-era Solicitor General Walter Dellinger recently observed that the persons named by the president-elect to advise him on such constitutional issues at the Justice Department ''bring a stature to the job that will allow them to say no to the president when no is the correct answer.'' ''No'' obviously remains the correct answer to the question of whether the president should sign D.C. House seat legislation that repudiates the Constitution's text, more than 200 years of unwavering historical practice and repeated pronouncements of the federal judiciary. But only the delusional would expect that the new president's men and women at Justice would stand with the Constitution against the menacing force of raw political power.

CONSTITUTIONALITY OF D.C. VOTING RIGHTS ACT OF 2007

S. 1257, a bill to grant the District of Columbia representation in the House of Representatives as well as to provide an additional House seat for Utah, violates the Constitution's provisions governing the composition and election of the United States Congress.

TESTIMONY BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS, SENATE COMMITTEE ON THE JUDICIARY

Thank you for the opportunity to discuss the Department's views on S. 1257, a bill to grant the District of Columbia representation in the House of Representatives as well as to provide an additional House seat for Utah. For the same reasons stated in the Statement of Administration Policy on the House version of this legislation, the Administration concludes that S. 1257 violates the Constitution's provisions governing the composition and election of the United States Congress. Accordingly, if S. 1257 were presented to the President, his senior advisors would recommend that he veto the bill. I will confine my testimony to the constitutional issues posed by the legislation.

The Department's constitutional position on the legislation is straightforward and is dictated by the unambiguous text of the Constitution as understood and applied for over 200 years. Article I, section 2 of the Constitution provides:

''The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous branch of the State Legislature.''

This language, together with the language of eleven other explicit constitutional provisions, including the Twenty-Third Amendment ratified in 1961,[1] ''makes clear just how deeply Congressional representation is tied to the structure of statehood.''[2] The District of Columbia is not a State. In the absence of a constitutional amendment, therefore, the explicit provisions of the Constitution do not permit Congress to grant congressional representation to the District through legislation.

Shortly after the Constitution was ratified, the District of Columbia was established as the Seat of Government of the United States in accordance with Article I, §8, cl. 17 of the Constitution. The Framers deliberately placed the capital in a federal enclave that was not itself a State to ensure that the federal Government had the ability to protect itself from potentially hostile state forces. The Framers also gave Congress ''exclusive'' authority to enact legislation for the internal governance of the enclave to be chosen as the Seat of Government—the same authority Congress wields over the many other federal enclaves ceded by the States.

Beginning even before the District of Columbia was established as the Seat of Government, and continuing to today, there have been determined efforts to obtain congressional representation for the District. Apart from the various unsuccessful attempts to secure such representation through litigation, such efforts have consistently recognized that, because the District is not a State, a constitutional amendment is necessary for it to obtain congressional representation. S. 1257 represents a departure from that settled constitutional and historical understanding, which has long been recognized and accepted by even ardent proponents of District representation.

One of the earliest attempts to secure congressional representation for the Seat of Government was made by no less a constitutional authority than Alexander Hamilton at the pivotal New York ratifying convention. Recognizing that the proposed Constitution did not provide congressional representation for those who would reside in the Seat of Government, Hamilton offered an amendment to the Enclave Clause that would have provided:

''That When the Number of Persons in the District of Territory to be laid out for the Seat of the Government of the United States, shall according to the Rule for the Apportionment of Representatives and Direct Taxes Amount to [left blank] such District shall cease to be parcel of the State granting the Same, *and Provision shall be made by Congress for their having a District Representation in that Body*.''[3]

Hamilton's proposed amendment was rejected. Other historical materials further confirm the contemporary understanding that the Constitution did not contemplate congressional representation for the District and that a constitutional amendment would be necessary to make such provision.[4] These historical facts refute the contention by proponents of S. 1257 that the Framers simply did not consider the lack of congressional representation and, if they had considered it, that they would have provided such representation. In fact, Framers and ratifiers did consider the question and rejected a proposal for such representation.

In more recent years, major efforts to provide congressional representation for the District were pursued in Congress in the 1960s and 1970s, but on each occasion Congress expressly recognized that obtaining such representation would require either Statehood or a constitutional amendment. For example, when the House Judiciary Committee favorably recommended a constitutional amendment for District representation in 1967, it stated as follows:

''*If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential; statutory action alone will not suffice*. This is the case because provisions for elections of Senators and Representatives in the Constitution are stated in terms of the States, and the District of Columbia is not a State.''[5]

Congress again considered the District representation issue in 1975, and the House Judiciary Committee again expressly acknowledged that, ''[i]f the citizens of the District are to have voting representation in Congress, a constitutional amendment is essential; statutory action will not suffice.''[6]

Of course, the courts have not directly reviewed the constitutionality of a statute purporting to grant the District representation because, for the reasons so forcefully reiterated by the House Judiciary Committee, Congress has not previously considered such legislation constitutionally permissible. But numerous federal courts have emphatically concluded that the existing Constitution does not permit the provision of congressional representation for the District. In *Adams* v. *Clinton*, a three-judge court stated, in a decision affirmed by the Supreme Court, that ''the Constitution does not contemplate that the District may serve as a state for purposes of the apportionment of congressional representation'' and stressed that Article I ''makes clear just how deeply Congressional representation is tied to the structure of statehood.'' 90 F. Supp. 2d 35, 46–47 (D.D.C.), *aff'd*, 531 U.S. 941 (2000); *see generally S. Ry. Co.* v. *Seaboard Allied Milling Corp.*, 442 U.S. 444, 462 (1979) (stating that summary affirmance is a precedential ruling on the merits). In *Banner* v. *United States*, 428 F.3d 303 (D.C. Cir. 2005) (per curiam), a panel of the D.C. Circuit that included Chief Justice John Roberts flatly concluded: ''[t]he

Constitution denies District residents voting representation in Congress. . . . Congress is the District's Government, see U.S. Const. art. I, §8, cl. 17, and the fact that District residents do not have congressional representation does not alter that constitutional reality.'' Id. at 309.[7] The court added: ''[i]t is beyond question that the Constitution grants Congress exclusive authority to govern the District, but does not provide for District representation in Congress.'' Id. at 312. And in explaining why the Constitution does not permit the District's delegate in Congress to have the voting power of a Representative in *Michel* v. *Anderson*, 817 F. Supp. 126 (D.D.C. 1993), the court stressed that the legislative power ''is constitutionally limited to 'Members chosen . . . by the People of the several States.' U.S. Const. Art. I, §[2], cl. 1.'' Id. at 140.

The numerous explicit provisions of the constitutional text; the consistent construction of those provisions throughout the course of American history by courts, Congress, and the Executive;[8] and the historical evidence of the Framers' and ratifiers' intent in adopting the Constitution conclusively demonstrate that the Constitution does not permit the granting of congressional representation to the District by simple legislation.

We are aware of, and not persuaded by, the recent and novel claim that this legislation should be viewed as a constitutional exercise of Congress's authority under the Enclave Clause, U.S. Const. art. I, §8, cl. 17, to ''exercise exclusive legislation'' over the Seat of Government and other federal enclaves. That theory is insupportable. First, it is incompatible with the plain language of the many provisions of the Constitution that, unlike the Enclave Clause, are directly and specifically concerned with the composition, election, and very nature of the House of Representatives and the Congress. Those provisions were the very linchpin of the Constitution, because it was only by reconciling the conflicting wishes of the large and small States as to representation in Congress that the Great Compromise that enabled the Constitution's ratification was made possible. Consequently, every word of Article I's provisions concerning the composition and election of the House and the Senate—and particularly the words repeatedly linking congressional representation to ''each State'' or ''the People of the several States''—was carefully chosen. In contrast, the Enclave Clause has nothing to do with the composition, qualifications, or election of Members of Congress. Its provision for ''exclusive legislation'' concerns legislation respecting the internal operation of ''such District'' and other enclaves. The Enclave Clause gives Congress extensive legislative authority ''over such District,'' but that authority plainly does not extend to legislation affecting the entire Nation. S. 1257 would alter the very nature of the House of Representatives. By no reasonable construction can the narrowly focused provisions of the Enclave Clause be construed to give Congress such sweeping authority.

Second, whatever power Congress has under the Enclave Clause is limited by the other provisions of the Constitution. As stated by the Supreme Court in *Binns* v. *United States*, 194

U.S. 486 (1904), the Enclave Clause gives Congress plenary power over the District ''save as controlled by the provisions of the Constitution.'' Id. at 491. As the Supreme Court has further explained, the Clause gives Congress legislative authority over the District and other enclaves ''in all cases where legislation is possible.''[9] The composition, election, and qualifications of Members of the House are expressly and specifically governed by other provisions of the Constitution that tie congressional representation to Statehood. The Enclave Clause gives Congress no authority to deviate from those core constitutional provisions.

Third, the notion that the Enclave Clause authorized legislation establishing congressional representation for the Seat of Government is contrary to the contemporary understanding of the Framers and the consistent historical practice of Congress. As I mentioned earlier, the amendment unsuccessfully offered by Alexander Hamilton at the New York ratifying convention to authorize such representation when the Seat of Government's population reached a certain level persuasively demonstrates that the Framers did not read the Enclave Clause to authorize or contemplate such representation. Other contemporaneous historical evidence reinforces that understanding. *See supra* n. 4. Moreover, Congress's consistent recognition in practice that constitutional amendments were necessary not only to provide congressional representation for the District, but also to grant it electoral votes for President and Vice President under the 23rd Amendment, belies the notion that the Enclave Clause has all along authorized the achievement of such measures through simple legislation. Given the enthusiastic support for such measures by their congressional proponents, it is simply implausible that Congress would not previously have discovered and utilized that authority as a means of avoiding the enormous difficulties of constitutional amendment.

Fourth, the proponents' interpretation of the Enclave Clause proves far too much; the consequences that would necessarily flow from acceptance of that theory demonstrate its implausibility. As the Supreme Court has recognized, ''[t]he power of Congress over the federal enclaves that come within the scope of Art. I, 8, cl. 17, is obviously the same as the power of Congress over the District of Columbia.''[10] It follows that if Congress has constitutional authority to provide congressional representation for the District under the Enclave Clause, it has the same authority for the other numerous federal enclaves (such as various military bases and assorted federal lands ceded by the States). But that is not all. The Supreme Court has also recognized that Congress's authority to legislate respecting the U.S. territories under the Territories Clause, U.S. Const. art. IV, 3, cl. 2, is equivalent to its ''exclusive legislation'' authority under the Enclave Clause. *See, e.g.*, *Binns*, 194 U.S. at 488. If the general language of the Enclave Clause provides authority to depart from the congressional representational provisions of Article I, it is not apparent why similar authority does not reside in the Territories Clause, which would enable Congress to enact legislation authorizing congressional representation for Puerto Rico, the Virgin Islands, and other territories. These unavoidable corollaries of the theory underlying S. 1257 demonstrate its invalidity. Given the great care with which the Framers provided for State-based congressional representation in the Composition Clause and related provisions, it is implausible to suggest that they would have simultaneously provided for the subversion of those very provisions by giving Congress carte blanche to create an indefinite number of additional seats under the Enclave Clause.

Finally, we note that the bill's proponents conspicuously fail to address another logical consequence that flows from the Enclave Clause theory: If Congress may grant the District representation in the House by virtue of its purportedly expansive authority to legislate to further the District's general welfare, it follows logically that it could use the same authority to grant the District (and other enclaves and territories) two Senators as well.

At bottom, the theory that underlies S. 1257 rests on the premise that the Framers drafted a Constitution that left the door open for the creation of an indefinite number of congressional seats that would have fatally undermined the carefully crafted representation provisions that were the linchpin of the Constitution. Such a premise is contradicted by the historical and constitutional record.

The clear and carefully phrased provisions for State-based congressional representation constitute the very bedrock of our Constitution. Those provisions have stood the test of time in providing a strong and stable basis for the preservation of constitutional democracy and the rule of law. If enacted, S. 1257 would undermine the integrity of those critical provisions and open the door to further deviations from the successful framework that is our constitutional heritage. If the District is to be accorded congressional representation without Statehood, it must be accomplished through a process that is consistent with our constitutional scheme, such as amendment as provided by Article V of the Constitution.

JOHN P. ELWOOD,
*Deputy Assistant Attorney General.*

ENDNOTES

[1] E.g., U.S. Const. art. I, §§2–4; art. II, §1, cl. 2; amend. XIV, §2; amend. XVII; amend. XXIII, §1.

[2] *Adams* v. *Clinton*, 90 F. Supp. 2d 35, 46–47 (D.D.C.), aff'd, 531 U.S. 940, 941 (2000).

[3] The Papers of Alexander Hamilton 189–90 (Harold C. Syrett ed., 1962) (emphasis added).

[4] See 10 Annals of Congress 991, 998–99 (1801) (remarks of Rep. John Dennis of Maryland) (stating that because of District residents' ''contiguity to, and residence among the members of [Congress],'' that ''though they might not be represented in the national body, their voice would be heard. But if it should be necessary [that they be represented], the Constitution might be so altered as to give them a delegate to the General Legislature when their numbers should become sufficient''); see also 5 The Documentary History of the Ratification of the Constitution 621 (Merrill Jensen, John P. Kaminski & Gaspare J. Saladino eds., 1976) (statement by Samuel Osgood, a delegate to the Massachusetts ratifying convention, that he could accept the Seat of Government provision only if it were amended to provide that the District be ''represented in the lower House,'' though no such amendment was ultimately included in the amendments recommended by the Massachusetts convention).

[5] Providing Representation of the District of Columbia in Congress, H.R. Rep. No. 90–819, at 4 (1967) (emphasis added).

[6] Providing Representation of the District of Columbia in Congress, H.R. Rep. No. 94–714, at 4 (1975).

[7] Judge Roberts was a member of the D.C. Circuit when *Banner* was briefed and argued, but was serving as Chief Justice when the opinion issued. *See Banner*, 428 F.3d at 304–05 n.l.

[8] See, e.g., Letter for Mr. Benjamin Zelenko, Committee on the Judiciary, House of Representatives, from Martin F. Richman, Acting Assistant Attorney General, Office of Legal Counsel (Aug. 11, 1967) (expressing the view that ''a constitutional amendment is essential'' for the District to obtain voting representation in Congress in the recommendations for the Committee Report on a proposed constitutional amendment); District of Columbia Representation in Congress: Hearings on S.J. Res. 65 Before the Subcomm. on the Constitution of the Comm. on the Judiciary, 95th Cong. 16–29 (1978) (statement of John M. Harmon, Assistant Attorney General, Office of Legal Counsel). In endorsing a constitutional amendment as the means of obtaining congressional representation for the District, Mr. Harmon discussed the alternative ways of obtaining such representation, particularly the option of statehood legislation. Conspicuous by its absence was any suggestion that such representation could be provided through legislation granting the District a seat.

[9] *O'Donoghue* v. *United States*, 289 U.S. 516, 539 (1993) (citation omitted).

[10] *Paul* v. *United States*, 371 U.S. 245, 263–64 (1963).

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC, SEPTEMBER 18, 2007.

STATEMENT OF ADMINISTRATION POLICY

S. 1257—DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2007

The Administration strongly opposes passage of S. 1257. The bill violates the Constitution's provisions governing the composition and election of the United States Congress. Accordingly, if S. 1257 were presented to the President, his senior advisors would recommend that he veto the bill.

The Constitution limits representation in the House to Representatives of States. Article I, Section 2 provides: ''The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State legislature.'' The Constitution also contains 11 other provisions expressly linking congressional representation to Statehood.

The District of Columbia is not a State. Accordingly, congressional representation for the District of Columbia would require a constitutional amendment. Advocates of congressional representation for the District have long acknowledged this. As the House Judiciary Committee stated in recommending passage of such a constitutional amendment in 1975:

''If the citizens of the District are to have voting representation in the Congress, a constitutional amendment is essential; statutory action alone will not suffice. This is the case because provisions for elections of Senators and Representatives in the Constitution are stated in terms of the States, and the District of Columbia is not a State.''

Courts have reached the same conclusion. In 2000, for example, a three-judge panel concluded ''that the Constitution does not contemplate that the District may serve as a state for purposes of the apportionment of congressional representatives.'' Adams v. Clinton, 90 F. Supp. 2d 35, 46–47 (D.D.C. 2000). The Supreme Court affirmed that decision. Furthermore, Congress's own Research Service found that, without a constitutional amendment, it is ''likely that the Congress does not have authority to grant voting representation in the House of Representatives to the District of Columbia.''

Claims that S. 1257 should be viewed as an exercise of Congress's ''exclusive'' legislative authority over the District of Columbia as the seat of the Federal government are not persuasive. Congress's exercise of legislative authority over the District of Columbia is qualified by other provisions of the Constitution, including the Article I requirement that representation in the House of Representatives is limited to the ''several States.'' Congress cannot vary that constitutional requirement under the guise of the ''exclusive legislation'' clause, a clause that provides the same legislative authority over Federal enclaves like military bases as it does over the District.

For all the foregoing reasons, enacting S. 1257's extension of congressional representation to the District would be unconstitutional. It would also call into question (by subjecting to constitutional challenge in the courts) the validity of all legislation passed by the reconstituted House of Representatives.

Mr. KYL. Mr. President, I ask unanimous consent the testimony by Professor Jonathan Turley before the House Judiciary Committee September 14, 2006, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA VOTING RIGHTS

STATEMENT OF JONATHAN TURLEY, COMMITTEE ON HOUSE JUDICIARY, SUBCOMMITTEE ON CONSTITUTION

It is an honor to be asked to testify on the important question of the representational status of the District of Columbia in Congress. Due to the short period for the preparation of written testimony and a family emergency, the committee staff has permitted me to submit this summary of the testimony that I will offer on September 14, 2006. A full written statement is being completed and will be available at the hearing.

*General Comments*

There should be general agreement that the current non-voting status of the District is fundamentally at odds with the principles and traditions of our constitutional system. As Justice Black stated in Wesberry v. Sanders: ''No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.''

Yet, unlike many issues before Congress, there has always been a disagreement about the means rather than the ends of full representation for the District residents. Regrettably, I believe that H.R. 5388 is the wrong means. Despite the best of motivations, the bill is fundamentally flawed on a constitutional level and would only serve to needlessly delay true reform for District residents. Indeed, there would be an inevitable and likely successful legal challenge to a bill. Even if successful, this bill would ultimately achieve only partial representational status. Frankly, giving the District only a vote in the House is the equivalent of allowing Rosa Parks to move halfway to the front of the bus in the name of progress. District residents deserve full representation and, while this bill would not offer such reform, there are alternatives, including a three-phased proposal that I have advocated in the past.

*The Original Purpose and Diminishing Necessity of the Federal Enclave*

The creation of the federal enclave was the direct result of the failure of state officials to protect Congress during a period of unrest. On January 1, 1783, Congress was meeting in Philadelphia when they were surprised by a mob of Revolutionary War veterans demanding their long-overdue back pay. It was a period of great discontentment with Congress and the public of Pennsylvania was more likely to help the mob than to help suppress it. Indeed, when Congress called on state officials to call out the militia, they refused. Congress was forced to flee, first to Princeton, N.J., then to Annapolis and ultimately to New York City.

When the framers gathered again in Philadelphia in the summer of 1787 to draft a new constitution, the flight from that city five years before was still prominent in their minds. Madison and others called for the creation of a federal enclave or district as the seat of the federal government—independent of any state and protected by federal authority. Only then, Madison noted could they avoid ''public authority [being] insulted and its proceedings . . . interrupted, with impunity.''

In addition to the desire to be free of the transient support of an individual state, the framers advanced a number of other reasons for creating this special enclave. There was a fear that a state (and its representatives in Congress) would have too much influence over Congress, by creating ''a dependence of the members of the general government.'' There was also a fear that the symbolic honor given to one state would create in ''the national councils an imputation of awe and influence, equally dishonorable to the Government and dissatisfactory to the other members of the confederacy.'' There was also a view that the host state would benefit too much from ''[t]he gradual accumulation of public improvements at the stationary residence of the Government.

The District, therefore, was created for the specific purpose of being a non-State without direct representatives in Congress. The security and operations of the federal enclave would remain the collective responsibilities of the entire Congress—of all of the various states. While I believe that this purpose is abundantly clear, I do not believe that most of these concerns have continued relevance for legislators. Since the Constitutional Convention, courts have recognized that federal, not state, jurisdiction governs federal lands. Moreover, the federal government now has a large security force and is not dependent on the states for security. Finally, the position of the federal government vis-a-vis the states has flipped with the federal government now the dominant party in this relationship. The real motivating purposes of the creation of the federal enclave, therefore, no longer exist. What remains is the symbolic question of whether the seat of the federal government should be on neutral ground. It is a question that should not be dismissed as insignificant. To the contrary, I personally believe that the seat of the federal government should remain completely federal territory as an important symbol of the equality of all states in the governance of the nation. The actual seat of government, however, is a tiny fraction of the existing federal district.

*The Unconstitutionality of H.R. 5388*

I believe that the Dinh/Starr analysis is fundamentally flawed and that H.R. 5388 would violate the clear language and meaning of Article I. To evaluate the constitutionality of the legislation, it is useful to follow a classic constitutional interpretation that begins with the text, explores the original meaning of the language, and then considers the implications of the rivaling interpretations for the constitutional system. I believe that this analysis clearly shows that the creation of a vote in the House of Representatives for the District would do great violence to our constitutional traditions and process. To succeed, it would require the abandonment of traditional interpretative doctrines and would allow for future manipulation of one of the most essential and stabilizing components of the Madisonian democracy: the voting rules for the legislative branch.

*1. Textual Analysis*

Any constitutional analysis necessarily begins with the text of the relevant provision or provisions. In this case, there are two central provisions. The most important textual statement relevant to this debate is found in Article I, Section 2 that states unambiguously that the House of Representatives shall be composed of members chosen ''by the people of the several states.'' As with the Seventeenth Amendment election of the composition of the Senate, the text clearly limits the House to the membership of representatives of the several states. The second provision is the District Clause found in Article I, Section 8 which gives Congress the power to ''exercise exclusive Legislation in all Cases whatsoever, over such District.''

On its face, the reference to ''the people of the several states'' is a clear restriction of the voting membership to actual states. This is evidenced in a long line of cases that exclude District residents from benefits or

rights given to citizens of states under the Constitution.

It has been argued by both Dinh and Starr that the textual clarity in referring to states is immaterial because other provisions with such references have been interpreted as nevertheless encompassing District residents. This argument is illusory in my view. The major cases extending the meaning of states to the District involve an irreconcilable conflict between a literal interpretation of the term ''state'' and the expressed inherent rights of all American citizens under the equal protection clause and other provisions. District citizens remain U.S. citizens, even though they are not state citizens. The creation of the federal district removed one right of citizens—voting in Congress—in exchange for the status conferred by resident in the Capitol City. It was never intended to turn residents into noncitizens with no constitutional rights.

The upshot of these opinions is that a literal interpretation of the word ''states'' would produce facially illogical and unintended consequences. Since residents remain U.S. citizens, they must continue to enjoy those protections accorded to citizens. Otherwise, they could all be enslaved or impaled at the whim of Congress.

*2. Original and Historical Meaning*

Despite some suggestions to the contrary, the absence of a vote in Congress was clearly understood as a defining element of a federal district. During ratification, various leaders objected to the disenfranchisement of the citizens in the district and even suggested amendments that would have addressed the problem. One such amendment was offered by Alexander Hamilton, who wanted the District residents to be able to secure representation in Congress once they grew to a reasonable size. Neither this nor other such amendments offered in states like North Carolina and Pennsylvania were adopted.

Whatever ambiguity existed over continuing authority of Maryland or Virginia, the disenfranchisement of citizens from votes in Congress was clearly understood. Indeed, not long after the cessation, a retrocession movement began. Members questioned the need to ''keep the people in this degraded situation'' and objected to the subjection of American citizens to ''laws not made with their own consent.'' At the time of the ratification, leaders knew and openly discussed the non-voting status of the District in the clearest and strongest possible language.

This debate in 1804 leaves no question as to the early understanding of the status of the District as a non-state without representational status. Much of this debate followed the same lines of argument that we hear today. While acknowledging that ''citizens may not possess full political rights,'' leaders like John Bacon of Massachusetts noted that they had special status and influence as residents of the Capitol City. Yet, retrocession bills were introduced within a few years of the actual cessation—again prominently citing the lack of any congressional representation as a motivating factor. Indeed, the retrocession of Virginia highlights the original understanding of the status of the District. Virginians contrasted their situation with those residents of Washington. Washingtonians, however, were viewed as compensated for their loss of political representation. As a committee noted in 1835, ''[o]ur situation is essentially different, and far worse, than that of our neighbors on the northern side of the Potomac. They are citizens of the Metropolis, of a great, and noble Republic, and wherever they go, there clusters about them all those glorious associations, connected with the progress and fame of their country. They are in some measure compensated in the loss of their political rights.''

Much is made of the ten-year period during which District residents voted with their original states—before the federal government formally took over control of the District. This, however, was simply a transition period before the District became the federal enclave.

*3. Policy Implications*

There are considerable risks and problems with this approach to securing a vote in Congress for the District. First, by adopting a liberal interpretation of the meaning of states in Article I, the Congress would be undermining the very bedrock of our constitutional system. The membership and division of Congress was carefully defined by the Framers. The legislative branch is the engine of the Madisonian democracy. It is in these two houses that disparate factional disputes are converted into majoritarian compromises—the defining principle of the Madisonian system. By allowing majorities to manipulate the membership rolls would add a dangerous instability and uncertainty to the system.

Second, if successful, this legislation would allow any majority in Congress to manipulate the voting membership of the House. This is not the only federal enclave and there is great potential for abuse and mischief in the exercise of such authority. Third, while the issue of Senate representation is left largely untouched in the Dinh/Starr analysis, there is no obvious principle that would prevent a majority from expanding its ranks with two new Senate seats for the District. Two Senators and a member of the House would be a considerable level of representation for a non-state with a small population. Yet, this analysis would suggest that such a change could take place without a constitutional amendment.

Finally, H.R. 5388 would only serve to delay true representational status for district residents. On a practical level, this bill would likely extinguish efforts at full representation in both houses. During the pendency of the litigation, it is highly unlikely that additional measures would be considered—delaying reforms by many years. Ultimately, if the legislation is struck down, it would leave the campaign for full representation in shambles.

*The Problematic Basis for Awarding an At-Large Seat to Utah*

The proposal of awarding an at-large seat to Utah is an admittedly novel question that would raise issues of first impression for the courts. However, I am highly skeptical of the legality of this approach, particularly under the ''one-man, one-vote'' doctrine established in Wesberry v. Sanders, 376 U.S. 1 (1964). This is a question that leads to some fairly metaphysical notions of overlapping representation and citizens with 1.4 representational status. On one level, the addition of an at-large seat would seem to benefit all Utah citizens equally since they would vote for two members. Given the deference to Congress under the ''necessary and proper'' clause, an obvious argument could be made that it does not contravene the ''one man, one vote'' standard.

However, there are various reasons why a federal court would be on good ground to strike down this portion of H.R. 5388. First, while the Supreme Court has not clearly addressed the interstate implications of ''one man, one vote,'' this bill would likely force it to do so. Awarding two representatives to each resident of Utah creates an obvious imbalance vis-a-vis other states. House members are expected to be advocates for this insular constituency. Here, residents of one state could look to two representatives to do their bidding while other citizens would limited to one. Given racial and cultural demographic differences between Utah and other states, this could be challenged as diluting the power of minority groups in Congress.

Second, while interstate groups challenge the increased representation for Utah citizens, the at-large seat could also be challenged by some intrastate groups as diluting their specific voting power. If Utah simply added an additional congressional district, the ratio of citizens to members would be reduced. The additional member would represent a defined group of people who have unique geographical and potentially racial or political characteristics. However, by making the seat at large, these citizens would now have to share two members with a much larger and more diffuse group—particularly in the constituency of the at-large member. It is likely that the member who is elected at large would be different from one who would have to run in a particular district such as a more liberal or diverse section of the Salt Lake City population.

Third, this approach would be used by a future majority of Congress to manipulate voting in Congress and to reduce representation for insular groups. Rather than creating a new district that may lean toward one party or have increased representation of one racial or religious group, Congress could use at-large seats under the theory of this legislation. Moreover, Congress could create new forms of represented districts for overseas Americans or for federal enclaves. The result would be to place Congress on a slippery slope where transient majorities tweak representational divisions for their own advantage.

Finally, while it would be difficult to predict how this plan would fare under a legal challenge, it is certain to be challenged. This creates the likelihood of Congress having at least one member (or two members if you count the District representative) who would continue to vote under a considerable cloud of questioned legitimacy. In close votes, this could produce great uncertainty as to the finality or legitimacy of federal legislation. This is entirely unnecessary. If a new representative is required, it is better to establish a fourth district not just a fourth at-large representative for legal and policy reasons.

*A Modified Retrocession Proposal*

One hundred and sixty years ago, Congress retroceded land back to Virginia under its Article I authority. Retrocession has always been the most direct way of securing a resumption of voting rights for District residents. Most of the District can be simply returned from whence it came: state of Maryland. The greatest barrier to retrocession has always been more symbolic rather than legal. Replacing Washington, DC with Washington, MD is a conceptual leap that many are simply not willing to make. However, it is the most logical resolution of this problem.

For a number of years, I have advocated the reduction of the District of Columbia to the small area that runs from the Capitol to the Lincoln Memorial. The only residents in this space would be the First Family. The remainder of the current District would then be retroceded to Maryland. However, I have also proposed a three-phase process for retrocession. In the first phase, a political transfer would occur immediately with the District securing a house seat as a Maryland district and residents voting in Maryland statewide elections. In the second phase, incorporation of public services from education to prisons to law enforcement would occur. In the third phase, any tax and revenue incorporation would occur.

These phases would occur over many years with only the first phase occurring immediately upon retrocession. Indeed, I recommend the creation of a three-commissioner body like the one that worked with George Washington in the establishment of the original federal district. These commissioners would recommend and oversee the incorporation process. Moreover, Maryland can agree to continue to treat the District as a special tax or governing zone until incorporation is completed. Indeed, Maryland may chose to allow the District to continue in a special status due to this unique position. The fact is that any incorporation is made easier, not more difficult, by the District's historic independence. Like most cities, it would continue to have its own law enforcement and local governing authority. However, it would also benefit from incorporation into Maryland educational system and other statewide programs related to prisons and other public needs.

In my view, this approach would be unassailable on a legal level and highly efficient on a practical level. I realize that there remains a fixation with the special status of the city, but much of this status would remain. While the city would not technically be the seat of government, it would obviously remain for all practical purposes our Capitol City.

Regardless of what proposal is adopted, I strongly encourage you not to move forward with H.R. 5388. It is an approach that achieves less representation than is deserved for the District by means that asserts more power than is held by the Congress. It is certainly time to right this historical wrong, but, in our constitutional system, it is often more important how we do something than what we do. This is the wrong means to a worthy end. However, it is not the only means and I encourage the members to direct these considerable energies toward a more lasting and complete resolution of the status of the District of Columbia in Congress.

JONATHAN TURLEY,
*Shapiro Professor,*
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Mr. MCCONNELL. Mr. President, I commend to my fellow Senators the April 3, 1987 U.S. Justice Department Office of Legal Policy Report to the Attorney General entitled ''The Question of Statehood for the District of Columbia.'' I ask unanimous consent that the Executive Summary and section titled ''Proposals for Giving Representation in Congress to the District of Columbia, Voting Member in the House of Representatives'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

Efforts to admit the District of Columbia to the Union as a state should be vigorously opposed. Granting the national capital statehood through statutory means raises numerous troubling constitutional questions. After careful consideration of these issues, we have concluded that an amendment to the Constitution would be required before the District of Columbia may be admitted to the Union as a state. Statehood for the Nation's capital is inconsistent with the language of the Constitution, as well as the intent of its Framers, and would work a basic change in the federal system as it has existed for the past two hundred years. Under our Constitution, power was divided between the states and the federal government in the hope, as Madison wrote, that ''[t]he different governments will control each other,'' thus securing self-government, individual liberty, and the rights of minorities. In order to serve its function in the federal structure a state must be independent of the federal government. However, the District of Columbia is not independent; it is a political and economic dependency of the national government.

At the same time, it is essential that the federal government maintain its independence of the states. If the District of Columbia were now admitted to statehood, it would not be one state among many. Because it is the national capital, the District would be primus inter pares, first among equals. The ''State of Columbia . . . could come perilously close to being the state whose sole business is to govern, to control all the other states. It would be the imperial state; it would be 'Rome on the Potomac.'" It was this very dilemma that prompted the Founders to establish the federal capital in a district located outside of the borders of any one of the states, under the exclusive jurisdiction of Congress. Their reasons for creating the District are still valid and militate against granting it statehood.

Many have recognized the fundamental flaws in plans to grant the District of Columbia statehood. For instance, while testifying in support of the proposed 1978 District amendment, which would have treated the District of Columbia ''as if it were a State'' for purposes of national elections, Senator Edward Kennedy dismissed what he called ''the statehood fallacy,'' and stated that, ''[t]he District is neither a city nor a State. In fact, statehood may well be an impossible alternative, given the practical and constitutional questions involved in changing the historical status of the Nation's Capital.'' A pamphlet entitled ''Democracy Denied'' circulated in support of the 1978 amendment, and fully endorsed by District Delegate Walter E. Fauntroy, plainly acknowledged that granting statehood to the District of Columbia ''would defeat the purpose of having a federal city, i.e., the creation of a district over which the Congress would have exclusive control.'' That pamphlet also recognized that statehood ''presents a troublesome problem with the 23rd Amendment if the federal district were to be wiped out by legislation.'' Indeed, Delegate Fauntroy has opposed statehood for the District in the past, correctly pointing out that ''this would be in direct defiance of the prescriptions of the Founding Fathers.'' As former Senator Mathias of Maryland stated, ''[i]t is not a State . . . it should not be a State.''

These points are well taken. The factors that mitigated against statehood for the District of Columbia in 1978 have not changed. The rejection of the District voting rights constitutional amendment by the states does not make statehood any more desirable, or any less constitutionally suspect, today than it was a decade ago. Granting statehood to the District of Columbia would defeat the purpose of having a federal city, would be in direct defiance of the intent of the Founders, and would require an amendment to the Constitution.

I. NEED FOR AN AMENDMENT TO THE CONSTITUTION BEFORE THE DISTRICT OF COLUMBIA MAY BE ADMITTED TO THE UNION AS A STATE

Even if statehood for the District of Columbia represented sound policy, we do not believe that it can be accomplished merely by a statute admitting the District to the Union. The Constitution contemplates a federal district as the seat of the general government, and would have to be amended. The Department of Justice has long taken this position. In 1978, Assistant Attorney General John M. Hannon concluded on behalf of the Carter Administration that, ''it was the intent of the Framers that the actual seat of the Federal Government, as opposed to its other installations, be outside any State and independent of the cooperation and consent of the State authorities . . . . If these reasons have lost validity, the appropriate response would be to provide statehood for the District by constitutional amendment rather than to ignore the Framers' intentions.''

The retention of federal authority over a truncated, federal service area would not answer this constitutional objection. The language of the Constitution grants Congress exclusive authority over the district that became the seat of government, not merely over the seat of the government. The district that became the seat of government is the District of Columbia. It does not appear that Congress may, consistent with the language of the Constitution, abandon its exclusive authority over any part of the District.

Further, the Twenty-third Amendment requires that ''[t]he District constituting the seat of Government of the United States'' appoint electors to participate in the Electoral College. The amendment was proposed, drafted and ratified with reference to the District of Columbia. When the states adopted this amendment, they confirmed the understanding that the District is a unique juridical entity with permanent status under the Constitution. Another amendment would be necessary to remake this entity.

Finally, we believe that Congress' ability to admit the District of Columbia into the Union as a new state would depend upon the consent of the legislature of the original ceding state. Article IV, section 3 of the Constitution provides that: ''no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the legislatures of the States concerned as well as of the Congress.'' Accordingly, the consent of Maryland would be necessary before the District of Columbia could be admitted to the Union. Should Maryland refuse to consent, the area that is now the District of Columbia could not be made a state without amendment of Article IV, section 3.

Thus, before the District of Columbia may be admitted to the Union as a state, the Constitution would have to be amended. Such an amendment, however, would be unwise.

II. THE SOUND HISTORICAL REASONS FOR A FEDERAL DISTRICT STILL OPERATE TODAY

In the Founders' view, a federal enclave where Congress could exercise complete authority, insulating itself from insult and securing its deliberations from interruption, was an ''indispensible necessity.'' They settled upon the device of a federal district as the means by which the federal government might remain independent of the influence of any single state, to avoid, in the words of Virginia's George Mason, ''a provincial tincture to ye Natl. deliberations.''

The passing years have, if anything, increased the need for ultimate congressional control of the federal city. The District is an integral part of the operations of the nation's government, which depends upon a much more complex array of services, utilities, transportation facilities, and communication networks than it did at the Founding. If the District were to become a state, its financial problems, labor troubles, and other concerns would still affect the federal government's operations. Congress, however, would be deprived of a direct, controlling voice in the resolution of such problems. In a very real sense, the federal government would be dependent upon the State of Columbia for its day to day existence.

The retention of congressional authority over a much reduced federal enclave would not solve this problem. The Founder's contemplated more than a cluster of buildings, however grand, and their surrounding parks and gardens as the national capital. The creation of a new ''federal town'' was intended, in large part so that Congress could independently control the basic services necessary to the operation of the federal government. As former Senator Birch Bayh pointed out in 1978, ''when our Founding Fathers established this as a capital city . . . they did not just establish a place that should be the Federal city and say this is where the Federal buildings are. But they envisioned this as a viable city, a capital city with people who work, have businesses, and have transportation lines, and homes. The essential establishment of the Nation's Capital was not an establishment of the Nation's Federal buildings but the Nation's city.''

Further, there remain virtually insurmountable practical problems with District statehood. The operations of the federal government sprawl over the District. As a result, the new ''state'' would be honeycombed with federal installations, its territory fragmented by competing jurisdictions. As Assistant Attorney General Patricia Wald asked while testifying on behalf of the Carter Administration, regarding the proposed 1978 District amendment, ''[w]ould the remaining non-Federal. area constitute in any real sense a geographically homogeneous entity that justifies statehood?'' It was for these very reasons that former Mayor Washington expressed doubts about statehood for the District. In 1975 he commented that the city of Washington is ''so physically, and economically and socially bound together that I would have problems with statehood in terms of exacting from it some enclaves, or little enclaves all around the city. Ultimately, it seems to me, that would erode the very fabric of the city itself, and the viability of the city.''

Finally, in a very real sense the District belongs not only to those who reside within its borders, but to the Nation as a whole. In opposing statehood for the District in 1978, Senator Bayh, an otherwise ardent proponent of direct District participation in congressional elections, eloquently summed up the objection: ''I guess as a Senator from Indiana I hate to see us taking the Nation's Capital from [5,000,000] Hoosiers. It is part ours. I do not see why the District should be a State because it is, indeed, the Nation's Capital.''

III. THE DISTRICT OF COLUMBIA IS NOT INDEPENDENT OF THE FEDERAL GOVERNMENT

*A. Dependence on the Federal Establishment*

The states of the American Union are more than merely geographic entities: Each is what has been termed ''a proper Madisonian society''—a society composed of a ''diversity of interests and financial independence.'' It is this diversity which guards the liberty of the individual and the rights of minorities. As Madison wrote, ''the security for civil rights . . . consists in the multiplicity of interests . . . The degree of security . . . will depend on the number of interests . . . and this may be presumed to depend on the extent of country and number of people comprehended under the same government.''

The District of Columbia lacks this essential political requisite for statehood. It has only one significant ''industry,'' government. As a result, the District has one monolithic interest group, those who work for, provide services to, or otherwise deal with, the federal government. The national government was, historically, the city's only reason for being. Close to two-thirds of the District's workforce is employed either directly or indirectly in the business of the federal government. Indeed, in 1982 the District government maintained that, in the Washington Metropolitan area, for every federal worker laid off as a result of government reductions in force, one person would be thrown out of work in the private sector.

The implications of this monolithic interest are far reaching. For instance, the Supreme Court, in Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985), has recently decided that the delicate balance between federal and state power is to be guarded primarily by the intrinsic role the states play in the structure of the national government and the political process. The congressional delegation from the District of Columbia, however, would have little interest in preserving the balance between federal and state authority entrusted to it by Garcia. The continued centralization of power in the hands of the national government would, in fact, be to the direct benefit of ''Columbia'' and its residents. Hence; the system of competing sovereignties-designed to preserve our fundamental liberties would be compromised.

*B. Economic Dependence*

In addition to political independence and diversity, a state must have ''sufficient population and resources to support a state government and to provide its share of the cost of the Federal Government.'' The District of Columbia simply lacks the resources both to support a state government and to provide its fair share of the cost of the federal government. The District is a federal dependency. Annually, in addition to all other federal aid programs, it receives a direct payment from the federal treasury of a half billion dollars; some $522 million was budgeted for the District in Fiscal 1987, $445 million to be paid directly to the District's local government. All in all, District residents outstrip the residents of the states in per capita federal aid by a wide margin. For instance, in 1983 the District received $2,177 per capita in federal aid, some five and one-half times the national average of $384.

Not surprisingly, Washington Mayor Marion Barry has plainly stated that the District would still ''require the support of the Federal Government'' if statehood were granted. The continuation of federal support is ordinarily justified because of the percentage of federal land in the District of Columbia that cannot be taxed by the local government. However, the federal government owns a greater percentage of the land area of 10 states, each of which bears the full burdens of statehood without the sort of massive federal support annually received by the District of Columbia. If the District aspires to statehood, it must be prepared to stand as an equal with the other states in its fiscal affairs.

CONCLUSION

The District of Columbia should not be granted statehood. In our considered opinion, an amendment to the Constitution would be needed before the District could be admitted as a state, and in any case, the reasons that led the Founder's to establish the national capital in a district outside the borders of any state are still valid. The District's special status is an integral part of our system of federalism, which itself was a compromise between pure democracy and the need to secure individual liberties and minority rights. The residents of the District enjoy all of the rights of other citizens, save the right to vote in congressional elections. They exchanged this right, as Mr. Justice Story wrote, for the benefits of living in the ''metropolis of a great and noble republic.'' Instead, ''their rights [are] under the immediate protection of the representatives of the whole Union.'' This was the price of the national capital, and District residents have enjoyed the fruits of this bargain for almost two centuries.

III. PROPOSALS FOR GIVING REPRESENTATION IN CONGRESS TO THE DISTRICT OF COLUMBIA

The numerous schemes proposed over the last two hundred years to give the residents of the federal district some sort of direct voting representation in Congress may be distilled into five basic proposals: (1) legislation to allow the District a voting member in the House of Representatives alone; (2) retrocession of the District of Columbia to Maryland, retaining a truncated federal district; (3) allowing District residents to vote as residents of Maryland in national elections; (4) an amendment to the Constitution to give the District full representation in both House and Senate as if it were a state; and (5) full statehood. None of these proposals offers a sound policy solution, and several appear to be fatally flawed when exposed to constitutional scrutiny.

*A. Voting Member in the House of Representatives*

From time to time it has'' been suggested that the District be granted, by simple legislation, a voting member in the House of Representatives. This proposal, however, runs into significant constitutional difficulties.

Those sections of the Constitution which define the political structure of the federal government speak uniformly in terms of the states and their citizens. Article I, section 2 provides that, ''[t]he House of Representatives shall be composed of Members chosen every second Year by the People of the several States . . . . No person shall be a Representative . . . who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.'' Article I, section 3 provides that, ''[t]he Senate of the United States shall be composed of two Senators from each State . . . . No Person shall be a Senator. . . . who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.'' With respect to the election of the President, Article II, section 1 provides that, ''[e]ach State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.'' The Seventeenth Amendment directs that ''[t]he Senate of the United States shall be composed of two Senators from each State, elected by the people thereof.'' In short, ''[d]irect representation in the Congress by a voting member has never been a right of United States citizenship. Instead, the right to be so represented has been a right of the citizens of the States.''

The word ''state'' as used in Article I may not be interpreted to include the District of Columbia, even though as a ''distinct political society'' it might qualify under a more general definition of that term. Consistent with the intent of the Framers, such arguments were properly dismissed long ago by Chief Justice Marshall in Hepburn v. Ellzey. In that case, plaintiffs, residents of the District, claimed that they were citizens of a state for purposes of diversity jurisdiction in the federal courts. The Court rejected this position. Marshall reasoned that Congress had adopted the definition of ''state'' as found in the Constitution in the act providing for diversity jurisdiction, and that the capital could not be considered such a ''state''. Citing Article I, sections 2 and 3, and Article II, section 1, he concluded that ''the members of the American confederacy only are the states contemplated.'' ''These clauses show that the word state is used in the constitution as designating a member of

the union, and excludes from the term the significance attached to it by writers on the law of nations.'' Congress, to be sure, has often treated the District of Columbia as a state for purposes of statutory benefit programs. It is customarily included in the major federal grant programs by the well-worn phrase ''for purposes of this legislation, the term 'State' shall include the District of Columbia.'' The courts, also, have occasionally interpreted the word ''state'' to include the District of Columbia. However, the District has never been automatically included under the term ''state'' even in federal statutes. In District of Columbia v. Carter, the Supreme Court held that it was not a ''State or Territory'' under 42 U.S.C. §1983, which creates a federal cause of action for civil rights violations under color of state law. Under the test articulated by Justice Brennan in that case, ''[w]hether the District of Columbia constitutes a ''State or Territory'' within the meaning of any particular statutory or constitutional provision depends upon the character and aim of the specific provision involved.'' In any event, allowing the District to participate on an equal footing with the states in federal statutory programs is different in kind from reading the language of the Constitution itself in such a way as to allow alteration of the very composition of the Congress by legislative fiat.

The Constitutional mandate is clear. Only United States citizens who are also citizens of a state are entitled to elect members of Congress. This is hardly a novel proposition. There are many different levels of rights recognized in our system. Aliens, for instance, enjoy certain basic rights, including the benefit of the Equal Protection Clause but are not citizens of the United States and have no vote. The residents of United States possessions overseas also enjoy the protection of the Constitution, but may not vote in federal elections. Many of them are United States citizens—the residents of Puerto Rico and Guam, for instance, fit this category. Like the residents of the District of Columbia, American citizens who are not also citizens of a state do not participate in congressional elections, and they never have enjoyed such participation. The residents of the District of Columbia may not participate directly in congressional elections without becoming citizens of a state, or without an amendment to the Constitution.

Mr. MCCONNELL. Mr. President, a few weeks ago, I had the honor of raising my right hand and reciting a solemn oath required by the Constitution itself. According to that oath, the first and last duty of a U.S. Senator is to support and defend the U.S. Constitution. By opposing the legislation before us, I believe I am doing both.

The Constitution is short because its authors wanted to be clear, and on the issue of congressional representation they could not have been more so. According to Article I, Section II, only States elect Members of Congress. And, according to the same article, the seat of the Federal Government is not to be considered a State. So the question before us is not whether the Framers meant for the seat of Government to have representation in Congress. They clearly did not. Rather, the question before us is why they didn't want the seat of Government to have representation. And, as a follow-up: What recourse did they leave those who might want to revise what they had written.

In answer to the first question, the Framers opposed statehood for a number of good reasons. First, they didn't want the Federal Government to be beholden to a single State, a situation that would of course unfairly benefit the residents of that State, either materially or through added prestige, at the expense of all the other States. Second, they wanted the Federal Government to have the freedom to relocate if the need arose.

This was not an easy issue for the Framers. But the plain text of the Constitution leaves no doubt as to how they came down on the question: In the end, they decided the interests of the whole were best served by carving out a Federal district that stood apart from the States. This way Federal officials would be able to protect the interests of the whole and give the Federal Government the freedom it would need to operate with complete independence and freedom of movement.

Clearly, not everyone is satisfied with the result. But there should be no doubt about what the words of the Constitution says—not just on the day it was ratified, but throughout our history.

The 23rd amendment, for instance, gave Washington, DC the same number of electoral votes that it would receive as ''if it were a state.'' What this means, of course, is that at the time this amendment was ratified in 1961, no one was under the illusion that DC was a State—or that it should be treated as one, short of a constitutional amendment.

Clearly, the Framers recognized the deficiencies of the final product. In creating a Federal district, they knew permanent residents of that district would lack representation in Congress. And this is why they left us a remedy within the Constitution itself. If and when the ''People of the United States'' wished to revise the U.S. Constitution, they could do so by amending it, just as they did in 1961.

The process of amendment is clearly outlined in article V, and it has served the American people well for more than two centuries. Over the years, we have amended our founding document 27 times. From eradicating slavery, to securing the right to vote for women, to putting a limit on the years a President can serve in office, the people of the United States have used the amendment process as the way to secure or expand rights.

So the surest way to honor the aspirations of DC residents is to pursue a remedy which respects the Constitution. One way is through a constitutional amendment that uses the same language as the bill before us. Another would be to allow the residents of the District to vote as if they were residents of a bordering State, or even to declare them residents of a bordering State.

As the Senate's greatest student and fiercest living guardian of the Constitution, the senior Senator from West Virginia, said just last year on the Senate floor:

If we wish to grant representatives of the citizens of the District of Columbia full voting rights, ''let us do so, once again, the proper way, by passing a resolution to amend the Constitution consistent with its own terms.''

The bottom line is this: Any proposal to secure the right to vote must honor the Constitution, which Lincoln called the ''only safeguard of our liberties.'' Anything less would violate the oath we have sworn to uphold, and would guarantee a challenge in the courts that would only further prolong this debate.

The better way is the surer way—and that's the constitutional way.

I will oppose this proposal. I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, in a few moments the Senator from California, Senator FEINSTEIN, is scheduled to be here to speak on the Ensign amendment and I will yield to her to vote at 3:45. But I say we are coming to a pivotal moment in a march that has gone on for years and years now. In some sense it goes back more than two centuries when—for reasons that are hard for historians let alone Senators to fathom, the District was established as a National Capital, separated from the State to which it had been attached before—an omission was made that was grave and inconsistent with the founding principles of this country. The residents of this National Capital of the greatest democracy of the world were left without a Representative here in Congress who could vote. In a government premised on the consent of the governed, the 600,000 residents of the District today do not have a voting Representative here in Congress.

If you step back, it is actually unbelievable. No one has argued that this is somehow a just result. The fact is that it is patently unjust and un-American, in the sense of a violation of the best principles of this country, of freedom, of democracy, of the Republic based on the votes of the people. So the argument against the proposal that has come out of the committee that I am privileged to chair, that enjoys bipartisan support, is nonetheless that this is not quite the right way to do it.

I understand those who have argued against our proposal have said that the Constitution does not allow us to do it quite this way; that it requires a constitutional amendment. The effect of this I think is to say to the residents of the District: Wait a little while longer. It has only been a couple of hundred years that you have been denied a voting Representative.

That is not fair. In fact, the preponderance of constitutional opinion is that the so-called District clause occupies the field and gives us the opportunity to right this historic wrong. Over and over again, notwithstanding the clause my colleagues rely on which says that the House shall be composed of Members chosen by the people of the

several States—they emphasize States—yet in decision after decision the Supreme Court of the United States has said that the District should be considered as a State or else its citizens will be denied equal protection; due process as a State for purposes of the interstate commerce clause; as I stated, for the purposes of diversity of jurisdiction, the opportunity for people to gain access to Federal courts for the right of trial by jury. So the Supreme Court of the United States has made very clear that the District, even when the Constitution refers to States, should be considered as a State. There may be a constitutional argument on the other side; I do not think it is a compelling argument. But if you accept the injustice of the status quo for the residents of the District, an unacceptable injustice that is an embarrassment to this great democracy of ours, then even if you think what S. 160 does is not constitutional, vote to end the injustice because the proposal, S. 160 itself, provides for expedited appeal to the court to determine the constitutionality.

After all, there is always debate. No one knowingly votes for something they think is unconstitutional. Yet there are so many times when we have to acknowledge, as powerful as this great deliberative body is, we are not the ultimate arbiter of constitutionality. That privilege, that power, was given by the Constitution to the judicial branch of our Government.

So I hope, my friends, as we draw close to the hour of decision, that my colleagues, whatever their conclusion about the constitutionality is, will vote to end the injustice imposed on residents of the District. I have always believed America is many things, but in this sense, is a journey. It is a journey historically to realize the extraordinary revolutionary principles adopted in our Declaration of Independence and Constitution that have been followed by so many other countries since the great statement in the Declaration of Independence, those self-evident truths, that all of us are created equal; we are endowed by our creator with these inalienable rights to life and liberty and the pursuit of happiness.

The Constitution enshrines a system of representative government, a great republic, government by the consent of the governed. But we must acknowledge that at the outset of our history, as lofty as the principles were embraced and expressed in the Deceleration and the Constitution, they were not fully realized at the outset of our history. People of color, African Americans, were not only denied the rights of citizenship but were only counted three-fifths the equal of Whites. Women did not have the right to vote. Many men did not have the right to vote because the vote in most States was limited to those who owned land.

So over our history, we have been on this extraordinary journey to realize, generation after generation, the ideals stated by our Founders. Of course, in many cases it took too long, but here we are in a country where voting, at least, has been extended fully to most people in our country—the right to vote, the right to have voting representation in Congress. Yet there is this growth remaining; 600,000 of our fellow Americans get taxed, get called to war, get regulated and supervised and everything else, and yet have no say here with a vote by a Representative in the House of Representatives. That is what this bill would do.

It is not a small step, it is a significant, historic step forward on the journey to realize the best principles of this great Republic. When the time comes, I hope and believe our colleagues in both parties will finally right this wrong and extend voting representation in the House to residents of the District.

I am pleased to see the Senator from California on the Senate floor, and I would yield to her at this time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the manager of the bill. I rise today to speak in strong opposition to amendment No. 575 offered by Senator ENSIGN.

I believe the amendment is reckless. I believe it is irresponsible. I believe it will lead to more weapons and more violence on the streets of our Nation's Capital. It will endanger the citizens of the District, the Government employees who work here, our elected officials, and those who visit this great American Capitol. And, of course, if successful, it will be the first new step in a march to remove all commonsense gun regulations all over this land.

The Ensign amendment repeals gun laws promoting public safety, including DC laws that the U.S. Supreme Court indicated were permissible under the second amendment in the Heller decision. I strongly disagree with the Supreme Court decision in Heller that the second amendment gives individuals a right to possess weapons for private purposes not related to State militias, and that the Constitution does not permit a general ban on handguns in the home. But that is the law. It has been adjudicated. It has gone up to the highest Court, and I am one who believes if we do not like the law, we should try to make changes through the proper legal channels.

However, it is important to note that Heller also stands for the proposition that reasonable, commonsense gun regulations are entirely permissible. As the author of the original assault weapons ban that was enacted in 1994, I know commonsense gun regulations do make our communities safer, while at the same time respecting the rights of sportsmen and others to keep and bear arms.

Justice Scalia wrote in the majority opinion on the Heller case that a wide variety of gun laws are ''presumptively lawful,'' including the laws ''forbidding the carrying of firearms in sensitive places'' and regulations governing ''the conditions and qualifications of the commercial sale of arms.''

I cannot think of any place more sensitive than the District of Columbia. Even bans on ''dangerous and unusual weapons'' are completely appropriate under the Heller decision. So it is interesting to me that you have this decision, and then you have the Senate moving even to obliterate what is allowable under the decision.

Senator ENSIGN's amendment completely ignores Heller's language and takes the approach that all guns for all people at all times is called for by Heller. It is not.

We have all seen the tragic consequences of gun violence: the massacre of students at Virginia Tech University in 2007, the murders at Columbine High School in Colorado, the North Hollywood shootout where bank robbers carrying automatic weapons and shooting armor-piercing bullets shot 10 Los Angeles Police Department SWAT officers and seven civilians before being stopped.

We have seen criminal street gangs able to buy weapons at gun shows and out of the back seats or the trunks of automobiles. We have seen their bullets kill hundreds, if not thousands of people across this great land, men, women, and children.

As Senator SCHUMER said, if this amendment becomes law, even if you cannot see, even if you cannot pass a sight test, you can have access to firearms. That is not what this Nation should encourage. Those incidents and the gun violence that occurs every day across this country show us that we should be doing more, not less, to keep guns out of the hands of criminals and the mentally ill and not give them unfettered access to firearms.

It is worth noting just how far this amendment goes in repealing DC law and just how unsafe it will make the streets of this capital. Here is what it would do: It would repeal DC's ban on semiautomatic weapons, including assault weapons.

If this amendment becomes law, military-style assault weapons with high-capacity magazines will be allowed to be stockpiled in homes and businesses in the District, even near Federal buildings such as the White House and the Capitol. Even the .50 caliber sniper rifle, with a range of over 1 mile, will be allowed in DC under this amendment. This is a weapon capable of firing rounds that can penetrate concrete and armor plating. And at least one model of the .50 caliber sniper rifle is easily concealed and transported. One gun manufacturer describes this model as a ''lightweight and tactical'' weapon and capable of being collapsed and carried in ''a very small inconspicuous package.''

Is this what we want to do? There is simply no good reason anyone needs semiautomatic, military-style assault weapons in an urban community. It is

unfathomable to me that the same high-powered sniper rifle used by our Armed Forces will be permitted in the Nation's Capitol. Yet this is exactly what the amendment would allow if passed by the Senate.

Next, the amendment would repeal existing Federal antigun trafficking laws. For years, Federal law has banned gun dealers from selling handguns directly to out-of-State buyers who are not licensed firearms dealers. This has helped substantially in the fight against illegal interstate gun trafficking, and it has prevented criminals from traveling to other States to buy guns.

Senator ENSIGN's amendment repeals this longstanding Federal law and allows DC residents to cross State lines to buy handguns in neighboring States. Illegal gun traffickers will be able to easily obtain large quantities of firearms outside of DC and then distribute those guns to criminals in DC and in surrounding States.

And no one should be so naive as to say that this amendment will not do this. It will. The amendment repeals DC law restricting the ability of dangerous and unqualified people to obtain guns. The amendment also repeals many of the gun regulations that the Supreme Court said were completely appropriate after Heller.

So all of those who will vote for this amendment should not do so thinking they are just complying with the Heller decision. This is part of a march forward by gun lobby interests in this country to begin to remove all commonsense regulations, and no one should think it is anything else.

This would repeal the DC prohibition on persons under the age of 21 from possessing firearms, and it repeals all age limits for the possession of long guns, including assault weapons.

Do we really want that? I think of the story of an 11-year-old who had a reduced barreled shotgun and just recently killed somebody with it. Is this what we want to see all over this country, the ability of virtually anyone to obtain a firearm regardless of their age? I don't think so.

The amendment even repeals the DC law prohibiting gun possession by people who have poor vision. I heard Senator SCHUMER speak about this yesterday afternoon. Unbelievably, under this amendment, the District would be barred from having any vision requirement for gun use, even if someone is blind. Is this the kind of public policy we want to make for our Nation? Is this how co-opted this body is to the National Rifle Association and others? I hope not.

The amendment before the Senate repeals all firearm registration requirements in the District, making it even more difficult for law enforcement to trace guns used in crimes and track down the registered owner. The amendment repeals all existing safe-storage laws and prohibits the District from enacting any additional safe-storage laws.

After the Heller decision, the District passed emergency legislation to allow guns to be unlocked for self-defense, but requiring that they otherwise be kept locked to keep guns out of the hands of children and criminals. We all ought to want that.

The Ensign amendment repeals even this modest limitation and prevents the District of Columbia City Council from enacting any law that discourages, whatever that means, gun ownership or requiring the safe storage of firearms. How can we, in the Capitol of the United States where we have had so many tragic events, possibly do this? This is simply ridiculous and goes well beyond the Supreme Court's ruling in Heller.

Think about what this means. Consider that every major gun manufacturer recommends that guns be kept unloaded, locked, and kept in a safe place. Under this amendment, the District could not enact any legislation requiring that guns be stored in a safe place, even in homes with children. How can anyone believe this broad-brush amendment is the right thing to do? How can any of us believe it provides protection for the people we represent?

Let me make one other point. The American people clearly do not agree with this amendment. Last fall, when a virtually identical bill was being considered in the House of Representatives, a national poll found that 69 percent of Americans opposed Congress passing a law to eliminate the District's gun laws, 69 percent. That is about as good as we get on any controversial issue. Additionally, 60 percent of Americans believe Washington will become less safe if Congress takes this step.

Is this what we want? Do we want the Capitol of the United States to become less safe? I don't think so. Today, if this amendment passes in the Senate, it will be directly against the wishes of the American people. It will not pass because it is good public policy, it will only be passed to placate the National Rifle Association. I say for shame.

As a former mayor who saw firsthand what happens when guns fall into the hands of criminals, juveniles, and the mentally ill, I believe this amendment places the families of the District of Columbia in great jeopardy. The amendment puts innocent lives at stake. It is an affront to the public safety of the District. It is an affront to local home rule. This isn't just a bad amendment; it is a very dangerous one. I very strongly urge Senators to join me in opposing it.

Mr. President, when this bill was tried in the House a year ago, a poll was done nationally in which 69 percent of the people were against it. I have to believe a dominant majority would still be against it. I urge a no vote on the amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 2 minutes.

Mr. ENSIGN. Mr. President, I wish to clear up a couple of misstatements made by the other side. First, they said that somebody who is mentally ill could get a gun under this provision. That is not the case. We basically take the Federal definition which does not allow people who are mentally ill to get guns because reasonable background checks can be required and should be required so that somebody who is mentally ill won't get a gun. We don't want to see a Virginia Tech type of a situation happen again. This amendment does not allow it.

The bottom line is, the District of Columbia has the highest murder rate. It has had the highest murder rate, and that rate has gone up as the District has enacted stricter and stricter gun control laws. As the Senator from California said, we want to protect citizens. Shouldn't we do what other places have done and allow law-abiding citizens to actually own guns? That is what the amendment provides. It says: Let's protect the second amendment rights for law-abiding District of Columbia residents so they can protect themselves against intruders coming into their homes.

Criminals are going to get their guns. We know that. Criminals get their guns in DC and around the country. They do it through the black market. In DC, they can go right across the border and get a gun pretty easily. We want to make sure that law-abiding citizens are able to get guns and to protect themselves. That is the basis for this amendment, to say: Let's uphold the Supreme Court. Let's make sure we protect the second amendment rights of citizens in the District of Columbia. We are exercising our constitutional duty both with oversight over the District of Columbia and by protecting the second amendment rights of our citizens.

I urge a yea vote on the amendment.

The PRESIDING OFFICER. All time has expired.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, Senator REID wishes to speak for 2 minutes before the vote. Therefore, 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. ENSIGN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. I ask for the yeas and nays on amendment No. 575.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The majority leader.

Mr. REID. 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. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote commence upon completion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we have had a good debate on this bill. It has gone on all week. I thank my colleagues on both sides of the aisle for a very productive, intelligent conversation. The Senate today is moving to right a century's-old wrong. It is inexcusable and indefensible that nearly 600,000 people who live in the District of Columbia don't enjoy a voice in Congress as do other American citizens. We are the only democracy in the world that denies citizens of its capital—our capital, Washington, DC—the right to vote in a national legislature in any way. Residents of Washington, DC pay taxes. They sit on juries. They serve bravely in the armed services. Yet they are provided only a delegate in Congress who is not permitted to vote. This injustice has stood for far too long. Shadow representation is shadow citizenship and is offensive to our democracy.

I hope the bill will pass today. It is a bill that is fair, bipartisan, and long overdue. If we can send American soldiers to fight for democracy around the world and ensure citizens of other nations that they have a right to vote, the least we can do is give the same opportunity to fellow Americans in the shadow of this great Capitol. We will shortly vote on a bill that honors the residents of the District who responsibly meet every single expectation of American citizenship but are denied one of the most basic civil rights in return.

I commend Chairman LIEBERMAN, who has taken leadership on this issue for no reason or agenda other than he believes it is right to do this.

I urge all Senators to vote for this measure.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 575, offered by the Senator from Nevada, Mr. ENSIGN. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—62

| | | |
|---|---|---|
| Alexander | DeMint | McConnell |
| Barrasso | Dorgan | Murkowski |
| Baucus | Ensign | Nelson (NE) |
| Bayh | Enzi | Pryor |
| Begich | Feingold | Reid |
| Bennet | Graham | Risch |
| Bennett | Grassley | Roberts |
| Bond | Gregg | Sessions |
| Brownback | Hagan | Shelby |
| Bunning | Hatch | Snowe |
| Burr | Hutchison | Specter |
| Byrd | Inhofe | Tester |
| Casey | Isakson | Thune |
| Chambliss | Johanns | Udall (CO) |
| Coburn | Johnson | Udall (NM) |
| Cochran | Kyl | Vitter |
| Collins | Landrieu | Voinovich |
| Conrad | Lincoln | Warner |
| Corker | Martinez | Webb |
| Cornyn | McCain | Wicker |
| Crapo | McCaskill | |

NAYS—36

| | | |
|---|---|---|
| Akaka | Harkin | Merkley |
| Bingaman | Inouye | Mikulski |
| Boxer | Kaufman | Murray |
| Brown | Kerry | Nelson (FL) |
| Burris | Klobuchar | Reed |
| Cantwell | Kohl | Rockefeller |
| Cardin | Lautenberg | Sanders |
| Carper | Leahy | Schumer |
| Dodd | Levin | Shaheen |
| Durbin | Lieberman | Stabenow |
| Feinstein | Lugar | Whitehouse |
| Gillibrand | Menendez | Wyden |

NOT VOTING—1

Kennedy

The amendment (No. 575) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, this will be the last vote this week. We hope to be able to get to the omnibus on Monday. We are going to be on the omnibus one way or the other on Monday. I will file cloture on the matter if I have to, but I think we are going to move to that Monday. We have a lot of work to do. The CR expires on Friday. I have had conversations today with the Republican leader. We both understand the urgency of trying to get this done. We are going to try to have as many amendments as time will allow. People should be here ready to move on this bill as soon as we are able to get to it. I have already heard from a couple of Senators who have amendments ready to go. What we will try to do is alternate sides on amendments and hopefully finish it on Thursday. Next Friday is supposed to be a nonvoting day. We hope we can keep it that way, but this is an important piece of legislation we must complete.

This is the last vote for the day.

The PRESIDING OFFICER. The substitute amendment, as amended, is agreed to.

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

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—61

| | | |
|---|---|---|
| Akaka | Harkin | Nelson (NE) |
| Bayh | Hatch | Pryor |
| Begich | Inouye | Reed |
| Bennet | Johnson | Reid |
| Bingaman | Kaufman | Rockefeller |
| Boxer | Kerry | Sanders |
| Brown | Klobuchar | Schumer |
| Burris | Kohl | Shaheen |
| Cantwell | Landrieu | Snowe |
| Cardin | Lautenberg | Specter |
| Carper | Leahy | Stabenow |
| Casey | Levin | Tester |
| Collins | Lieberman | Udall (CO) |
| Conrad | Lincoln | Udall (NM) |
| Dodd | Lugar | Voinovich |
| Dorgan | McCaskill | Warner |
| Durbin | Menendez | Webb |
| Feingold | Merkley | Whitehouse |
| Feinstein | Mikulski | Wyden |
| Gillibrand | Murray | |
| Hagan | Nelson (FL) | |

NAYS—37

| | | |
|---|---|---|
| Alexander | Cornyn | Martinez |
| Barrasso | Crapo | McCain |
| Baucus | DeMint | McConnell |
| Bennett | Ensign | Murkowski |
| Bond | Enzi | Risch |
| Brownback | Graham | Roberts |
| Bunning | Grassley | Sessions |
| Burr | Gregg | Shelby |
| Byrd | Hutchison | Thune |
| Chambliss | Inhofe | Vitter |
| Coburn | Isakson | Wicker |
| Cochran | Johanns | |
| Corker | Kyl | |

NOT VOTING—1

Kennedy

The bill (S. 160), as amended, was passed, as follows:

S. 160

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

**TITLE I—DISTRICT OF COLUMBIA HOUSE VOTING RIGHTS ACT OF 2009**

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''District of Columbia House Voting Rights Act of 2009''.

**SEC. 2. TREATMENT OF DISTRICT OF COLUMBIA AS CONGRESSIONAL DISTRICT.**

(a) CONGRESSIONAL DISTRICT AND NO SENATE REPRESENTATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the District of Columbia shall be considered a congressional district for purposes of representation in the House of Representatives.

(2) NO REPRESENTATION PROVIDED IN SENATE.—The District of Columbia shall not be considered a State for purposes of representation in the United States Senate.

(b) CONFORMING AMENDMENTS RELATING TO APPORTIONMENT OF MEMBERS OF HOUSE OF REPRESENTATIVES.—

(1) INCLUSION OF SINGLE DISTRICT OF COLUMBIA MEMBER IN REAPPORTIONMENT OF MEMBERS AMONG STATES.—Section 22 of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress'', approved June 28, 1929 (2 U.S.C. 2a), is

amended by adding at the end the following new subsection:

''(d) This section shall apply with respect to the District of Columbia in the same manner as this section applies to a State, except that the District of Columbia may not receive more than one Member under any reapportionment of Members.''.

(2) CLARIFICATION OF DETERMINATION OF NUMBER OF PRESIDENTIAL ELECTORS ON BASIS OF 23RD AMENDMENT.—Section 3 of title 3, United States Code, is amended by striking ''come into office;'' and inserting ''come into office (subject to the twenty-third article of amendment to the Constitution of the United States in the case of the District of Columbia);''.

**SEC. 3. INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.**

(a) PERMANENT INCREASE IN NUMBER OF MEMBERS.—Effective with respect to the 112th Congress, or the first Congress sworn in after the implementation of this Act, and each succeeding Congress, the House of Representatives shall be composed of 437 Members, including the Member representing the District of Columbia pursuant to section 2(a).

(b) REAPPORTIONMENT OF MEMBERS RESULTING FROM INCREASE.—

(1) IN GENERAL.—Section 22(a) of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress'', approved June 28, 1929 (2 U.S.C. 2a(a)), is amended by striking ''the then existing number of Representatives'' and inserting ''the number of Representatives established with respect to the 112th Congress, or the first Congress sworn in after implementation of the District of Columbia House Voting Rights Act of 2009''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to the regular decennial census conducted for 2010 and each subsequent regular decennial census.

(c) TRANSMITTAL OF REVISED APPORTIONMENT INFORMATION BY PRESIDENT.—

(1) STATEMENT OF APPORTIONMENT BY PRESIDENT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to Congress a revised version of the most recent statement of apportionment submitted under section 22 of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress'', approved June 28, 1929 (2 U.S.C. 2a), to take into account this Act and the amendments made by this Act. The statement shall reflect that the District of Columbia is entitled to one Representative and shall identify the other State entitled to one representative under this section. Pursuant to section 22 of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress'', approved June 28, 1929 (2 U.S.C. 2a), as amended by this Act, and the regular decennial census conducted for 2000, the State entitled to the one additional representative is Utah.

(2) REPORT BY CLERK.—Not later than 15 calendar days after receiving the revised version of the statement of apportionment under paragraph (1), the Clerk of the House of Representatives shall submit a report to the Speaker of the House of Representatives indicating that the District of Columbia is entitled to one Representative and identifying the State which is entitled to one additional Representative pursuant to this section. Pursuant to section 22 of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress'', approved June 28, 1929 (2 U.S.C. 2a), as amended by this Act, and the regular decennial census conducted for 2000, the State entitled to the one additional representative is Utah.

(3) ADDITIONAL STATEMENTS AND REPORTS.—

(A) IN GENERAL.—Subject to subparagraph (B) and following the revised statement of apportionment and subsequent report under paragraphs (1) and (2), the Statement of Apportionment by the President and subsequent reports by the Clerk of the House of Representatives shall continue to be issued at the intervals and pursuant to the methodology specified under section 22 of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress'', approved June 28, 1929 (2 U.S.C. 2a), as amended by this Act.

(B) FAILURE TO COMPLETE.—In the event that the revised statement of apportionment and subsequent report under paragraphs (1) and (2) can not be completed prior to the issuance of the regular statement of apportionment and subsequent report under section 22 of the Act entitled ''An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress'', approved June 28, 1929 (2 U.S.C. 2a), as amended by this Act, the President and Clerk may disregard paragraphs (1) and (2).

**SEC. 4. UTAH REDISTRICTING PLAN.**

The general election for the additional Representative to which the State of Utah is entitled for the 112th Congress, pursuant to section 3(c), shall be elected pursuant to a redistricting plan enacted by the State, such as the plan the State of Utah signed into law on December 5, 2006, which—

(1) revises the boundaries of congressional districts in the State to take into account the additional Representative to which the State is entitled under section 3; and

(2) remains in effect until the taking effect of the first reapportionment occurring after the regular decennial census conducted for 2010.

**SEC. 5. EFFECTIVE DATE.**

The additional Representative other than the Representative from the District of Columbia, pursuant to section 3(c), and the Representative from the District of Columbia shall be sworn in and seated as Members of the House of Representatives on the same date as other Members of the 112th Congress or the first Congress sworn in after implementation of this Act.

**SEC. 6. CONFORMING AMENDMENTS.**

(a) REPEAL OF OFFICE OF DISTRICT OF COLUMBIA DELEGATE.—

(1) REPEAL OF OFFICE.—

(A) IN GENERAL.—Sections 202 and 204 of the District of Columbia Delegate Act (Public Law 91–405; sections 1–401 and 1–402, D.C. Official Code) are repealed, and the provisions of law amended or repealed by such sections are restored or revived as if such sections had not been enacted.

(B) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

(2) CONFORMING AMENDMENTS TO DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—The District of Columbia Elections Code of 1955 is amended as follows:

(A) In section 1 (sec. 1–1001.01, D.C. Official Code), by striking ''the Delegate to the House of Representatives,'' and inserting ''the Representative in Congress,''.

(B) In section 2 (sec. 1–1001.02, D.C. Official Code)—

(i) by striking paragraph (6); and

(ii) in paragraph (13), by striking ''the Delegate to Congress for the District of Columbia,'' and inserting ''the Representative in Congress,''.

(C) In section 8 (sec. 1–1001.08, D.C. Official Code)—

(i) in the heading, by striking ''Delegate'' and inserting ''Representative''; and

(ii) by striking ''Delegate,'' each place it appears in subsections (h)(1)(A), (i)(1), and (j)(1) and inserting ''Representative in Congress,''.

(D) In section 10 (sec. 1–1001.10, D.C. Official Code)—

(i) in subsection (a)(3)(A)—

(I) by striking ''or section 206(a) of the District of Columbia Delegate Act''; and

(II) by striking ''the office of Delegate to the House of Representatives'' and inserting ''the office of Representative in Congress'';

(ii) in subsection (d)(1), by striking ''Delegate,'' each place it appears; and

(iii) in subsection (d)(2)—

(I) by striking ''(A) In the event'' and all that follows through ''term of office,'' and inserting ''In the event that a vacancy occurs in the office of Representative in Congress before May 1 of the last year of the Representative's term of office,''; and

(II) by striking subparagraph (B).

(E) In section 11(a)(2) (sec. 1–1001.11(a)(2), D.C. Official Code), by striking ''Delegate to the House of Representatives,'' and inserting ''Representative in Congress,''.

(F) In section 15(b) (sec. 1–1001.15(b), D.C. Official Code), by striking ''Delegate,'' and inserting ''Representative in Congress,''.

(G) In section 17(a) (sec. 1–1001.17(a), D.C. Official Code), by striking ''the Delegate to Congress from the District of Columbia'' and inserting ''the Representative in Congress''.

(b) REPEAL OF OFFICE OF STATEHOOD REPRESENTATIVE.—

(1) IN GENERAL.—Section 4 of the District of Columbia Statehood Constitutional Convention Initiative of 1979 (sec. 1–123, D.C. Official Code) is amended as follows:

(A) By striking ''offices of Senator and Representative'' each place it appears in subsection (d) and inserting ''office of Senator''.

(B) In subsection (d)(2)—

(i) by striking ''a Representative or'';

(ii) by striking ''the Representative or''; and

(iii) by striking ''Representative shall be elected for a 2-year term and each''.

(C) In subsection (d)(3)(A), by striking ''and 1 United States Representative''.

(D) By striking ''Representative or'' each place it appears in subsections (e), (f), (g), and (h).

(E) By striking ''Representative's or'' each place it appears in subsections (g) and (h).

(2) CONFORMING AMENDMENTS.—

(A) STATEHOOD COMMISSION.—Section 6 of such Initiative (sec. 1–125, D.C. Official Code) is amended—

(i) in subsection (a)—

(I) by striking ''27 voting members'' and inserting ''26 voting members'';

(II) by adding ''and'' at the end of paragraph (5); and

(III) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6); and

(ii) in subsection (a–1)(1), by striking subparagraph (H).

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 8 of such Initiative (sec. 1–127, D.C. Official Code) is amended by striking ''and House''.

(C) APPLICATION OF HONORARIA LIMITATIONS.—Section 4 of D.C. Law 8–135 (sec. 1–131, D.C. Official Code) is amended by striking ''or Representative'' each place it appears.

(D) APPLICATION OF CAMPAIGN FINANCE LAWS.—Section 3 of the Statehood Convention Procedural Amendments Act of 1982 (sec. 1–135, D.C. Official Code) is amended by

striking ''and United States Representative''.

(E) DISTRICT OF COLUMBIA ELECTIONS CODE OF 1955.—The District of Columbia Elections Code of 1955 is amended—

(i) in section 2(13) (sec. 1–1001.02(13), D.C. Official Code), by striking ''United States Senator and Representative,'' and inserting ''United States Senator,''; and

(ii) in section 10(d) (sec. 1–1001.10(d)(3), D.C. Official Code), by striking ''United States Representative or''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

(c) CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO SERVICE ACADEMIES.—

(1) UNITED STATES MILITARY ACADEMY.—Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking ''the District of Columbia,''.

(2) UNITED STATES NAVAL ACADEMY.—Such title is amended—

(A) in section 6954(a), by striking paragraph (5); and

(B) in section 6958(b), by striking ''the District of Columbia,''.

(3) UNITED STATES AIR FORCE ACADEMY.—Section 9342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking paragraph (5); and

(B) in subsection (f), by striking ''the District of Columbia,''.

(4) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on the date on which a Representative from the District of Columbia takes office.

**SEC. 7. NONSEVERABILITY OF PROVISIONS AND NONAPPLICABILITY.**

(a) NONSEVERABILITY.—If any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Act or any amendment made by this Act shall be treated and deemed invalid and shall have no force or effect of law.

(b) NONAPPLICABILITY.—Nothing in the Act shall be construed to affect the first reapportionment occurring after the regular decennial census conducted for 2010 if this Act has not taken effect.

**SEC. 8. JUDICIAL REVIEW.**

(a) SPECIAL RULES FOR ACTIONS BROUGHT ON CONSTITUTIONAL GROUNDS.—If any action is brought to challenge the constitutionality of any provision of this Act or any amendment made by this Act, the following rules shall apply:

(1) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

(2) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives and the Secretary of the Senate.

(3) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision.

(4) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(b) INTERVENTION BY MEMBERS OF CONGRESS.—

(1) IN GENERAL.—In any action in which the constitutionality of any provision of this Act or any amendment made by this Act is challenged (including an action described in subsection (a)), any member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or the Senate shall have the right to intervene or file legal pleadings or briefs either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision or amendment.

(2) COURT EFFICIENCY.—To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any action described in paragraph (1) may make such orders as it considers necessary, including orders to require intervenors taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

**SEC. 9. FCC AUTHORITIES.**

(a) CLARIFICATION OF GENERAL POWERS.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

**''SEC. 303B. CLARIFICATION OF GENERAL POWERS.**

''(a) CERTAIN AFFIRMATIVE ACTIONS REQUIRED.—The Commission shall take actions to encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.

''(b) CONSTRUCTION.—Nothing in section 303A shall be construed to limit the authority of the Commission regarding matters unrelated to a requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance.''.

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

**SEC. 10. FAIRNESS DOCTRINE PROHIBITED.**

(a) LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

**''SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS DOCTRINE.**

''Notwithstanding section 303 or any other provision of this Act or any other Act authorizing the Commission to prescribe rules, regulations, policies, doctrines, standards, guidelines, or other requirements, the Commission shall not have the authority to prescribe any rule, regulation, policy, doctrine, standard, guideline, or other requirement that has the purpose or effect of reinstating or repromulgating (in whole or in part)—

''(1) the requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance, commonly referred to as the 'Fairness Doctrine', as repealed in In re Complaint of Syracuse Peace Council against Television Station WTVH, Syracuse New York, 2 FCC Rcd. 5043 (1987); or

''(2) any similar requirement that broadcasters meet programming quotas or guidelines for issues of public importance.''.

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

## TITLE II—SECOND AMENDMENT ENFORCEMENT ACT

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''Second Amendment Enforcement Act''.

**SEC. 202. CONGRESSIONAL FINDINGS.**

Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) As the Congress and the Supreme Court of the United States have recognized, the Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only affect and disarm law-abiding citizens.

(6) Officials of the District of Columbia have indicated their intention to continue to unduly restrict lawful firearm possession and use by citizens of the District.

(7) Legislation is required to correct the District of Columbia's law in order to restore the fundamental rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

**SEC. 203. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.**

Section 4 of the Act entitled ''An Act to prohibit the killing of wild birds and wild animals in the District of Columbia'', approved June 30, 1906 (34 Stat. 809; sec. 1–303.43, D.C. Official Code) is amended by adding at the end the following: ''Nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor subject to the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms. Nothing in the previous two sentences shall be construed to prohibit the District of Columbia from regulating or prohibiting the carrying of firearms

by a person, either concealed or openly, other than at the person's dwelling place, place of business, or on other land possessed by the person.''.

**SEC. 204. REPEAL D.C. SEMIAUTOMATIC BAN.**

(a) IN GENERAL.—Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is amended to read as follows:

''(10) 'Machine gun' means any firearm which shoots, is designed to shoot, or may be readily restored to shoot automatically, more than 1 shot without manual reloading by a single function of the trigger, and includes the frame or receiver of any such weapon, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.''.

(b) CONFORMING AMENDMENT TO PROVISIONS SETTING FORTH CRIMINAL PENALTIES.—Section 1(c) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4501(c), D.C. Official Code) is amended to read as follows:

''(c) 'Machine gun', as used in this Act, has the meaning given such term in section 101(10) of the Firearms Control Regulations Act of 1975.''.

**SEC. 205. REPEAL REGISTRATION REQUIREMENT.**

(a) REPEAL OF REQUIREMENT.—

(1) IN GENERAL.—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking ''any firearm, unless'' and all that follows through paragraph (3) and inserting the following: ''any firearm described in subsection (c).''.

(2) DESCRIPTION OF FIREARMS REMAINING ILLEGAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

''(c) A firearm described in this subsection is any of the following:

''(1) A sawed-off shotgun.

''(2) A machine gun.

''(3) A short-barreled rifle.''.

(3) CONFORMING AMENDMENT.—The heading of section 201 of such Act (sec. 7–2502.01, D.C. Official Code) is amended by striking ''Registration requirements'' and inserting ''Firearm Possession''.

(b) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended as follows:

(1) Sections 202 through 211 (secs. 7–2502.02 through 7–2502.11, D.C. Official Code) are repealed.

(2) Section 101 (sec. 7–2501.01, D.C. Official Code) is amended by striking paragraph (13).

(3) Section 401 (sec. 7–2504.01, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''the District;'' and all that follows and inserting the following: ''the District, except that a person may engage in hand loading, reloading, or custom loading of ammunition for firearms lawfully possessed under this Act.''; and

(B) in subsection (b), by striking ''which are unregisterable under section 202'' and inserting ''which are prohibited under section 201''.

(4) Section 402 (sec. 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''Any person eligible to register a firearm'' and all that follows through ''such business,'' and inserting the following: ''Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,''; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

''(1) The applicant's name;''.

(5) Section 403(b) (sec. 7–2504.03(b), D.C. Official Code) is amended by striking ''registration certificate'' and inserting ''dealer's license''.

(6) Section 404(a)(3) (sec. 7–2504.04(a)(3)), D.C. Official Code) is amended—

(A) in subparagraph (B)(i), by striking ''registration certificate number (if any) of the firearm,'';

(B) in subparagraph (B)(iv), by striking ''holding the registration certificate'' and inserting ''from whom it was received for repair'';

(C) in subparagraph (C)(i), by striking ''and registration certificate number (if any) of the firearm'';

(D) in subparagraph (C)(ii), by striking ''registration certificate number or''; and

(E) by striking subparagraphs (D) and (E).

(7) Section 406(c) (sec. 7–2504.06(c), D.C. Official Code) is amended to read as follows:

''(c) Within 45 days of a decision becoming effective which is unfavorable to a licensee or to an applicant for a dealer's license, the licensee or application shall—

''(1) lawfully remove from the District all destructive devices in his inventory, or peaceably surrender to the Chief all destructive devices in his inventory in the manner provided in section 705; and

''(2) lawfully dispose, to himself or to another, any firearms and ammunition in his inventory.''.

(8) Section 407(b) (sec. 7–2504.07(b), D.C. Official Code) is amended by striking ''would not be eligible'' and all that follows and inserting ''is prohibited from possessing or receiving a firearm under Federal or District law.''.

(9) Section 502 (sec. 7–2505.02, D.C. Official Code) is amended—

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

''(a) Any person or organization not prohibited from possessing or receiving a firearm under Federal or District law may sell or otherwise transfer ammunition or any firearm, except those which are prohibited under section 201, to a licensed dealer.'';

(B) by amending subsection (c) to read as follows:

''(c) Any licensed dealer may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal or District law.'';

(C) in subsection (d), by striking paragraphs (2) and (3); and

(D) by striking subsection (e).

(10) Section 704 (sec. 7–2507.04, D.C. Official Code) is amended—

(A) in subsection (a), by striking ''any registration certificate or'' and inserting ''a''; and

(B) in subsection (b), by striking ''registration certificate,''.

(c) OTHER CONFORMING AMENDMENTS.—Section 2(4) of the Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (sec. 7–2531.01(4), D.C. Official Code) is amended—

(1) in subparagraph (A), by striking ''or ignoring proof of the purchaser's residence in the District of Columbia''; and

(2) in subparagraph (B), by striking ''registration and''.

**SEC. 206. REPEAL HANDGUN AMMUNITION BAN.**

Section 601(3) of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is amended by striking ''is the holder of the valid registration certificate for'' and inserting ''owns''.

**SEC. 207. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.**

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

**SEC. 208. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.**

(a) IN GENERAL.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking ''that:'' and all that follows through ''(1) A'' and inserting ''that a''; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

**SEC. 209. REMOVE CRIMINAL PENALTIES FOR CARRYING A FIREARM IN ONE'S DWELLING OR OTHER PREMISES.**

(a) IN GENERAL.—Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22–4504(a), D.C. Official Code) is amended—

(1) in the matter before paragraph (1), by striking ''a pistol,'' and inserting the following: ''except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded, a firearm,''; and

(2) by striking ''except that:'' and all that follows through ''(2) If the violation'' and inserting ''except that if the violation''.

(b) CONFORMING AMENDMENT.—Section 5 of such Act (47 Stat. 651; sec. 22–4505, D.C. Official Code) is amended—

(1) by striking ''pistol'' each place it appears and inserting ''firearm''; and

(2) by striking ''pistols'' each place it appears and inserting ''firearms''.

**SEC. 210. AUTHORIZING PURCHASES OF FIREARMS BY DISTRICT RESIDENTS.**

Section 922 of title 18, United States Code, is amended in paragraph (b)(3) by inserting after ''other than a State in which the licensee's place of business is located'' the following: '', or to the sale or delivery of a handgun to a resident of the District of Columbia by a licensee whose place of business is located in Maryland or Virginia,''.

**SEC. 211. REPEALS OF DISTRICT OF COLUMBIA ACTS.**

The Firearms Registration Amendment Act of 2008 and the Firearms Registration Emergency Amendment Act of 2008, as passed by the District of Columbia, are repealed.

**SEC. 212. SEVERABILITY.**

Notwithstanding any other provision of this Act, if any provision of this Act, or any amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this title and amendments made by this title, and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Madam President, I rise today to thank my colleagues for voting to pass the historic District of Columbia House Voting Rights Act of 2009 and giving the citizens who live in the capital of the free world the right to exercise that most basic of freedoms—the right to choose who governs them.

Passage of this act is another step on our long march to make our democracy ever more inclusive.

Thomas Jefferson once wrote:

It is by their votes the people exercise their sovereignty.

But when Jefferson wrote those words only a small pool of white landowners got to choose who governed them.

Since then, through acts of state legislatures, the Congress and the courts the right to vote has been extended to men over 21—regardless of property ownership—to newly freed black men who, along with their families, had previously counted as just three fifths of a person, and then to women and to 18 year olds.

And after extending those rights we further decided that each of these votes should count equally—''one man, one vote,'' and that no one legally entitled to vote could be denied the franchise by a poll tax or voting test.

The men and women of the District—a city of nearly 600,000—fight in our wars and pay Federal taxes; yet, they have no say on issues of war and peace or how their money is spent.

Perhaps the ultimate slight of denying the right to vote to District residents was that if an American were to move abroad, their right to vote in their home State was guaranteed, regardless of how long they remained out of the country. The only way they could lose that right was if they were to either renounce their citizenship or return to the United States and live in Washington, DC.

Today we fixed this situation and we can all be proud of our work.

I want to thank Senator REID for bringing this to the floor and thank his outstanding floor staff—as well as other Democratic and Republican Senate staffers—for their hard work.

And finally, I would like to take a moment to thank Michael Alexander, Kevin Landy, Holly Idelson Deborah Parkinson, Leslie Phillips, Scott Campbell, David Rosenbaum and the rest of the staff of the Homeland Security and Governmental Affairs Committee staff for their hard work in bringing this bill successfully to the floor of the Senate.

I am proud to share this historic moment with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

## CAPTIVE PRIMATE SAFETY ACT

Mrs. BOXER. Madam President, I rise to speak about a terrible thing that happened in his home State. I am going to be asking unanimous consent at the appropriate time to move a bill, H.R. 80, the Captive Primate Safety Act. I will preface it first by saying to my friend, Senator LIEBERMAN, that in his State there was a horrific attack.

Mr. LIEBERMAN. In my hometown.

Mrs. BOXER. Yes. It was an attack by a nonhuman primate—a chimpanzee in this case—that was a household pet, against a woman. Without going into the terrible details, I think the whole country was shocked at what occurred there.

Many of us have been saying for a long time that we need to fix this problem. In 1978, importing nonhuman primates to the U.S. for pet trade was banned by the CDC in regulations. But now you can still trade these primates in the pet trade and sell them for use as pets. We say it is time to end that.

I know Senator COBURN is going to object to our moving this bill which was passed by the House quickly and in a bipartisan way with just a handful of ''no'' votes. Can't we come together on this? The fact is, our bill says we are going to ban pet trading of these nonhuman primates, and we are going to get this done one way or another. We will not get it done today because Senator COBURN will object for his reasons. I believe it is important to state that our bill—and this is a Boxer-Vitter bill—has no impact on trade or transportation of animals for zoos or scientific research facilities or other federally licensed and regulated entities. All we are saying is that it is dangerous to keep as a pet a nonhuman primate. We saw this in Connecticut, but that was not the only time. There have been many examples. When we get this done, we will list those. We have been trying to get this passed for a long time. Senator COBURN objected. We will get around it at some point in time.

Primates can harbor many infectious diseases that can readily jump from species to humans. As a result, the CDC, back in 1975, said: No, no importation of those nonhuman primates unless it is for medical reasons or a zoo or to a Federal body that is going to oversee it. Listen to how many people have been injured. More than 150 people. How about children? Do you care about children? Forty children were injured by these nonhuman primates between 1995 and 2009. Nineteen States, including my own, have prohibited these animals as pets. Fourteen States restrict or partially ban their use as pets because many of these animals move in interstate commerce.

Federal legislation is needed. You would think this is a no-brainer—you would think. Who supports this legislation? Well, the House of Representatives just passed it overwhelmingly on suspension of the rules. It wasn't even a problem over there. The Humane Society of the United States supports it. The American Veterinary Medical Association supports it. The Association of Zoos and Aquariums supports it. The Jane Goodall Institute supports it. The Wildlife Conservation Society supports it. That is a very small portion. I cannot believe I actually had to come out here today.

With all due respect to my friend, he will have his reasons, but, honestly, I hoped that once in a while we could work together on a bill that is so obvious in its need.

We know these nonhuman primates have not been bred and domesticated over thousands of years like dogs or cats. It is a whole different world there. That is why the veterinarians support us. Nobody loves pets more than the Humane Society. Nobody loves pets more, but they know what can happen. A woman got her face ripped off.

So I am not going to go into the details of the attack at this time, but if I have to I will to get the votes of colleagues.

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 80, the Captive Primate Safety Act, which was received from the House; and, further, that the bill be read the third time and passed and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Senator from Oklahoma is recognized.

Mr. COBURN. Reserving the right to object, and I do, I ask unanimous consent to be recognized for 5 minutes to make comments regarding what has just been said.

Mrs. BOXER. Madam President, I ask unanimous consent to have 5 minutes following my friend from Oklahoma, and then I ask unanimous consent that Senator SANDERS have 15 minutes on his subject.

The PRESIDING OFFICER. Objection is heard to proceeding to the measure.

Is there objection? Without objection, it is so ordered.

Mr. COBURN. Madam President, on February 16, 2009, a pet non-human primate, NHP, attacked Ms. Nash, a friend of the pet's owner—almost killing her. My thoughts and prayers are with Ms. Nash and I am sure I join all of my colleagues in wishing her a speedy and full recovery.

This unfortunate event has rushed consideration of the Captive Primate Safety Act, H.R. 80. H.R. 80 would make it illegal to import, export, transport, sell, receive, acquire, or purchase non-human primates, such as monkeys and apes, by amending the over 100-year old Lacey Act to include ''any nonhuman primate.''

H.R. 80 does not affect laboratory animals, zoos, and some veterinarian cases.

This bill does not address a national priority and should not be considered by Congress.

Last Congress, I held the similar Senate version of the Captive Primate Safety Act, S. 1498, because of concerns with its fiscal impact and because I did not believe it was appropriate for the Federal Government to be regulating pets.

Today the Senate is trying to pass the similar House version that still seeks to increase Federal regulation of pets in a fiscally irresponsible manner without amendments or debate.

Supporters of this bill hope that somehow creating a new Federal law to prohibit transporting pet primates across State lines, on top of the Federal laws and regulations that already make it illegal to import them and the dozens of State laws that outlaw owning non-human primates as pets, and

giving the Fish and Wildlife Service $5 million to hire extra ''law enforcement'' staff to pursue chimps will make Americans safer.

Supporters of this measure are using the tragedy that occurred this month to ram this bill through Congress with no debate. This attack occurred in Connecticut, where a State law already existed that outlawed the possession of NHP's weighing more than 50 pounds without a permit. The NHP weighed 200 pounds and should have not been allowed under state law to live with its owner as a pet, but passing the Captive Primate Safety Act last year would not have prevented this tragedy and is not a national priority.

The bill authorizes $5 million in fiscal year 2010 to hire additional United States Fish and Wildlife Service law enforcement personnel to enforce the new monkey provisions and CBO says the bill will cost taxpayers $17 million over 5 years. To enact such legislation without any offsets and therefore simply add to our national debt is extremely imprudent at this time in our nation.

There still have been no hearings and therefore no official statement or testimony available from the U.S. Fish and Wildlife Service as to whether or not this law is necessary and/or enforceable within the agency's current resources.

There is even a more basic question of whether or not a Federal wildlife agency should be regulating interstate pet transportation at all.

This law may be duplicative, unnecessary, and ineffective.

This matter of pet ownership may be more appropriately and effectively handled by local and State governments and agencies.

The UC does not allow an opportunity to amend this bill to address cost concerns.

This Bill spends money we don't have on something that is unnecessary.

CBO estimated last Congress that both the House and the Senate versions of the Captive Safety Act and last Congress's Senate bill, would cost $17 million over 5 years. H.R. 80 is almost identical to last Congress's House bill.

According to CBO, the cost of hiring four additional U.S. Fish and Wildlife Service, FWS, employees to conduct inspections and investigations and storing, transporting and boarding confiscated NHP's totals $17 million over 5 years.

The costs may in fact be even higher. According to one chimp sanctuary the annual cost to house two chimpanzees can exceed $35,000 a year. According to the Humane Society of the United States and various Members of Congress, there are an estimated 15,000 non-human primates in private hands. If the FWS were to try and confiscate and then house all 15,000 chimps, that could add up to a total cost of $262.5 million a year for the federal taxpayers, or $1.3 billion over 5 years.

The unanimous consent agreement would not allow anyone to offer amendments to offset the cost of this bill or perhaps cut back on other areas within the Fish and Wildlife's jurisdiction to pay for these new responsibilities.

Fourteen Monkey bites a year do not justify annual appropriations of $4 Million.

While the Humane Society of the United States said in a February 2009 press release that the Captive Primates Safety Act is an ''urgently needed public safety and animal welfare measure,'' other Americans may feel differently about prioritizing this issue above more pressing national issues.

The group justifies prioritizing H.R. 80 with American taxpayer resources because of recent captive primate incidents. An analysis of its list of ''recent incidents involving captive primates'' finds:

In 2008, 11 monkeys were reported as being involved in biting 14 people. One of the monkeys was in a university laboratory and another was in a wildlife sanctuary. Both of these types of monkeys are exempted and therefore would not be affected by the Captive Primates Safety Act.

In 2008, there were 39 non-human primates involved in 21 incidents, but 28 of the 39 monkeys involved in the reported incidents were not noted as having harmed humans.

Similarly, last Congress, the Humane Society and the Senate EPW committee justified the creation of a new Federal law by citing 132 reported incidents of human injury from captive or escaped captive primates over a 10-year period—which still averages out to only 13 a year.

In contrast, 4.7 million Americans are bitten by dogs each year, according to the Centers for Disease Control and Prevention.

Taking both the Humane Society and the CBO score together, the bill before us today, essentially calls for the Federal Government to spend the equivalent of over $444,000 per year to take nine biting monkeys out of their private owners' hands. Using another measurement, the FWS would spend the equivalent of over $285,000 per bite—$4 million divided by 14 people who were bitten by monkeys in 2008—if this bill passed.

Yet even these cost estimates may be understated because it is possible that none of the nine offending monkeys will ever cross State lines. In that case, unless State or local laws and officials caused their removal, these pets would remain with their owners.

While not seeking to diminish the physical or psychological effects of any monkey bites or attacks, taxpayers have a right to question if such a small number of incidents justify the large cost to the Federal Government of taking on additional animal control responsibilities.

In contrast, though some of the 4.7 million Americans bitten by dogs each year die as a result of these bites, Congress is not adding interstate dog transport to the lists of Federal wildlife responsibilities and prohibitions. If preventing human injuries caused by pets was a national priority, why aren't Senators and special interest groups pushing to outlaw the private ownership of dogs?

Passing the Captive Safety Act last Congress would not have prevented the recent attack.

Tragically, a 200-pound, 15-year-old chimpanzee named Travis—who was raised by the same owners since he was an infant—brutally attacked one of his owner's friends, Charla Nash, outside his house in Stamford, CT, in February 2009. The chimp, for still unknown reasons, attacked Ms. Nash, severely damaging her face and hands, according to news reports. She is in critical but stable condition. Travis died after being stabbed by his owner and being shot by a police officer after he charged the officer.

Following the recent chimp attack, the Humane Society has argued that if I had not held last year's bill, S. 1498, Ms. Nash would not have been attacked. This statement, however, is incorrect, because this bill would have only have removed Travis from his owner if the NHP crossed State lines.

Additionally, since 2004 under Connecticut State law it has been illegal to own an NHP weighing more than 50 pounds if the animal is not registered. Yet, State officials did not even require Travis—a 200 pound NHP—to be registered, even though he was well known. It appears Travis lived in Stamford, CT, for most of his life. His attack took place in front of his home. With the possible exception of an appearance on the Maury Povich show, which may or may not have been filmed in the New York City studio, nothing indicates that Travis was crossing state lines on a regular basis, nor did his unprovoked attack have any interstate aspect to it. The fact that he might have been born in another State 15 years ago, would not have affected Travis's private ownership 2 weeks ago if this bill had been signed into law last year.

What if Travis or his siblings grew up in the same State where they were born? The bill does nothing to address this situation; they have to cross State lines to fall under Federal jurisdiction. Why is a chimp native to and living in Missouri ok, but one moving to Connecticut, for example should suddenly become the business of the Federal Government? It is very unlikely that Travis' trip 15 years ago across a few State lines led to his attack in February. This is yet another reason why this bill is a misplaced priority and misguided effort.

If people are saying all chimps are dangerous and are against private ownership of nonhuman primates, why doesn't this bill simply make it a Federal crime to own them and take away the estimated 15,000 animals in private hands? Instead, to justify questionable Federal involvement, Congress is using the interstate commerce clause even

though this approach is both inappropriate and ineffective.

In a recent Boston Herald article April Truitt, director of the Primate Rescue Center in Kentucky, had the following to say regarding H.R. 80:

''It's better than nothing, which is what approximately 30 states have right now,'' she said. But if the bill becomes law, it will affect few dealers in exotic animals.

''Dealers are not one bit concerned about this,'' Truitt said. ''They know that they still can continue to do what they were doing. Most dealers are USDA licensed, and the USDA licensing has been and is used by private owners rampantly to circumvent state and local legislation.''

Others, such as Sian Evans, the director of the DuMond Conservancy for Primates and Tropical Forests, contend that in general, NHPs do not carry disease and should not be considered a threat to the safety of others.

While the recent attack is tragic, this bill is not an appropriate or responsible use of taxpayer funds and Congressional resources.

Federal law already exists banning non-human primate imports.

It has also already been illegal for the past 30 years to import non-human primates, such as monkeys, for pets. According to the Centers for Disease Control and Prevention: ''Since 1975, the Federal Quarantine Regulations, (42CFR71.53), have restricted the importation of NHP . . . Importation of NHP for use as pets is not permitted under any circumstances.''

The Humane Society of the United States previously acknowledged, ''Most states regulate keeping primates as pets, and the trend is for states to prohibit the practice altogether.'' Yet the group also claims, ''federal legislation is needed to complement state laws'' because ''many of these animals move in interstate commerce.''

In conclusion, Congress recently justified swift passage of a massive spending bill that increases the national debt by more than $1 trillion to more than $10 billion in the midst of a struggling national economy. In January, the national unemployment rate was 7.6 percent—the highest it has been in more than 15 years. In December, national home prices plunged at the fastest pace on record, leading to predictions of 6 million foreclosures over the next four years. Consumer confidence levels have dropped to a new low of 25 in February from 37.4 a month earlier as people worry about losing their jobs, earning less, and deteriorating prospects.

Yet the Humane Society and certain Members of Congress are seeking to make this pet regulation bill a national priority and are pushing to have it enacted quickly. How is potentially preventing a few monkey bites a bigger national priority than trying to address the weakening economy and collapsing consumer and business environment?

These ''little'' bills add up and once privately owned monkeys are added to the Department of Interior's jurisdiction, they will likely be there forever, not just for the 5 years authorized in this bill.

This bill would not have stopped the attack on Ms. Nash. My objection does not question the seriousness of her attack but lies in moving an inappropriate, ineffective, and irresponsible bill in the midst of a time of real need in our country for strong leadership. Congress cannot afford to continue to misprioritize scarce resources and must focus on truly national priorities—not on monkey bites and inappropriate special-interest legislation.

Madam President, not once have I had a call from my colleague asking: Will you work with me on this issue? Will you protect people as a result of this issue? Will you help us pass this? What it has been is: Take it or leave it.

I note for the record that 90 Members in the House voted against the bill. It was not a smattering few. A fourth of the House did not agree with this legislation.

I have never been asked: Would you care if we eliminated the ownership of these pets? I don't have any problem with that, but I have never been asked that. That has never been offered.

The question in the case that brings this back up is Connecticut has a law and the law says you can hold and register a nonhuman primate if it weighs under 50 pounds. What happened in Connecticut is they violated their own law. They had a restriction on it.

I am not opposed to commonsense eliminating the risk from nonhuman primates, but I have never been approached in how I would work with that to try to accomplish what the Senator from California would like to accomplish and still meet the needs of individual Americans and their civil liberties.

The second point I note, if we are going to do this, look, there were 4.6 million dog bites last year that caused hundreds of thousands of serious injuries. Are we going to stop the interstate transport of dogs that caused thousands and thousands more injuries, some even deaths, to individuals? Nobody is proposing that.

What I ask my colleague is reach out. I would gladly work with Senator BOXER in a way so we eliminate any future ownership of these types of animals in a way that does not violate those who presently have them and encourages the States to enforce their laws that they have today and enforce them in the future.

We can start at a time certain tomorrow and say: You can't have new ownership of any nonhuman primate. That stops all interstate commerce. That stops it completely. But our problem is we have about 30 States that have regulations in regard to this issue.

The incident that happened in Connecticut is very unfortunate, I agree. But what happened was you had the law broken. So instead of enforcing a law that is on the books, we are going to create another new law, and it is not going to accomplish the very purpose. We are still going to have nonhuman primate bites if we do not have some way to ultimately end this type of pet selection.

I reach out to my colleague. I am sorry I had to object. I will gladly work with her in the future to come to some accommodation.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, while my friend was speaking, I went back to my staff because this is not the first time we have had a problem on it. We had it in the big Coburn package of bills, and I remember my friend at that time made it the centerpiece of his objection. My staff has talked with his staff over and over again. The Republican staff on my committee, from where this bill came, has talked to the Senator over and over again.

I am happy to sit down with my friend. Maybe we can work this out. But here is the point. My friend says that what happened to this woman is unfortunate. No, what happened to this woman is a tragedy.

We do not go in and take away pets from anybody, if you read this bill. If you have a pet, you have a pet as long as you are living within the laws of your State. We ban the interstate trade because that is how this thing is moving forward. People get these pets, and they sell them across State lines. That is how we ban a lot of bad in this country. It is the way we have done it for a long time.

I just want to say to my friend, I didn't know this rose to the level where he and I should speak. I am delighted to sit down and talk with him. But the fact is, our staffs have been working with his staff for a very long time on this issue. Senator VITTER's staff and Senator INHOFE's staff have been working with the Senator's staff to try to get a breakthrough.

I hope the two of us can sit down, and maybe without our staffs—maybe the problem is our staffs. I have a great staff. I am sure Senator COBURN does too. But maybe there is something that got in the way of their being able to resolve it. But I think he and I should sit down, and I will try to see if I can move this again, maybe with some kind of way we can fix it that doesn't give the Senator heartburn.

Honest to God, I say to my friend, we have made sure nobody is going to be invaded by a police force and lose their pet. That is not in here. Only if you try to move it across State lines, you wouldn't be allowed to sell your pet so that pet can injure somebody. Nobody is taking away anybody's pets. Nobody is stopping the zoos from getting these pets. Nobody is stopping research facilities from getting these pets. That is why we have such strong support for this legislation.

I am not a person who says my way or the highway, believe me. I have been here too long. I have gotten too many

bills passed. I will sit down with my friend. He is right that 90-some people on the other side voted no, but 300-some people voted aye. So we must have done something right here when we got over 300 votes in a body that has a hard time getting bipartisanship.

I say what we did right is we have a balanced bill. We allow these pets to be used for that which helps humanity, but we will, in effect, stop the interstate trade, the profitable pet trade which is leading us into a situation where we have seen so many injuries of children—40 children, about 100 adults injured between 1995 and 2009.

I am encouraged that my friend wants to work with me. I am going to go right over there as soon as I finish these remarks and figure out a way we can work on this issue because we do not want to wake up another day and read about somebody having an injury that is so horrific and horrible that they will never have a normal life when it is in our power to do what is right here and move forward.

I will not renew my request, but I will another day at a date, hopefully, when I have the support of my friend.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

(The remarks of Mr. SANDERS are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.''

Mr. SANDERS. 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. SANDERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## NATIONAL PEACE CORPS WEEK

Mr. BOND. Mr. President, I come to the floor today to recognize an organization that serves on the frontline of our Nation's most important international and humanitarian efforts—the U.S. Peace Corps. This week, the Peace Corps celebrates its 48th anniversary, and this is National Peace Corps Week.

Since the early 1960s, more than 195,000 Peace Corps volunteers have fostered positive relationships between the United States and nations across the globe through its grassroots efforts.

At present, 7,500 or more Peace Corps volunteers are active in over 75 countries around the world. These volunteers are exposed to a diverse array of cultures and languages during their time abroad. Approximately 22 percent of the Peace Corps volunteers are currently working in 16 predominantly Muslim countries. It is in these countries, in particular, where I believe the efforts of the volunteers are positively shaping and improving the much beleaguered and much misunderstood image of America within the Muslim world.

But there is still much work to be done. I urge my colleagues to join me in supporting an expansion of the Peace Corps and all of our Nation's smart power assets.

Smart power initiatives build upon our successful defense efforts and add economic and educational efforts, diplomatic efforts, including educational exchanges, free trade, public diplomacy, fostering private sector investments, agricultural development, humanitarian assistance, and English language teaching, just to name a few.

All of these smart power initiatives contribute not only to a better life for so many in need, but they also help create conditions for a more stable and peaceful world.

America and the developing world will benefit together from a greater investment in these initiatives and in particular in a revitalized and enlarged Peace Corps.

Over the past few years, the Peace Corps has received numerous inquiries about entering or reentering the countries where volunteers once served. I made similar inquiries, particularly with respect to friendly Muslim countries in Southeast Asia, such as Indonesia. Engaging moderate mainstream countries such as Indonesia with our Nation's smart power initiatives will enhance the conditions for lasting peace and stability.

Or as I like to say, putting more sandals and sneakers on the ground will prevent us from having to put more boots and bayonets on the ground in the future.

The work undertaken by Peace Corps volunteers serves as a fine example of the United States reaching out to foreign neighbors to foster a greater understanding and dialog. The willingness of Peace Corps volunteers to engage people at the local, community level is exactly how we ought to be providing effective and sustainable development assistance.

We need to get back out among the very people we are trying to help, which is why I also believe we need more USAID Foreign Service officers as well. Providing practical, hands-on assistance that is based on listening to the needs of the local population is a recipe for sustainable and lasting development. I believe that by having these kinds of contacts, we can do a great deal to improve the conditions of the countries themselves as well as the people in them. The stronger, more stable these countries are, the better our relations are in the world and the more we foster world peace.

We offer our hardy congratulations to all members, current and past, associated with the Peace Corps on its 48th anniversary. We thank you for improving the lives of so many and for helping America be a good neighbor to those in need. Your country is grateful for your service. Your country is grateful for the good will and the seeds of peace you have sown or are sowing. Your country is grateful for your contributions to the safety and long-term security of our Nation. Your efforts and the efforts of other volunteers are needed now more than ever. I will continue to work in supporting your important missions and expanding your ranks.

I can't stress enough the importance of our Smart Power initiatives and the importance of investing in efforts such as the Peace Corps. I am very glad to see the Obama administration, particularly Secretary of State Clinton, our former colleague, giving these initiatives an important public boost. And more important, I would say to young people and old—the young people who work with us here and any who may be listening in—that this is a wonderful opportunity to make a significant contribution to other countries, to the cause of peace in the world, and to provide yourself with an education you cannot get in any institution.

I look forward to partnering with the new administration and will work with those and others in Congress to lead the effort to make Smart Power initiatives a cornerstone in our foreign policy and in our efforts to combat extremism and terrorism around the world.

## PRESIDENT OBAMA'S FIRST BUDGET

Mr. GRASSLEY. Mr. President, today our President sent his budget to the Hill. On Tuesday night, in a joint address, our new President, with his usual eloquence, sketched out his fiscal policy goals.

First off, as ranking Republican on the Finance Committee—and I am a senior Budget Committee member—I wish to point out that Republicans were happy to hear the President make deficit reduction a very high priority. If I heard correctly, the loudest bipartisan applause, in terms of responses to the President's policy proposals, greeted that policy point. We Republicans want deficit reduction on our future fiscal path. As we come out of the recession—hopefully sooner rather than later—we need to get the deficit down.

While we Republicans agree with the President on that goal, we disagree on the degree to which the Democratic leadership has dramatically expanded the deficit and added to the debt. A couple of weeks ago, Republicans and Democrats disagreed on what is referred to as a stimulus bill. In both bodies, only three Republican Members supported that conference report. We parted ways on the stimulus bill for many reasons. Most on our side disagreed that we should put $1 trillion of

taxpayers' money into an effort to grow the economy by priming the Government pump. We also would have shut off that spending spree once the recovery occurred, as opposed to half of the spending money in that bill being spent in years beyond 2010—supposedly the end of the stimulus effort to the economy.

But what disturbed most of us on this side was the hidden fiscal burden built into the bill—in other words, that period of time of spending beyond 2010. Although advocated as a $787 billion bill, the real cost—the real cost—is much higher. Unfortunately, many in the media accepted the $787 billion score on its face. By contrast, most in the media looked much deeper when the bipartisan tax relief bill of 2001 to 2006 was scored. Of course, I remember that because during that period of time, or most of it, I was chairman of the Finance Committee and involved in that tax relief. So they looked very deeply into what we did in tax relief, and in a bipartisan way, but they seem not to be as concerned about the impact on the deficit of that $787 billion score that is in the stimulus bill. So I would encourage the punditry and other opinion makers to apply the same tough fiscal standards to the hidden spending in the stimulus bill as they applied to the tax relief packages in an earlier part of this decade.

Soon, I am going to have some charts that will demonstrate this difference between tax issues versus the spending issues of the stimulus bill.

According to the nonpartisan Congressional Budget Office, if popular new programs in the stimulus bill are made permanent, the cost will be $3.3 trillion. I have a chart here that lays out what the Congressional Budget Office says the total cost of the bill is—this column right here. Let's move from the left to the right of the chart. First, we have the basic cost of the bill—$820 billion. If the making work pay refundable tax credit is extended, there is $571 billion—the second column here. If the new entitlement spending is made permanent, then the cost of the bill more than doubles; that is, there is almost $1 trillion in new hidden entitlement spending right here—the third column. Over here in the fourth column, if the appropriations increases are baked in the cake, then there is $276 billion in new nondefense discretionary appropriations in the bill. That is the fourth column. And finally, CBO tells us that the interest cost on the overt new spending and the hidden new spending totals $744 billion. Total it all up, and you come out right here at $3.3 trillion. You don't come out at $787 billion; it is $3.3 trillion. And these are Congressional Budget Office figures. They are not from some conservative think tank. They are not from Senate Republican sources. CBO estimated this hidden spending.

There is one way, and only one way, for stimulus bill supporters to dispute what I have said. The Democratic leadership in the House and Senate could pledge to keep temporary spending temporary—basically, the money spent in 2009 and 2010 is the end of it. If the Democratic leaders pledge to support leaving the bill as written and would not push to extend the new entitlements and new appropriations spending, then we could go back to the figure many in the press are reporting on the cost of the bill. If the Democratic leadership makes a pledge to keep temporary spending really temporary—in other words, for the 2 years of jump-starting the economy—we on this side would agree that the bill does not cost this $3.3 trillion. Otherwise, as Members of the loyal opposition—with emphasis on ''loyal''—it is our duty to let the taxpayers know the true cost of the stimulus bill.

Unfortunately, stuffing all of that understated new spending into the stimulus bill will make it harder for Democrats as well as Republicans to reach the bipartisan goal of fiscal discipline, and I have another chart which shows how hard it will be.

This chart shows the trendline from President Clinton's era through George W. Bush's era and for the current fiscal year of the deficit as a percentage of gross national product. As this chart shows, President Clinton's era saw deficits decline in the early years. Once Republicans won control of the Congress and entered the scene, making fiscal discipline a priority, the deficits turned into surpluses during those years. In the George W. Bush era, deficits occurred during the economic downturn of 2000, with the tech bubble burst, the corporate scandals of 2001, and, of course, the economic shock of the terrorist attacks of 9/11. So we have a downturn, or we have an increase in the deficit is the easiest way to say it.

Now, fortunately, during 2001 to 2003, we had bipartisan tax relief that kicked in, the economy recovered, and deficits started to come down during this period of time right here.

Now we find ourselves dealing with the housing and financial sector problems. Those problems matured during the period of divided government—the last Congress—for the years 2007 to 2008. During that 2-year period, Democrats controlled Congress and, obviously, we had a Republican President. The response of the Republican White House and Democratic Congress was the Troubled Asset Relief Program, TARP, and other stimulus legislation. Those bipartisan actions led to the large deficit here in 2009, and that was the deficit that awaited President Obama. That is over $1 trillion.

Two nights ago—Tuesday night—President Obama pointed this fact out, and Democrats lustily cheered. I found the partisan cheering just a bit odd. I saw people leading that cheer vigorously clapping their hands. This enthusiastic applause from the other side would make you think President Obama was somehow predicting we would have a Mets-Yankees Subway Series in 2009. But, no, the President wasn't making a sports prediction; President Obama was noting that he had inherited a record deficit. Not many on our side find much to cheer about a record deficit, and I doubt that many taxpayers find much to cheer in it either. That is why you didn't see much applause from the Republican side of the aisle Tuesday night as the President was speaking to us. Big deficits aren't anything to applaud about. I was scratching my head on that one. Maybe the Democratic leadership forgot they were running the show here the last Congress. Maybe they looked at some polling data and inferred from that polling data that voters didn't realize Democrats ran the Congress in the last couple of years and were authors of the budgets for that period and last year's stimulus and the TARP deal. Maybe they figured that the President was taking a sharp and effective political shot, but you must be careful because history says otherwise. The TARP legislation was cut by Democratic congressional leaders, ably led by Chairman BARNEY FRANK in the House and our able chairman from Connecticut, CHRIS DODD in the Senate. In the key negotiations on one fateful fall Saturday night, there was only one Republican Senator in the room. There were at least four Democratic Senators in the room. I find it curious that Democrats lustily cheered when President Obama, Tuesday night, rightly pointed out that he inherited a $1.2 trillion deficit. There is no doubt he did inherit such a deficit. We on our side do not dispute that. But for the congressional Democratic leadership to pretend that they did not play a key role in creating the deficit, at least from the standpoint of 2 years of their budgets as well as the TARP legislation and other stimulus things, is beyond being absurd. To be giddy about the record deficits is almost Kafkaesque.

Yet that incorrect partisan assertion is, like this $787 billion figure I am referring to, somehow accepted as fact by opinion makers and pundits. If we go to the last column of this chart, the one with the red line, we see the real fiscal damage of the stimulus bill. In the first few weeks of this Congress the inherited deficit, which was bad enough at 8.3 percent of GDP, was made much worse. It is now 13.5 percent of GDP. We have not had deficits that high since the World War II era.

If you go back over the debate in committee, on the floor and on the conference agreement, you will find that Republicans opposed the bill because, in general, we believed the bill failed National Economic Council Director Summers'—Dr. Summers of Harvard University—three ''t'' tests: that it needed to be timely, it needed to be targeted, and it needed to be temporary. Those are words directly from, I think, a December 28 Post article that Dr. Summers wrote. It was failure in that third ''t,'' the ''temporary''

test, that was most troubling to those of us who voted against it. I have laid out the degree of that failure in the comments today.

The response from many on the other side is that Republicans are in no position to criticize of because the deficits of the years 2001 through 2006. I put this chart back up here again. As I have shown, while briefly rising in 2004, the deficits consistently came down for budgets produced and implemented in the period 2004, 2005, and 2006. Most often the critics from the other side make the widespread bipartisan tax relief of this era the culprit for our deficit. Let's take a minute to put that characterization in context.

I have a chart that compares the revenue loss of the bipartisan tax relief with the full effect of spending in the stimulus bill. On the left side of this chart, over here, you will see all the tax relief enacted in various bills in the period 2001 through 2006. There were quite a few major tax relief bills in this period of time. They yielded tax relief for virtually every American taxpayer. We cut marginal tax rates, we doubled the child tax credit, we greatly expanded education tax incentives, we created the largest retirement savings incentives in a generation and provided significant relief from the confiscatory reach of the death tax, and we protected tens of millions of families from the alternative minimum tax.

In this major tax relief program we made the Tax Code—now everybody is saying this is counterintuitive—but we made the Tax Code more progressive in those pieces of legislation. But, as would be expected, the Joint Committee on Taxation assigned significant revenue loss to these packages. That is up here on this side of the chart where you see what the Joint Tax Committee says. It scores at $2.2 trillion. As I understand it, for some folks that figure raises their blood pressure. It would raise mine too if I liked to hike taxes and keep taxes high. You can understand it from the perspective of those critics—those taxes represent $2.1 trillion that folks in this body and the other body would rather spend. But we all know that tax relief did a lot of good.

I have another chart about tax relief doing a lot of good. For a family of four at $50,000 a year of income, we have $2,300 more for that family budget to operate under. For a single mom with two kids it means she keeps $1,100 for her to spend instead of 535 Members of Congress spending.

From what we heard on the campaign trail a few months ago, and we heard a couple of days ago here in the Capitol building, President Obama agrees with most of this tax relief program. He said his first budget will retain most of that tax relief that is in those various bills.

For purposes of this discussion, let's assume the merits—I want to assume the merits of the arguments of the critics of the bipartisan tax relief program; that is, let's assume all of the $2.2 trillion was policy that, despite what President Obama will propose, is policy these critics disagree with. For a fiscal damage assessment, let's compare the revenue loss of this widespread tax relief, leaving money of $1,100 in the pockets of a single mom or $2,200 in the pockets of a family of four—let's assume the real cost. So, for fiscal damage assessments let's compare the revenue loss of this widespread tax relief with the real cost of the stimulus bill signed last week by the President.

I am going to go back to the chart that makes the comparison. So here it is. On the right side you will see that CBO estimates the 10-year cost of the bill if the temporary proposals are made permanent. Guess what, it is higher than it is over here. The total is $2.5 trillion. This one stimulus bill costs about 10 percent more than the full effect of the tax relief bills passed between 2001 and 2006. For a lot of those bipartisan tax relief bills, again, virtually every American taxpayer benefits from these tax relief bills. On average, the American taxpayer's tax bills would be 10 percent higher today if this bipartisan tax relief plan were not in effect. We heard a lot from the critics of tax relief about fiscal discipline. Where are those same people today? Why are they not applying the same standard to the one partisan spending bill that they applied to the widespread bipartisan tax relief bill?

It was good to hear my President, President Obama, raise the important goal of deficit reduction Tuesday night. He got applause from our side of the aisle. He was right that he inherited a serious budget deficit. The Democratic leadership applauded that line because they falsely claim that only Republicans bequeathed the deficit to President Obama. The reality is that a Democratic Congress as well as a Republican President bequeathed the deficit from bipartisan policies they jointly developed. To those who claim Republicans have no right to discuss deficits, they need look no further than their own actions. They need to take a look at the fiscal effects of the stimulus that was crafted early in this new Congress and compare the costs in that bill with all of the bipartisan tax relief that they criticize.

In other words, compare this here, what happened in 2 weeks, with what happened over a period of 5 or 6 years of deficit reduction. The partisan stimulus bill's costs exceed that of the bipartisan tax relief.

As we examine President Obama's first budget, let's take a cue from his speech Tuesday night. Let's make deficit reduction a priority and let's do it in an intellectually honest fashion. A lot of fiscal damage was done in the stimulus bill enacted a few days ago. That is not so of what was assigned to the years 2009 and 2010, but what was assigned way out into the future years, as if somehow the stimulus bill were a platform for the subterfuge of getting things done in 2 weeks that ought to have the very crafty look-see that goes on in the very sophisticated appropriation process between April and September, weighing one priority against another priority.

As we proceed, then, to write a budget in a couple of weeks, let's do it in an intellectually honest manner. Let's take off the political blinders and deal with the cold, hard fiscal facts. Let's be realistic about expiring tax relief, its merits, its economic growth effect. That is shown by that one chart where the deficit went down an extreme amount, even though we had cut taxes, which I know to most people sounds as though it can't happen. If you reduce tax rates, you have to reduce revenue. If you raise tax rates, you are going to bring more in. But I think our history over the last 6 years shows that you can reduce taxes and still reduce deficits.

Let's take off the political blinders and deal with cold, hard fiscal facts. Let's be realistic about expiring tax relief, its merits, its economic growth effect and its political popularity. Let's sharpen our pencils, get out our yellow notepads and rev up our calculators as we consider new nominally temporary spending or tax cuts. We owe it to the American people who send us here.

## COMMEMORATING THE ROLE OF ENSLAVED AFRICAN AMERICANS IN CONSTRUCTION OF THE CAPITOL

Mrs. LINCOLN. Mr. President, I come to the floor to speak on an issue I have certainly followed for many years now in the Senate and one I am proud to have brought to some conclusion along the way, particularly last evening.

Many people look at history and see that when the Capitol was first built in the late 1700s to early 1800s, enslaved African Americans worked in all facets of its construction—carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing. But for almost 200 years, the story of these slave laborers was not told and was basically unknown, I would imagine to almost everyone who visited and worked in the Capitol every day.

In July of 2000, I sponsored a resolution to establish a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of this great building—the U.S. Capitol—our symbol of freedom in this country. My cosponsor on this effort was then Senator Spencer Abraham from Michigan, and so the resolution became known as the Abraham-Lincoln resolution back then.

The bicameral, bipartisan Slave Labor Task Force brought together historians and interested officials to work on this issue. One of those was Curtis Sykes, an educator and native of North Little Rock, AR, and an original member of Arkansas' Black History Advisory Committee. Mr. Sykes passed away before our work was complete, but he made so many important contributions to the task force before his

passing. He was then ably succeeded by Ms. Sarah Jean Davidson, founder and president of the Association for the Preservation of North Little Rock, Arkansas African American History.

I am so very grateful to these two individuals who have offered their insight and their expertise and their input to make sure that what we did here was done in a very special way in great recognition.

In 2007, the task force presented the congressional leadership with recommendations on how to best recognize the contribution of these enslaved workers. The recommendations were developed with the invaluable assistance of a working group that included the historians and curators of the Senate, House, and Office of the Architect of the Capitol, representatives from the AOC Project Management Division, and representatives from the Capitol Visitor Center.

Since then, we have been working so very hard to see that these recommendations are all realized. We have developed a history of slave laborers in the construction of the Capitol and put it online. We have ensured that the story of these slave laborers was incorporated into the CVC orientation video and Capitol tour guide training. We have seen the publication of a book on Black Americans in Congress, and we have seen the reception area of the CVC named Emancipation Hall.

On Monday, I, along with my good friend and colleague Senator CHAMBLISS, introduced a resolution to bring another recommendation to fruition. This resolution, which was approved by the Senate last night, authorizes a plaque to be placed in the Capitol, a plaque that identifies a very special feature of the Capitol. The original exterior wall of the Capitol was constructed between 1793 and 1807. The stones for that wall were mined by slave laborers in a sandstone quarry in Aquia Creek in Stafford County, VA.

Quarrying stone was among the most difficult and backbreaking tasks in the building business. First, the land had to be cleared, then the top of the stone chipped away to reach the parts that had not been damaged by frost or vegetation. Then the stone would be further chipped to create a small cavity, just large enough for one man to work in. The men would work in these small cavities to cut grooves and hammer in iron wedges to split the stone to free it from the larger block. To make matters worse, the quarries were located on an isolated, snake-infested island that swarmed with mosquitoes in the blazing summer and froze under snow in winter.

Much of the original Capitol no longer stands, due to the fires of war and renovations to create more space. The original East exterior wall still exists, however, and is now part of the East Front Corridor. It is one of the few places where that original slave-quarried sandstone is still in evidence. The plaque would be placed near that wall, and would bear an inscription identifying the wall as having been built of sandstone quarried by enslaved African Americans who were an important part, a vital part of the labor force that built our great U.S. Capitol.

Thanks to my Slave Labor Task Force colleague Congressman JOHN LEWIS, there will be a similar plaque on the House side of the East Front Corridor. These locations are important for another reason. They are on the route that visitors take to the Senate and House galleries. Mr. Sykes, as I mentioned earlier, the Arkansas historian with whom I worked, focused on the need to ensure that as many citizens as possible be made aware of this contribution of enslaved African Americans in the building of this great building, our Capitol. I wholeheartedly agree with Mr. Sykes. To me, education is at the heart of this effort. It would do no good to have a plaque that was hidden in a corner where no one would see it. It would do no good if we told the story of enslaved African Americans building the Capitol and no one heard it.

A critical part of recognizing the work of the slaves is to make their story visible and accessible, so that future generations know and understand the sacrifices that have been made for the many blessings that we enjoy today, that those blessings that are capsulized in the very building in which we all work, that the freedoms and the rights that we enjoy, are capsulized in a building that had tremendous input from enslaved African Americans.

I was recently in the new CVC and I hope, for those Members who have not been, they will go visit and certainly for those of our constituents who visit this great Capitol of the Nation, that they get a chance to visit the Visitors Center. I watched the faces of dozens of schoolchildren as their mouths opened up, dropped in awe at the sight of this vast and beautiful Emancipation Hall. Their eyes popped open wide as they looked through the skylight and saw this gorgeous view of the dome of the Capitol that represents who they are and the great Nation to which they belong.

They were so excited about being there, and that excitement opened their minds to the lessons that would be taught to them, there in that visitors center—like the Statue of Freedom that was designed by an Italian and sent over here and yet could not be reconstructed until the ingenuity and the dedicated focus of, yes, an enslaved African American by the name of Philip Reid could figure out how to unhook the model that the Italians had sent us, cast it, and put it piece by piece back together. No one else could figure it out.

As you walk into Emancipation Hall and you see this huge statue, the caste of the Statue of Freedom, what an unbelievable feeling it gives, not just to schoolchildren, but to any American who walks in there. How important for them to know of the ingenuity, the hard work, the labor that went into this incredible building.

Through this effort I wanted to make sure that everyone who visits the Capitol leaves knowing the story of the people who helped to build it, a true symbol of freedom, at a time when they themselves were not free.

I want to close, first, by saying again a very special thanks to my friend and colleague Senator CHAMBLISS from Georgia who has worked with us on this resolution—we were so excited and pleased to see it pass last night—as well as the chairman of the Rules Committee, Senator SCHUMER, and the distinguished ranking member of the committee, Senator BENNETT, for also sponsoring the legislation with Senator CHAMBLISS and myself. They were all so good to work with on this resolution. I appreciate their efforts and emphasis on something I believe is very important, not just for the Capitol but for our entire Nation.

I also want to publicly thank and recognize my good friend and former colleague Congressman JOHN LEWIS for his leadership on this project. He is an extraordinary human being. I have been grateful for the opportunity to work with him on this very important issue.

I never will forget, when I arrived in the House of Representatives as a young single woman in 1993, Congressman LEWIS invited a small group of us freshmen—it was the largest freshman class since the 1940s, I believe—anyway, he invited us to come view some of his footage and film from days during the 1960s, and all of what he endured before that. It was amazing—the freedom ride, all of what he had experienced. It was a tremendous opportunity for me to get to know him better. I am grateful, again, for his extraordinary leadership.

I hope everyone, as I said, will take the opportunity to go to the CVC if they have not already and take a look and hopefully burn in each of our hearts how important it is to remember every day when we come to this unbelievable building what it stands for; hopefully relighting and rekindling our ability to unite, to work together for the great things this wonderful Nation stands for. I appreciate so much everyone working together to make this possibility a reality. I am very excited.

I thank my colleagues for their attention. I yield the floor to my good friend and colleague from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise to speak in favor of S. Res. 53 which commemorates the role of slaves in constructing the U.S. Capitol. What a great historical revelation and statement my colleague from Arkansas has made. This is one of those moments when the Senate has an opportunity to shine, because we have a chance to look back at historical facts that may

not have been pretty, as we look back on it, but are a part of our history. I want to tell her how much I appreciate her leadership on this—not just this particular resolution, but on this overall issue. She has been a true champion. Her leadership in her caucus has meant an awful lot to a number of people, particularly those of us who come from the South.

She mentioned my good friend JOHN LEWIS, my colleague, the dean of our delegation. What a great American JOHN LEWIS is. I have the opportunity every year at the Martin Luther King birthday celebration to take the podium with JOHN LEWIS at Ebenezer Baptist Church and to recollect and reminisce about some of those times that may not have been pleasant but, again, they are part of our history. JOHN LEWIS certainly lived that history and the great story of his contribution to America—his having gone through what he went through—is why we all have such admiration for him.

It is one of the great, sad ironies of American history that the very foundation of this building in which we have debated essential questions of liberty and even decided who was free and who was not, was laid by those who wore shackles. We do not know that much about them. In the scant records that were kept, only a few first names survive next to those of their owners, and the sums paid for their backbreaking work. But we do know this. They toiled in the hot Sun and the cold wind in the quarries of Virginia and Maryland to unearth the stone upon which rests this temple of liberty.

From 1793 to 1826, as many as 800 slaves at any one time painted, roofed, sawed, glazed, and perfected a building that represented a freedom that was never to be theirs and, in an irony of ironies, as the Civil War tore this country asunder over the very issue of human liberty, a slave laborer named Philip Reid cast the Statue of Freedom that now crowns this very building.

Uncredited and unsung, slaves carved and polished the three-story-high marble columns that grace Statuary Hall, a soaring backdrop where so many of us earlier this week debated and discussed the first congressional speech of this Nation's first Black President. How far we have come in this period of history in our country.

We can never pay these laborers their due but we can, even belatedly, recognize their significant contributions.

This resolution authorizes a plaque to be placed near the original East Front wall of the Capitol, one of the few places their handiwork is still visible, to acknowledge the role and contributions enslaved African-American laborers played in the evolution of this building and, by extension, this democracy.

Again, I thank my colleague from Arkansas and commend her once again for her leadership. She and I have worked on so many issues in a strong and bipartisan way. Without her leadership we would not be here now.

I thank all my colleagues for their unanimous approval of this resolution.

Mr. SCHUMER. Mr. President, I rise today in support of Senator LINCOLN's legislation to recognize the role of enslaved African Americans in the construction of the Capitol. Every day, America's lawmakers walk the marble halls of the U.S. Capitol, but we seldom reflect upon the struggles of those who constructed this esteemed building. America was founded on the idea that all of its people should be free, yet throughout our history, we have struggled against the influence of racism and ignorance. We cannot brush over the impact of slavery on the history of our Nation. By acknowledging the role of enslaved African Americans in the construction of the U.S. Capitol, we are one step closer to healing the racial wounds that remain in our society.

Throughout America, children's textbooks are filled with information about the Founders of our Republic, but they mention little or nothing about the enslaved African Americans who helped build the Capitol. Many facts about the lives of these people are lost in history, but documents from the time help us put together a partial picture of what their lives were like. The enslaved African Americans who constructed this building were rented by the Government from their owners. Between 1795 and 1801, more than 380 payments were made to slave owners for the use of their slaves in the construction of the Capitol. Slaves performed a variety of tasks, including mining, stone and timber sawing, bricklaying, and carpentry. They mined the stone used in constructing the section of the Capitol where this plaque will be displayed in the Aquia Creek sandstone quarry in Stafford County, VA, and the Montgomery County marble quarry in Maryland.

Our Nation has made tremendous progress since the days when a slave was valued as three-fifths of a person, but though the days of slave auctions and forced servitude are behind us, our work is not finished. To date, only six African Americans have served in the U.S. Senate. America's first two African American Senators, Hiram Revels and Blanche Bruce, served the State of Mississippi in the 1870s. It was not until 1967, nearly a century later, that America's third African American Senator, Edward Brooke of Massachusetts, came to Washington. Carol Moseley Braun of Illinois made history in 1993 when she became the first and only African American woman to serve in the Senate. In 2005, Barack Obama, also of Illinois, became the fifth African American to serve in the Senate, followed by ROLAND BURRIS.

President Obama's inauguration this year stands as one of the greatest achievements in the history of civil rights in this country. Many doubted that the United States would ever elect an African American President, but I am certain that while President Obama is the first African American to win the Presidency, he will not be the last.

Recognizing the role of enslaved African Americans in the building of the U.S. Capitol is important to coming to terms with our past and overcoming the tragic history of slavery in our Nation. This plaque stands as a reminder of how far we have come since the days of slavery and how far we still need to go.

## TRIBUTE TO MANNY ROSSMAN

Mr. KYL. Mr. President, I wish to take a few minutes to say farewell to the head of my whip office staff, Manny Rossman.

By some standards, Manny has had a relatively brief career in Congress. But anyone who knows Manny knows that he has been an indispensable staff member from the very beginning.

Manny started his career on the Hill as an intern, like so many others. He was lucky his internship was with then-Congressman Bill Archer, chairman of the House Ways and Means Committee. Manny was not any ordinary intern, however. He quickly moved from opening mail and answering phones to working on substantive legislative issues. Clearly, Bill Archer saw the promise of this very special intern.

Following his internship, Manny went off to law school at the University of Pennsylvania. Manny was president of the Penn Law Republicans and a member of the Federalist Society. He graduated in 1999.

His time in law school was very successful, and he could have easily made his way to Wall Street for a career there or elsewhere. But the pull of public policy and public service brought him to Washington, DC. After he graduated from law school, Manny accepted a job with then-Congressman Phil Crane.

Congressman Crane was a senior member of the Ways and Means Committee, which gave Manny the opportunity to work on the leading tax and trade issues of the day. These issues are central to our economic health as a nation, and Manny made them a top priority. Manny quickly became a trusted adviser to Congressman Crane, working on such landmark issues as the law that repealed the FSC/ETI tax benefit and replaced it with a deduction designed to encourage domestic manufacturing activity. He also worked on enactment of trade promotion authority and multiple free trade agreements.

After Phil Crane left the House, Manny made his way across Capitol Hill to the Senate, where he became Senator Trent Lott's key staff person on the Finance Committee. That is where I first met Manny and, more importantly, where Manny met his future bride. At that time, Jennifer Vesey was handling health care issues on the Finance Committee for our then-colleague Senator Rick Santorum of Pennsylvania. Who knew that the Deficit Reduction Act could be so romantic?

While working on Finance Committee issues, Manny helped the Senate enact a landmark pension reform bill, the Central American Free Trade Agreement, and the extension of the 15-percent tax rate for capital gains and dividends through the end of 2010. Following the devastation of Hurricane Katrina, Manny worked night and day to help Mississippi and the entire gulf coast region begin the long road to recovery through the establishment of the Gulf Opportunity Zone, or so-called GO Zone.

Trent Lott was elected the Republican whip in late 2006, and to no one's surprise, he asked Manny to become his whip office chief of staff. Working with Trent Lott, Manny built a highly effective whip organization. At the same time, he developed countless relationships with other Senate leadership offices, with House leadership offices, and with the administration that to this day facilitate the smooth operation of the entire legislative process.

When Trent Lott retired at the end of 2007 and I was elected whip by my colleagues, I knew the key to an effortless transition was Manny Rossman. I am grateful that Manny agreed to stay with the whip operation through my first year. I very much appreciate the advice and the counsel he has given me during this time. I agree with Trent Lott that there is something about ''the magic of Manny'' that makes him such an effective and delightful addition to our whip team.

We will all miss him very much. We thank him for his service to the Senate, to the Congress, and to the country, and we wish him farewell and Godspeed.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I wish to echo the remarks of my good friend from Arizona, Senator KYL, about our friend Manny Rossman, who has never worked directly for me, but I say to the Senator from Arizona, he has such a great sense of teamwork that even though Manny was working first for Senator Lott and then for Senator KYL, you had the feeling that the two offices were sort of a seamless web. The credit for that, in addition to the principal, I think goes to Manny, who had a great sense of the importance of cooperating, working together, making the leader's office and the whip's office really one. His personality, his brilliance, his ability to interact with people is really unsurpassed.

So I join my friend from Arizona and congratulate Manny for his great service to America in the Senate. I know he will have a hugely successful post-Senate career. We are going to miss him, but we wish him well.

## TRIBUTE TO FIRST LIEUTENANT JOHN V. SCANLAN

Mr. MCCONNELL. Mr. President, I would like to share with my colleagues a letter I have written to a family in Kentucky that is going to have a very special ceremony. Tomorrow, February 27, in Louisville, KY, the family of 1LT John V. Scanlan will receive on his behalf the Prisoner of War Medal.

Lieutenant Scanlan, of Louisville, served in the U.S. Army Air Corps in World War II and was lost in 1945 when he was shot down over Japan. Now, more than 60 years later, he will be honored for the full extent of his valiant service to this Nation.

So I ask my colleagues to join me in sending our thoughts and prayers to the family of 1LT John V. Scanlan on their very important day. We must let them know that their sacrifice will always be revered by our Nation.

Mr. President, the letter reads as follows:

Dear Catherine Wiggins and members of the Scanlan family,

It is never too late to honor bravery and sacrifice. That's why you have my respect and gratitude today as you accept the Prisoner of War Medal for First Lieutenant John V. Scanlan.

On June 23, 1945, Lieutenant Scanlan climbed aboard his P–51 Mustang aircraft and set out from Iwo Jima for what would be his final mission. Only later would his family learn about that mission's terrible end. I cannot imagine your family's horror at learning what happened to a good and brave man at the hands of the enemy.

And yet that was not the end of your family's service to America. John's two brothers also wore their country's uniform. One of them, Colonel Joseph William Scanlan of the U.S. Air Force, was a career officer who raised his family all over the world. And his daughter Catherine remembers the trips to Arlington Cemetery on Veterans Day, when her father would tell her about the Uncle Jack she never knew.

Those who receive the Prisoner of War Medal set an example of courage and patriotism that inspires us all. Through unspeakable conditions, they uphold their oath to defend America with honor and dignity. You have always known of Lieutenant Scanlan's heroism from stories passed down through generations. With this ceremony, his fellow citizens will know it too.

First Lieutenant John V. Scanlan flies a different mission now. He served his country with pride, and has earned his well-deserved peace. Our nation cannot be grateful enough for his immense sacrifice. May God bless him, and may He continue to bless your wonderful family.

Sincerely,

MITCH MCCONNELL,
*United States Senate.*

## COMMITTEE ON THE JUDICIARY, RULES OF PROCEDURE

Mr. LEAHY. Mr. President, the Committee on the Judiciary has adopted rules governing its procedures for the 111th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules for the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES—UNITED STATES SENATE COMMITTEE ON THE JUDICIARY

I. MEETINGS OF THE COMMITTEE

1. Meetings of the Committee may be called by the Chairman as he may deem necessary on three days' notice of the date, time, place and subject matter of the meeting, or in the alternative with the consent of the Ranking Minority Member, or pursuant to the provision of the Standing Rules of the Senate, as amended.

2. Unless a different date and time are set by the Chairman pursuant to (1) of this section, Committee meetings shall be held beginning at 10:00 a.m. on Thursdays the Senate is in session, which shall be the regular meeting day for the transaction of business.

3. At the request of any member, or by action of the Chairman, a bill, matter, or nomination on the agenda of the Committee may be held over until the next meeting of the Committee or for one week, whichever occurs later.

II. HEARINGS OF THE COMMITTEE

1. The Committee shall provide a public announcement of the date, time, place and subject matter of any hearing to be conducted by the Committee or any Subcommittee at least seven calendar days prior to the commencement of that hearing, unless the Chairman with the consent of the Ranking Minority Member determines that good cause exists to begin such hearing at an earlier date. Witnesses shall provide a written statement of their testimony and curriculum vitae to the Committee at least 24 hours preceding the hearings in as many copies as the Chairman of the Committee or Subcommittee prescribes.

2. In the event 14 calendar days' notice of a hearing has been made, witnesses appearing before the Committee, including any witness representing a Government agency, must file with the Committee at least 48 hours preceding appearance written statements of their testimony and curriculum vitae in as many copies as the Chairman of the Committee or Subcommittee prescribes.

3. In the event a witness fails timely to file the written statement in accordance with this rule, the Chairman may permit the witness to testify, or deny the witness the privilege of testifying before the Committee, or permit the witness to testify in response to questions from Senators without the benefit of giving an opening statement.

III. QUORUMS

1. Six Members of the Committee, actually present, shall constitute a quorum for the purpose of discussing business. Eight Members of the Committee, including at least two Members of the minority, shall constitute a quorum for the purpose of transacting business. No bill, matter, or nomination shall be ordered reported from the Committee, however, unless a majority of the Committee is actually present at the time such action is taken and a majority of those present support the action taken.

2. For the purpose of taking down sworn testimony, a quorum of the Committee and each Subcommittee thereof, now or hereafter appointed, shall consist of one Senator.

IV. BRINGING A MATTER TO A VOTE

The Chairman shall entertain a non-debatable motion to bring a matter before the Committee to a vote. If there is objection to bring the matter to a vote without further debate, a roll call vote of the Committee shall be taken, and debate shall be terminated if the motion to bring the matter to a vote without further debate passes with ten votes in the affirmative, one of which must be cast by the minority.

V. AMENDMENTS

1. Provided at least seven calendars days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least seven calendar days in advance, it shall not be in order for the Committee to consider any amendment in the

first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

3. The time limit imposed on the filing of amendments shall apply to no more than three bill identified by the Chairman and included on the Committee's legislative agenda.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

VI. PROXY VOTING

When a recorded vote is taken in the Committee on any bill, resolution, amendment, or any other question, a quorum being present, Members who are unable to attend the meeting may submit votes by proxy, in writing or by telephone, or through personal instructions. A proxy must be specific with respect to the matters it addresses.

VII. SUBCOMMITTEES

1. Any Member of the Committee may sit with any Subcommittee during its hearings or any other meeting, but shall not have the authority to vote on any matter before the Subcommittee unless a Member of such Subcommittee.

2. Subcommittees shall be considered de novo whenever there is a change in the Subcommittee chairmanship and seniority on the particular Subcommittee shall not necessarily apply.

3. Except for matters retained at the full Committee, matters shall be referred to the appropriate Subcommittee or Subcommittees by the Chairman, except as agreed by a majority vote of the Committee or by the agreement of the Chairman and the Ranking Minority Member.

4. Provided all members of the Subcommittee consent, a bill or other matter may be polled out of the Subcommittee. In order to be polled out of a Subcommittee, a majority of the members of the Subcommittee who vote must vote in favor of reporting the bill or matter to the Committee.

VIII. ATTENDANCE RULES

1. Official attendance at all Committee business meetings of the Committee shall be kept by the Committee Clerk. Official attendance at all Subcommittee business meetings shall be kept by the Subcommittee Clerk.

2. Official attendance at all hearings shall be kept, provided that Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Minority Member, in the case of Subcommittee Hearings, 48 hours in advance of the hearing that attendance will be taken; otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

## COMMITTEE ON ENERGY AND NATURAL RESOURCES RULES OF PROCEDURE

Mr. BINGAMAN. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I submit the rules governing the procedure of the Committee on Energy and Natural Resources for publication in the CONGRESSIONAL RECORD.

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:

RULES OF THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

GENERAL RULES

Rule 1. The Standing Rules of the Senate, as supplemented by these rules, are adopted as the rules of the Committee and its Subcommittees.

MEETINGS OF THE COMMITTEE

Rule 2. (a) The Committee shall meet on the third Wednesday of each month while the Congress is in session for the purpose of conducting business, unless, for the convenience of Members, the Chairman shall set some other day for a meeting. Additional meetings may be called by the Chairman as he may deem necessary.

(b) Hearings of any Subcommittee may be called by the Chairman of such Subcommittee, Provided, That no Subcommittee hearing other than a field hearing, shall be scheduled or held concurrently with a full Committee meeting or hearing, unless a majority of the Committee concurs in such concurrent hearing.

OPEN HEARINGS AND MEETINGS

Rule 3. (a) All hearings and business meetings of the Committee and all the hearings of any of its Subcommittees shall be open to the public unless the Committee or Subcommittee involved, by majority vote of all the Members of the Committee or such Subcommittee, orders the hearing or meeting to be closed in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate.

(b) A transcript shall be kept of each hearing of the Committee or any Subcommittee.

(c) A transcript shall be kept of each business meeting of the Committee unless a majority of all the Members of the Committee agrees that some other form of permanent record is preferable.

HEARING PROCEDURE

Rule 4. (a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any Subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the Subcommittee involved determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of all the Members of the Committee or the Subcommittee involved concurs. In no case shall a hearing be conducted with less than twenty-four hours notice. Any document or report that is the subject of a hearing shall be provided to every Member of the Committee or Subcommittee involved at least 72 hours before the hearing unless the Chairman and Ranking Member determine otherwise.

( b) Each witness who is to appear before the Committee or any Subcommittee shall file with the Committee or Subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony in as many copies as the Chairman of the Committee or Subcommittee prescribes.

(c) Each Member shall be limited to five minutes in the questioning of any witness until such time as all Members who so desire have had an opportunity to question the witness.

(d) The Chairman and Ranking Minority Member of the Committee or Subcommittee or the Ranking Majority and Minority Members present at the hearing may each appoint one Committee staff member to question each witness. Such staff member may question the witness only after all Members present have completed their questioning of the witness or at such other time as the Chairman and the Ranking Majority and Minority Members present may agree. No staff member may question a witness in the absence of a quorum for the taking of testimony.

BUSINESS MEETING AGENDA

Rule 5. (a) A legislative measure, nomination, or other matter shall be included on the agenda of the next following business meeting of the full Committee if a written request for such inclusion has been filed with the Chairman of the Committee at least one week prior to such meeting. Nothing in this rule shall be construed to limit the authority of the Chairman of the Committee to include a legislative measure, nomination, or other matter on the Committee agenda in the absence of such request.

(b) The agenda for any business meeting of the Committee shall be provided to each Member and made available to the public at least three days prior to such meeting, and no new items may be added after the agenda is so published except by the approval of a majority of all the Members of the Committee on matters not included on the public agenda. The Staff Director shall promptly notify absent Members of any action taken by the Committee on matters not included on the published agenda.

QUORUMS

Rule 6. (a) Except as provided in subsections (b) and (c), eight Members shall constitute a quorum for the conduct of business of the Committee.

(b) No measure or matter shall be ordered reported from the Committee unless twelve Members of the Committee are actually present at the time such action is taken.

(c) One Member shall constitute a quorum for the purpose of conducting a hearing or taking testimony on any measure or matter before the Committee or any Subcommittee.

VOTING

Rule 7. (a) A rollcall of the Members shall be taken upon the request of any Member. Any Member who does not vote on any rollcall at the time the roll is called, may vote (in person or by proxy) on that rollcall at any later time during the same business meeting.

(b) Proxy voting shall be permitted on all matters, except that proxies may not be counted for the purpose of determining the presence of a quorum. Unless further limited, a proxy shall be exercised only upon the date for which it is given and upon the items published in the agenda for that date.

(c) Each Committee report shall set forth the vote on the motion to report the measure or matter involved. Unless the Committee directs otherwise, the report will not set out any votes on amendments offered during Committee consideration. Any Member who did not vote on any rollcall shall have the opportunity to have his position recorded in the appropriate Committee record or Committee report.

(d) The Committee vote to report a measure to the Senate shall also authorize the staff of the Committee to make necessary technical and clerical corrections in the measure.

SUBCOMMITTEES

Rule 8. (a) The number of Members assigned to each Subcommittee and the division between Majority and Minority Members shall be fixed by the Chairman in consultation with the Ranking Minority Member.

(b) Assignment of Members to Subcommittees shall, insofar as possible, reflect the preferences of the Members. No Member will

receive assignment to a second Subcommittee until, in order of seniority, all Members of the Committee have chosen assignments to one Subcommittee, and no Member shall receive assignment to a third Subcommittee until, in order of seniority, all Members have chosen assignments to two Subcommittees.

(c) Any Member of the Committee may sit with any Subcommittee during its hearings but shall not have the authority to vote on any matters before the Subcommittee unless he is a Member of such Subcommittee.

NOMINATIONS

Rule 9. At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath. Every nominee shall submit a statement of his financial interests, including those of his spouse, his minor children, and other members of his immediate household, on a form approved by the Committee, which shall be sworn to by the nominee as to its completeness and accuracy. A statement of every nominee's financial interest shall be made available to the public on a form approved by the Committee unless the Committee in executive session determines that special circumstances require a full or partial exception to this rule.

INVESTIGATIONS

Rule 10. (a) Neither the Committee nor any of its Subcommittees may undertake an investigation or preliminary inquiry unless specifically authorized by a majority of all the Members of the Committee.

(b) A witness called to testify in an investigation or inquiry shall be informed of the matter or matters under investigation, given a copy of these rules, given the opportunity to make a brief and relevant oral statement before or after questioning, and be permitted to have counsel of his or her choosing present during his or her testimony at any public or closed hearing, or at any unsworn interview, to advise the witness of his or her legal rights.

(c) For purposes of this rule, the terms ''investigation'' and ''preliminary inquiry'' shall not include a review or study undertaken pursuant to paragraph 8 of Rule XXVI of the Standing Rules of the Senate or an initial review of any allegation of wrongdoing intended to determine whether there is substantial credible evidence that would warrant a preliminary inquiry or an investigation.

SWORN TESTIMONY

Rule 11. Witnesses in Committee or Subcommittee hearings may be required to give testimony under oath whenever the Chairman or Ranking Minority Member of the Committee or Subcommittee deems such to be necessary. If one or more witnesses at a hearing are required to testify under oath, all witnesses at such hearing shall be required to testify under oath.

SUBPOENAS

Rule 12. No subpoena for the attendance of a witness or for the production of any document, memorandum, record, or other material may be issued unless authorized by a majority of all the Members of the Committee, except that a resolution adopted pursuant to Rule 10(a) may authorize the Chairman, with the concurrence of the Ranking Minority Member, to issue subpoenas within the scope of the authorized investigation.

CONFIDENTIAL TESTIMONY

Rule 13. No confidential testimony taken by or any report of the proceedings of a closed Committee or Subcommittee meeting shall be made public, in whole or in part or by way of summary, unless authorized by a majority of all the Members of the Committee at a business meeting called for the purpose of making such a determination.

DEFAMATORY STATEMENTS

Rule 14. Any person whose name is mentioned or who is specifically identified in, or who believes that testimony or other evidence presented at, an open Committee or Subcommittee hearing tends to defame him or otherwise adversely affect his reputation may file with the Committee for its consideration and action a sworn statement of facts relevant to such testimony or evidence.

BROADCASTING OF HEARINGS OR MEETINGS

Rule 15. Any meeting or hearing by the Committee or any Subcommittee which is open to the public may be covered in whole or in part by television broadcast, radio broadcast, or still photography. Photographers and reporters using mechanical recording, filming, or broadcasting devices shall position their equipment so as not to interfere with the seating, vision, and hearing of Members and staff on the dais or with the orderly process of the meeting or hearing.

AMENDING THE RULES

Rule 16. These rules may be amended only by vote of a majority of all the Members of the Committee in a business meeting of the Committee: Provided, That no vote may be taken on any proposed amendment unless such amendment is reproduced in full in the Committee agenda for such meeting at least three days in advance of such meeting.

## COMMITTEE ON ARMED SERVICES RULES OF PROCEDURE

Mr. LEVIN. Mr. President, in compliance with rule XXVI of the Standing Rules of the Senate, I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Committee on Armed Services, as approved by the committee on February 26, 2009.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

1. Regular Meeting Day.—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. Additional Meetings.—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. Special Meetings.—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. Open Meetings.—Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. Presiding Officer.—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. Quorum.—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1)).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, nine members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. Proxy Voting.—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. Announcement of Votes.—The results of all rollcall votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member,

may hold open a rollcall vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. Subpoenas.—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. Hearings.—(a) Public notice shall be given of the date, place and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. Nominations.—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. Real Property Transactions.—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. Legislative Calendar.—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. Powers and Duties of Subcommittees.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

## TRIBUTE TO HIRAM RHODES REVELS

Mr. COCHRAN. Mr. President, yesterday marked the 139th anniversary of the seating of Hiram Rhodes Revels, as a United States Senator from the State of Mississippi. He was the first African-American to serve as a U.S. Senator.

Senator Revels was born in Fayetteville, NC. His father was a Baptist preacher, his mother was of Scottish descent. He moved north to complete his education at Beech Grove Quaker Seminary in Liberty, IN. In 1862, Hiram Revels recruited soldiers to serve in the Union Army and became Chaplain for a Black regiment in Mississippi.

Senator Revels began his political career after the war as an alderman in Natchez, MS. In 1869, he won a seat in the reconstructed Mississippi State Senate. One of the primary tasks of the newly elected State senate was to fill U.S. Senate seats in preparation for the State's return to the Union. In 1870, the new Mississippi State Legislature elected Hiram Revels to fill a term due to expire in 1871.

During his service in the United States Senate he worked on education issues. Upon his return to Mississippi, he became the first president of Alcorn State University.

During Black History Month it is appropriate that Hiram Rhodes Revels be remembered for his leadership and significant contributions to Mississippi and our Nation.

Mr. President, I ask unanimous consent that the Biographical history of Mr. Revels and a New York Times article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Revels, Hiram Rhodes, a Senator from Mississippi; born in Fayetteville, Cumberland County, NC, on September 27, 1827; attended Beech Grove Quaker Seminary in Liberty, Ind., Darke County Seminary in Ohio, and Knox College, Galesburg, Ill.; barber; ordained a minister in the African Methodist Episcopal Church at Baltimore, Md., in 1845; carried on religious work in Indiana, Illinois, Kansas, Kentucky, Tennessee, and Missouri; accepted a pastorate in Baltimore, Md., in 1860; at the outbreak of the Civil War assisted in recruiting two regiments of African American troops in Maryland; served in Vicksburg, Miss., as chaplain of a Negro regiment, and organized African American churches in that State; established a school for freedmen in St. Louis, Mo., in 1863; after the war, served in churches in Kansas, Kentucky and Louisiana before settling in Natchez, Miss., in 1866; elected alderman in 1868; member, Mississippi State senate 1870; elected as a Republican to the United States Senate; presented his credentials upon the readmission of Mississippi to representation on February 23, 1870; took the oath of office on February 25, 1870, after the Senate resolved a challenge to his credentials, and served from February 23, 1870 until March 3, 1871; first African American Senator; secretary of State ad interim of Mississippi in 1873; president of Alcorn University (formerly Oakland College), Rodney, Miss., 1871–1874, 1876–1882; moved to Holly Springs, Marshall County, Miss., and continued his religious work; editor, Southwestern Christian Advocate, official newspaper of A.M.E. Church 1876–1882; in retirement after 1882, taught theology at Shaw University, Holly Springs, Miss.; died from a paralytic stroke in Aberdeen, Miss., January 16, 1901; interment in Hill Crest Cemetery, Holly Springs, Miss.

[From the New York Times, Feb. 25, 1870]

THE COLORED MEMBER ADMITTED TO HIS SEAT IN THE SENATE

WASHINGTON, Feb. 25—. Mr. Revels, the colored Senator from Mississippi, was sworn in and admitted to his seat this afternoon at 4:40 o'clock. There was not an inch of standing or sitting room in the galleries, so densely were they packed; and to say that the interest was intense gives but a faint idea of the feeling which prevailed throughout the entire proceeding. Mr. Vickers, of Maryland, opened the debate to-day, arguing against the admission, on the ground that Revels had not been a citizen for nine years, and therefore was not eligible. Mr. Wilson followed on the other side, and was succeeded by Mr. Casserly, who took a new departure and arraigned the entire reconstruction policy, charging that all the Southern Senators were put in their seats by the force of the bayonets of the regular army. This aroused Mr. Drake to a white heat, and provoked him to utter remarks and to make personal allusions to Mr. Casserly which were certainly in bad taste, and in no way pertinent to the subject before the body. Mr. Sumner made the closing speech for the Republican side of the question. It was brief, pithy and eloquent. Then came Mr. Stockton in deference of his party. He was boisterous and commonplace, and his speech was much better suited to the stump than to the Senate. He argued

in favor of his motion to refer the credentials to the Judiciary Committee, which was promptly negatived by a party vote. The question was then put on the admission, which was passed by the same strict drawing of the party lines. Only one thing remained, which was that the first colored Senator elect should advance to the Speaker's desk and be sworn. The Vice-President made the announcement to the galleries that all demonstrations of approval or disapproval would be promptly suppressed. There had been through the debate one or two such demonstrations, once from the Republican side, when Mr. Scott, in reply to Mr. Bayard, declared that he abandoned the Democratic Party when it raised its hand in rebellion, and again when Mr. Stockton prophesied that the Democracy would soon control national affairs. In view of these facts, Mr. Colfax's announcement was somewhat necessary. When the Vice-President uttered the words, ''The Senator elect will now advance and take the oath,'' a pin might have been heard drop. But as Senator Wilson rose in his seat and stepped to the lounge immediately behind his desk, where Mr. Revels was sitting, to escort that gentleman to the Speaker's desk, the galleries rose to their feet, that they might miss no word or lose no glimpse of what was being enacted below. The ceremony was short. Mr. Revels showed no embarrassment whatever, and his demeanor was as dignified as could be expected under the circumstances. The abuse which had been poured upon him and on his race during the last two days might well have shaken the nerves of any one. The vast throng in the galleries showed no sign of feeling one way or the other, and left very quietly.

## TRIBUTE TO LARRY H. MILLER

Mr. HATCH. Mr. President, when the lights were dimmed and the spotlight shone on the empty seat at the end of Row A on the edge of the Utah Jazz basketball court last Saturday night, it symbolized so much more than the absence of its usual occupant. It demonstrated in very poignant, solemn terms the loss Utah experienced a few days ago with the death of one of its most beloved and prolific citizens, Larry H. Miller.

On Friday, February 20, 2009, Larry H. Miller quietly passed away in his home with his beloved wife and family by his side. At the age of 64, by all estimates, Larry left this earth way too early. His body had been ravaged over the past year with various medical maladies resulting from complications of Type 2 Diabetes. Yet, even though his body was physically depleted, his fighting spirit and pragmatic wisdom continued until his very last breath. I do not think anyone was really prepared to lose this mighty man.

Larry came from humble beginnings. His life story exemplified from start to finish the true American dream. By all accounts his education and intelligence was not honed in a classroom, but in the workplace of our nation. Through odd jobs and a beginning career as an auto parts stock boy, he quickly graduated to owning his first car dealership with a business deal struck in an afternoon visit with an old acquaintance.

Larry's business acumen was legendary. The risks he took were enormous and the decisions he made on a daily basis would stifle even the most experienced business leader. However, because of the risks he was willing to take and the business decisions he had the courage to make, the impact he left in every corner of our State cannot be overstated.

From the days of his first car enterprise, his empire grew to include many car dealerships, movie theaters, restaurants, television and radio stations, a first-class sports arena, a race track, sports memorabilia and apparel stores, a professional baseball team, and of course, our cherished Utah Jazz.

His professional life was punctuated by hard work, ingenuity, and good old-fashioned common sense. He was a man who wore many hats, and wore them well. He was plain spoken, and very direct in sharing his thoughts and opinions. He did not live a life of flash, but one of more humble trappings. I cannot think of Larry without picturing him at so many events, no matter the importance, in his trademark casual pants and golf shirt. He was a man who lived by his own creed, and never let anyone else define him.

The relationships he developed, and consequently shared with Utah, have brushed our community with great color. Karl Malone, John Stockton, Jerry Sloan, Deron Williams, Thurl Bailey, Mark Eaton, and Jeff Hornacek are only a few people Larry befriended, hired, and mentored who have provided many hours of great sports entertainment to fans across the country. I know that personalities from time to time would clash, but at the end of the day Larry, and those who worked for or played for him, shared a mutual respect and love not often found in professional sports today.

Larry not only contributed mightily to Utah's business climate, he also served in so many ways to improve the lives of people from all walks of life. His sense of community, and love for our State, were felt by all who came into contact with him. He did so many generous acts of service for his fellow man, quietly and behind the scenes, which most will never know occurred. He believed in people, and he loved helping many find the right path to follow.

Larry Miller will forever be remembered for his business empire and leadership skills, but perhaps his greatest contribution was in the walls of his own home. He loved and cherished his wife of 48 years, Gail, as well as his five children, 21 grandchildren, and one great-grandchild. He tutored them in the ways of business, but more importantly, in the love of family. As he began facing later years, Larry was quoted on many occasions stating his renewed desire to be the kind of husband, father, and grandfather he wanted to be. Within hours of Larry passing away, Gail and their children held a news conference praising the man they had known and loved. Their strength in his passing, I believe came from the love and care Larry had bestowed on each of them throughout his life.

Utah lost a great man, and I lost a treasured friend. Throughout the years of my service in the United States Senate I would often look to Larry Miller for his wisdom and strength. He was a rare person to find in the political world, someone who worked for the good of our State and its people, instead of furthering his own ambitions. He wanted to be remembered for his ''love of Utah.'' And anyone who crossed paths with Larry can attest to his passion and love for our great State.

Perhaps Larry H. Miller's life can best be summarized in his own words quoted in the Deseret News this week. He said, ''You know, I don't want this to sound boastful, but I really have had an extraordinary life.'' Yes, Larry did live an extraordinary life and I honor him for the contributions he made to Utah, its citizens, and most importantly to his family. His influence will never be forgotten, and his example will be followed by generations to come.

## NATIONAL EYE DONOR MONTH

Mr. CHAMBLISS. Mr. President, I rise today in support of the Eye Bank Association of America, the Georgia Eye Bank, and the recognition of March as National Eye Donor Month.

Eye banks today provide for more than 50,000 corneal grafts for transplantation each year. In Georgia alone, citizens donated enough ocular tissue to provide over 1,200 corneas to their fellow Georgians. The generosity of these donors allows for better eye care and the gift of improved sight for those lucky enough to receive transplants.

The Eye Bank Association of America is the oldest transplant association in the United States and has restored sight to nearly 1 million individuals. The association was created in 1955 when 12 eye banks formed with the American Academy of Ophthalmology and Otolaryngology. Since 1961, more than 600,000 corneal transplants have been performed, restoring the sight of men, women, and children ranging from 9 days to 107 years old. This year, I am proud to commend Dr. Bruce Varnum, chair of the Eye Bank Association of America, from my home State of Georgia, for his excellent service and commitment to advancing eye transplantation and donation.

Corneal blindness can develop from a variety of diseases, injuries, or infections. These transplants have over a 90 percent success rate and give renewed hope for those in need of a new beginning.

Despite these encouraging numbers, many Americans are still left waiting in the dark. I urge my colleagues and all Americans to consider becoming eye donors to allow for the miracle of sight that so many of us take for granted. By working with the National Eye Banks Association and local eye

banks, we involve ourselves in the selfless and kindhearted spirit that defines the American people. The role of eye donors is paramount in assisting those who have tragically lost the ability to see.

Mr. President, lawmakers have recognized March as National Eye Donor Month since President Reagan proclaimed the first one in 1983 and I am honored on behalf of the residents of Georgia and those throughout the country to recognize March as National Eye Donor Month.

## IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My fiance and I bought a home in Caldwell in May and we moved out of his parents' home. While living with his parents, we paid rent and part of the bills. We knew, when we moved, we would be fine. Unlike many people, we know how to live within our means and stay below that mark in case of an emergency—like the cost of gas increasing at such an astronomical rate. His parents are a different story. They are in the group that overextended themselves, got the big house loan that any banker with common sense should have said no to but gave them the loan anyway with an adjustable rate. At the time, we knew if they gave up a couple of things (like cable tv) they would make ends meet. That is far from the truth now. In just a couple of months, gas has gone up and affected every end of life. Food is now more expensive. Other items like shampoo, cleaners, clothing, and medications have increased too with no end in sight. Even if they gave up the cable tv, drinking, smoking and anything extra, they can barely make it now. Sometimes I feel guilty for moving out and trying to create our own household and family. A child should be able to move out, make it with a supposedly 'living wage job' (which is rare and far in-between in the state of Idaho) and not have to either run back to the parents because the economy has sunk to the black hole of doom or have the parents move in with them because they are not capable of supporting themselves in the same economy.

Congress needs to stop bickering and aggravating each other and be adults—work together; otherwise those states they are supposedly working for are going to crash and burn. I know it is an election year and each party is trying to get their person elected. I also know the economy goes into a dive during said election year due to uncertainty about the next president and possible outcome of policies and bills. I am all for increasing domestic oil production if regulations are put in affect to help 'guide' the sales and thus restricting gas and fuel from skyrocketing like it is. OPEC said it would increase production yet oil futures increase on the stock markets. This is getting out of hand and a small group of people are profiting greatly while draining the hard earned money from everyone. It will backfire and it will not be pretty. Instead of fighting with the oil companies, tell them fine, thanks for all the fish. Get new technology and alternative fuel sources reved up. Stop the oil companies from bullying smaller companies from developing new fuel sources. Take the tax breaks from the oil companies and give them to the companies who have proven examples of alternative fuels and technology to work with said alternative fuels. Give people who do not own one of those massive Hummers or SUVs a tax break. Because those who bought the massive Hummers and SUVs did not help the situation and they knew it. I know it is unfair, but punishing those who used common sense and chose the practical Ford Fusion over the Hummer because they thought and realized that the Hummer was overkill on the road is unfair too. I would say we need more public transportation, but Idaho is not 'public transportation' friendly. What works in Seattle and Portland would be a cosmic joke in this state. Our communities are spread out to the point a public transportation system would only work with the Star Trek shuttles or transporter. In other words, it is not realistic. These are just my opinions and a small drop of concern in a huge lake.

KRISTA.

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The price of gasoline is the cause of my debt going up. With a family of 5, it is hard to cut back anymore than I already have. My wife and I use our vehicles less than we have in the past, but we still are finding it hard to make ends meet due to the fact that when the price of gasoline goes up so does the price of food, clothes, electricity, and many other everyday necessities.

For a solution I cannot understand why the only car company (that I know of) making a natural gas-fueled car is Honda (Honda GX) and the only hydrogen car (that I know of) is made by Honda (Honda FCX). I believe if there were easy access to natural gas gas stations and easy access to hydrogen fuel stations that the cost of the natural gas car and the hydrogen car would be equal to the price that gasoline-powered cars are. I keep hearing about how we need to start drilling offshore for oil, but if we would use vehicles not powered by gasoline, we would not need to do any offshore drilling. I am sure there are inventors out there with ideas for cars powered by something other than gasoline, besides the natural gas and hydrogen, that are not being given the opportunity to mass market their ideas. It looks to me like we have chosen to be dependent on oil and that car companies refuse to look for alternatives to gasoline powered cars. Honda may be making the alternative fuel cars, but they are not making the cars available to the masses, although Honda does not build hydrogen or natural gas gas stations. Without easy access to the fuel need for the hydrogen, natural gas, and even the electric car then you are not truly giving the consumer the opportunity to choose any car powered by anything but gasoline.

Thanks for your time.

JEFF.

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I applaud your efforts to communicate with Idahoans in an effort to gain an understanding of what we see on a daily basis. Perhaps there are some politicians that still want to feel the pulse of those who elect them. I am not an Idaho resident, but spent most of my 30 years growing up and living in the state. I now reside in Washington and more specifically in the northern Puget Sound system.

When the increase in fuel prices became more than I could justify I was faced with a decision to use our mass transit system. I could not be more pleased with the level of service offered. In comparison, many local areas in Southern Idaho do not have a public transportation system that carries a similar weight. With the increase in traffic in the treasure valley one would think that a mass transit system would be a logical solution. It benefits both economically and environmentally make it a decision I believe is a must. What future planning is in the works to create a suitable mass transit system that would be utilized if any? I encourage the use of a committee to explore more efforts for carpooling, expanded bus systems, and light rail for a county connect system. If you want to see a system that works, check out Seattle, I believe we offer a very good solution for transportation all around this region.

I encourage your continuing goal of thinking outside the box for solutions to meeting the ever increasing energy crisis facing Idaho. This should be a task all politicians should be working together on.

Warm regards,

NATE, *Marysville WA.*

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I do appreciate the opportunity to ''sound off'' on the energy issue. I am of the belief that Congress has been delinquent in its responsibility to the United States citizens. I agree that we need to work hard on sources of energy that are less harmful to our environment; however, in the short run, we need to provide for our needs.

I am not aware of any solution that will provide immediate relief to the price of gasoline and diesel; however, it will not get any better by talking about it for another 5 years. If we had faced the problem 10 years ago, we would not have the problem today.

We need to drill now and we need to do it everywhere there are known deposits of oil. We need to be good stewards of the land in the process (we do know how to do that) but we need to provide for our own domestic needs.

Oil is a commodity, and like all commodities, the price will fall as the supply increases. Whether it is Alaska, off shore or the Rocky Mountain Shale oil, I believe we need to pursue the development of these deposits, and the construction of sufficient pipelines and refineries to deliver the products to our citizens.

Thank you again for your request for input. I look forward to seeing the Senate and House take positive long term steps for the ''every day'' citizens of our nation.

PETE, *Ontario, Oregon.*

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Not too long ago (2½ years), I remember buying gasoline for less than $2 a gallon. I drive a Honda Civic and also have a Dodge Dakota that I use during the winter months when four-wheel drive is needed to get up and down my mountain road. I put the most miles on my Honda by far.

Buying gasoline at $4 a gallon has now become a major monthly expense, requiring me to cut back spending in other areas such as

eating out, vacations, purchasing household goods and home improvements. While it is easy to blame the oil companies, I do not feel that is fair. I believe a combination of environmentalists, the media and [the] global warming myth are more to blame. 31,000 scientists have gone on the record to debunk the global warming myth yet it is still very much alive in the media and being crammed into grade school children's minds. The EPA has forced oil companies to produce something like 19 different grades of unleaded gas. This is ludicrous.

There is no significant manmade global warming. There has not been any in the past, there is none now and there is no reason to fear any in the future. The climate of Earth is changing. It has always changed. But mankind's activities have not overwhelmed or significantly modified the natural forces. I believe there is a direct connection between global warming and four dollar a gallon gas. Ethanol is not the answer—it is just screwing up our food supply chain.

ANTHONY, *Sandpoint*.

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Energy costs have resulted in our doing without or not going to some of the places we use to frequent. My wife and I are on Social Security and therefore have a set income. We are just not able to buy food and buy fuel for our vehicles. We are hoping Congress will do the common sense thing and ''drill here, drill now and pay less''. They simply must stop catering to the environmentalists and do what is right for America. As a senior member of the United States Senate, we are asking you to not only do the things you say you are going to do for the people of Idaho but be a leader and get the Senate back to Conservatism.

JERRY and TEDDI, *Homedale*.

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I was born and raised in Idaho and I live here still. It is amazing how this state has changed in just the last 10 years.

The cost of fuel is insane. Raising the prices is not going to replenish the world's natural resources. We need to utilize the wind that blows nearly constantly through our state, we need to open more ethanol plants in Idaho and ship that fuel within Idaho. We need to give tax breaks to people who add solar power to their homes/businesses. All government buildings need to be solar powered.

The only way people are going to slow the destruction of our planet is by changing to using hydro power, wind power, solar power.

My family has resorted to sharing hot water to bathe and not using the air conditioning unless absolutely necessary. We have begun to ride bicycles to the grocery store to pick up milk and bread because the fuel is too precious for a small trip for the ever-necessary milk.

Idaho needs more 5 lane roads to get across the Treasure Valley. Idaho needs better public transit. Idaho needs a passenger train with stops from Caldwell, to Nampa, Kuna, Star, Eagle, Meridian, Boise * * * and numerous stops in each of those towns. Imagine with me for a moment * * * a train system with branches and stops criss-crossing the Treasure Valley, and then public buses with routes that cover the areas that the train cannot go. You, Senator, could take the train to a bus stop and catch a bus to the Statehouse! Just think about the jobs that the buses would create, and the trains * * * the traffic would be lighter on the interstate.

Treasure Valley also needs a belt route that take big trucks out of the way. A route that starts south of Eiseman Rd and travels west but stays south of Kuna and then heads north to reconnect with I84 west of Caldwell. That would make I84 through Ada and Canyon county safer to travel and again reducing tons of congestion and traffic.

These are dreams that only you and your fellow elected officials can make a reality! We voted for you so that you will hear the voice of the people and do what we ask. You are there working for the people that voted for you. Make a difference. Make Idaho a self-sufficient, self-reliant state.

S.L.

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I am an independent small business owner. Since my profit margins are tiny the high price of gas and diesel are causing me to consider closing my business.

Drill here, drill now, build refineries now. Build nuclear power plants now.

VAL, *Council*.

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I think it is about time that Americans became aware of their energy usage and excessive waste of a limited resource. We should have been paying high fuel prices for many years with a tax being used for research and support of alternative technologies. Enhanced domestic production and expanded refinery capacity is not the answer to a long term problem.

BILL, *Hailey*.

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Please do not vote in favor of lifting the offshore drilling ban nor in favor of drilling in any wildlife refuge. Supply is not the problem in this price run-up. New drilling will only benefit those in a position to profit from the further exclusive use of petroleum, not the average consumer.

We cannot undevelop wildlife areas, and it is impossible to unspill oil. I grew up on the California coast, where offshore drilling was underway. Certain beaches were continually contaminated. We had to use, ironically, gasoline to get the oil off our feet at the end of the day.

Again, please do not vote in favor of further drilling. Please do encourage development of alternatives to petroleum. Thank you.

NANCY, *Boise*.

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What I cannot understand is why our government is so blind to how the price of fuel is affecting all of America. And still the big oil companies are making huge profits, actually obscene profits. I know their stockholders want to make a profit—but at the expense of the entire economy?

Can you name one thing that you get that does not come by truck? The airlines are dropping like flies. The average driver can hardly afford to drive to work and essential places, let alone extra driving. Cannot you see how this is a huge hurt to the American family?

KATHIE, *Melba*.

## BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009—PM 9

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on the Budget; and Appropriations:

PRESIDENT'S MESSAGE

Throughout America's history, there have been some years that appeared to roll into the next without much notice or fanfare. Budgets are proposed that offer some new programs or eliminate an initiative, but by and large continuity reigns.

Then there are the years that come along once in a generation, when we look at where the country has been and recognize that we need a break from a troubled past, that the problems we face demand that we begin charting a new path. This is one of those years.

We start 2009 in the midst of a crisis unlike any we have seen in our lifetimes. Our economy is in a deep recession that threatens to be deeper and longer than any since the Great Depression. More than three and a half million jobs were lost over the past 13 months, more jobs than at any time since World War II. In addition, another 8.8 million Americans who want and need full-time work have had to settle for part-time jobs. Manufacturing employment has hit a 60-year low. Our capital markets are virtually frozen, making it difficult for businesses to grow and for families to borrow money to afford a home, car, or college education for their kids. Many families cannot pay their bills or their mortgage payments. Trillions of dollars of wealth have been wiped out, leaving many workers with little or nothing as they approach retirement. And millions of Americans are unsure about the future—if their job will be there tomorrow, if their children will be able to go to college, and if their grandchildren will be able to realize the full promise of America.

This crisis is neither the result of a normal turn of the business cycle nor an accident of history. We arrived at this point as a result of an era of profound irresponsibility that engulfed both private and public institutions from some of our largest companies' executive suites to the seats of power in Washington, D.C. For decades, too many on Wall Street threw caution to the wind, chased profits with blind optimism and little regard for serious risks—and with even less regard for the public good. Lenders made loans without concern for whether borrowers could repay them. Inadequately informed of the risks and overwhelmed by fine print, many borrowers took on debt they could not really afford. And those in authority turned a blind eye to this risk-taking; they forgot that markets work best when there is transparency and accountability and when the rules of the road are both fair and vigorously enforced. For years, a lack of transparency created a situation in which serious economic dangers were visible to all too few.

This irresponsibility precipitated the interlocking housing and financial crises that triggered this recession. But the roots of the problems we face run deeper. Government has failed to fully confront the deep, systemic problems that year after year have only become a larger and larger drag on our economy. From the rising costs of health care to the state of our schools, from the need to revolutionize how we power our economy to our crumbling infrastructure, policymakers in Washington

have chosen temporary fixes over lasting solutions.

The time has come to usher in a new era—a new era of responsibility in which we act not only to save and create new jobs, but also to lay a new foundation of growth upon which we can renew the promise of America.

This Budget is a first step in that journey. It lays out for the American people the extent of the crisis we inherited, the steps we will take to jumpstart our economy to create new jobs, and our plans to transform our economy for the 21st Century to give our children and grandchildren the fruits of many years of economic growth.

It is true that we cannot depend on government alone to create jobs or to generate long-term growth. Ours is a market economy, and the Nation depends on the energy and initiative of private institutions and individuals. But at this particular moment, government must lead the way in providing the short-term boost necessary to lift us from a recession this severe and lay the foundation for future prosperity. That's why immediately upon taking office, my Administration worked with the Congress to pass the American Recovery and Reinvestment Act. This plan's provisions will put money in the pockets of the American people, save or create at least three and a half million jobs, and help to revive our economy.

This moment is one of great paradox and promise: while there are millions of Americans trying to find work, there is also so much work to be done. That's why the Recovery Act and our Budget will make long overdue investments in priorities—like clean energy, education, health care, and a new infrastructure—that are necessary to keep us strong and competitive in the 21st Century.

To finally spark the creation of a clean energy economy, we will make the investments in the next three years to double our Nation's renewable energy capacity. We will modernize Federal buildings and improve the energy efficiency of millions of American homes, saving consumers and taxpayers billions on our energy bills. In the process, we will put Americans to work in new jobs that pay well—jobs installing solar panels and wind turbines; constructing energy efficient buildings; manufacturing fuel efficient vehicles; and developing the new energy technologies that will lead to even more jobs and more savings, putting us on the path toward energy independence for our Nation and a cleaner, safer planet in the process.

To improve the quality of our health care while lowering its cost, we will make the immediate investments needed to computerize all of America's medical records within five years while protecting the privacy of patients. This is a necessary step to reducing waste, eliminating red tape, and avoiding the need to repeat expensive medical tests. We also will fundamentally reform our health care system, delivering quality care to more Americans while reducing costs for us all. This will make our businesses more competitive and ease a significant and growing burden middle-class families are bearing.

To give our children a fair shot to thrive in a global, information-age economy, we will equip thousands of schools, community colleges, and universities with 21st Century classrooms, labs, and libraries. We'll provide new technology and new training for teachers so that students in Chicago and Boston can compete with kids in Beijing for the high-tech, high-wage jobs of the future. We will invest in innovation, and open the doors of college to millions of students. We will pursue new reforms—lifting standards in our schools and recruiting, training, and rewarding a new generation of teachers. And in an era of skyrocketing college tuitions, we will make sure that the doors of college remain open to children from all walks of life.

To create a platform for our entrepreneurs and workers to build an economy that can lead this future, we will begin to rebuild America for the demands of the 21st Century. We will repair crumbling roads, bridges, and schools as well as expand broadband lines across America, so that a small business in a rural town can connect and compete with its counterparts anywhere in the world. And we will invest in the science, research, and technology that will lead to new medical breakthroughs, new discoveries, and entire new industries.

Regaining our economic strength also is critical to our national security. It is a major source of our global leadership, and we must not let it waver. That's why this Budget makes critical investments in rebuilding our military, securing our homeland, and expanding our diplomatic efforts because to provide for the security of the United States we need to use all elements of our power. Moreover, to honor the service of those who have worn our military's uniform, we will make the investments necessary to take care of our veterans.

For these initiatives to lay a foundation for long-term economic growth, it's important that we not only change what Washington invests in, but how Washington does business. We must usher in a new era of responsibility in which we empower citizens with the information they need to hold their elected representatives accountable for the decisions they make. We need to put tired ideologies aside, and ask not whether our Government is too big or too small, or whether it is the problem or the solution, but whether it is working for the American people. Where it does not, we will stop spending taxpayer dollars; where it has proven to be effective, we will invest. This is the approach, for example, we have begun in allocating funds to education, health care, and national security. And as we continue the budgetary process, we will identify more cuts and reallocations for the full Budget presented this spring, and undertake efforts to reform how the programs you fund are managed so that overruns are avoided, waste is cut, and you get the most effective and efficient Government possible.

In the little more than a month my Administration has had in office, we have not had the time to fully execute all the budget reforms that are needed, and to which I am fully committed. Those will come in the months ahead, and next year's budget process will look much different.

But this Budget does begin the hard work of bringing new levels of honesty and fairness to your Government. It looks ahead a full 10 years, making good-faith estimates about what costs we would incur; and it accounts for items that under the old rules could have been left out, making it appear that we had billions more to spend than we really do. The Budget also begins to restore a basic sense of fairness to the tax code, eliminating incentives for companies that ship jobs overseas and giving a generous package of tax cuts to 95 percent of working families.

Finally, while we have inherited record budget deficits and needed to pass a massive recovery and reinvestment plan to try to jump-start our economy out of recession, we cannot lose sight of the long-run challenges that our country faces and that threaten our economic health—specifically, the trillions of dollars of debt that we inherited, the rising costs of health care, and the growing obligations of Social Security. Therefore, while our Budget will run deficits, we must begin the process of making the tough choices necessary to restore fiscal discipline, cut the deficit in half by the end of my first term in office, and put our Nation on sound fiscal footing.

Some may look at what faces our Nation and believe that America's greatest days are behind it. They are wrong.

Our problems are rooted in past mistakes, not our capacity for future greatness. We should never forget that our workers are more innovative and industrious than any on earth. Our universities are still the envy of the world. We are still home to the most brilliant minds, the most creative entrepreneurs, and the most advanced technology and innovation that history has ever known. And we are still the Nation that has overcome great fears and improbable odds. It will take time, but we can bring change to America. We can rebuild that lost trust and confidence. We can restore opportunity and prosperity. And we can bring about a new sense of responsibility among Americans from every walk of life and from every corner of the country.

BARACK OBAMA.

THE WHITE HOUSE, *February 26, 2009*.

## MESSAGES FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, and the order of the House of January 6, 2009, the Speaker appoints the following members of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. KENNEDY of Rhode Island, Ms. DELAURO of Connecticut, Mr. BLUNT of Missouri.

## ENROLLED BILL SIGNED

At 2:58 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 234. An act to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the ''Colonel John H. Wilson, Jr. Post Office Building''.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

## MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 478. A bill to amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

S. 482. A bill to require Senate candidates to file designations, statements, and reports in electronic form.

H.R. 1105. An act making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on February 26, 2009, she had presented to the President of the United States the following enrolled bill:

S. 234. An act to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the ''Colonel John H. Wilson, Jr. Post Office Building''.

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David W. Ogden, of Virginia, to be Deputy Attorney General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mr. KENNEDY):

S. 485. A bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agriculture Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS (for himself, Mr. BEGICH, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BURRIS, Mr. CARDIN, Mr. CASEY, Mr. DURBIN, Mr. HARKIN, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. JOHNSON, Mr. LEAHY, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. SCHUMER, Ms. STABENOW, Mr. TESTER, and Mr. WYDEN):

S. 486. A bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. HATCH, Mrs. FEINSTEIN, and Mr. REID):

S. 487. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 488. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 489. A bill to amend the Migratory Bird Treaty Act to authorize hunting under certain circumstances; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON:

S. 490. A bill to amend title II of the Social Security Act to repeal the windfall elimination provision and protect the retirement of public servants; to the Committee on Finance.

By Mr. WEBB (for himself, Mr. BURR, Ms. COLLINS, Mr. WARNER, Mr. DURBIN, Mr. CARDIN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. DODD, Mr. BUNNING, and Mr. KERRY):

S. 491. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

By Mr. JOHNSON (for himself and Mr. THUNE):

S. 492. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage; to the Committee on Finance.

By Mr. CASEY (for himself, Mr. HATCH, Mr. DODD, Mr. BURR, Mr. KENNEDY, and Mr. BROWNBACK):

S. 493. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 494. A bill for the relief of Salah Naji Sujaa; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Mr. SPECTER):

S. 495. A bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Mr. HATCH, and Mr. CASEY):

S. 496. A bill to provide duty-free treatment for certain goods from designated Reconstruction Opportunity Zones in Afghanistan and Pakistan, and for other purposes; to the Committee on Finance.

By Mr. DURBIN:

S. 497. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR:

S. 498. A bill to amend title 38, United States Code, to authorize dental insurance for veterans and survivors and dependents of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WYDEN:

S. 499. A bill to amend the Energy Policy Act of 2005 to repeal the ultra-deepwater and unconventional onshore natural gas and other petroleum research and development program; to the Committee on Energy and Natural Resources.

By Mr. DURBIN:

S. 500. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. KOHL, Mr. LEAHY, Mr. BROWN, and Mr. INOUYE):

S. 501. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself, Mr. LEAHY, Mr. ISAKSON, Mr. TESTER, Mr. KENNEDY, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Mrs. MURRAY):

S. Res. 57. A resolution designating the first week of April 2009 as ''National Asbestos Awareness Week''; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself, Mr. COCHRAN, Mr. KERRY, Ms. LANDRIEU, Mr. BROWN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. LINCOLN, Mr. KENNEDY, and Mr. FEINGOLD):

S. Res. 58. A resolution designating the week of March 1 through March 8, 2009, as ''School Social Work Week''; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 245

At the request of Mr. KOHL, the name of the Senator from Oregon (Mr.

WYDEN) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 345

At the request of Mr. LUGAR, the names of the Senator from Florida (Mr. NELSON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2009'', and for other purposes.

S. 371

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 422

At the request of Ms. STABENOW, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 428

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 454

At the request of Mr. LEVIN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 456

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 473

At the request of Mr. DURBIN, the names of the Senator from Arkansas (Mr. PRYOR) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. RES. 49

At the request of Mr. LUGAR, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

AMENDMENT NO. 573

At the request of Mr. DEMINT, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. WICKER), the Senator from Missouri (Mr. BOND), the Senator from Utah (Mr. BENNETT), the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. BROWNBACK) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of amendment No. 573 proposed to S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

AMENDMENT NO. 575

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 575 proposed to S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

AMENDMENT NO. 579

At the request of Mr. THUNE, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 579 proposed to S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

AMENDMENT NO. 587

At the request of Mr. ENSIGN, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 587 proposed to S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURR (for himself and Mr. KENNEDY):

S. 485. A bill to reauthorize the Select Agent Program by amending the Public Health Service Act and the Agriculture Bioterrorism Protection Act of 2002 and to improve oversight of high containment laboratories; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I rise today in support of S. 485, the Select Agent Program and Biosafety Improvement Act of 2009. Today, I reintroduced this important legislation with my friend Senator TED KENNEDY. We first introduced this bill in June 2008. I thank my colleague from Massachusetts for his partnership. I enjoyed working closely with him in the 109th Congress on the Pandemic and All-Hazards Preparedness Act, which was signed into law in December 2006. He continues to be one of the great leaders in the United States Senate, and I look forward to continuing to work with him to ensure our laws protect the American people from health threats of all kinds.

This bill will enhance our nation's biosecurity and improve the biosafety of our most secure laboratories. We must do everything we can to make sure that biological agents and toxins that could present a serious threat to public health are kept safe and secure in containment laboratories and out of the hands of terrorists.

In December 2008; 6 months after we introduced this legislation for the first time, the bipartisan Commission on the Prevention of WMD Proliferation and Terrorism reported it is ''more likely than not'' that a weapon of mass destruction will be used in a terrorist attack by the end of 2013. The Commission's report, World at Risk, found that terrorists are more likely to obtain and use a biological weapon than a nuclear weapon and, therefore, the U.S. government should make bioterrorism a higher priority. According to the report, ''Only by elevating the priority of the biological weapons threat will it be possible to bring about substantial improvements in global biosecurity.'' Many of the specific recommendations contained in that report are reflected in this legislation.

S. 485 achieves two overarching goals. First, it reauthorizes and improves the Select Agent Program. This program was created in the 1990s to control the transfer of certain dangerous biological agents and toxins that could be used for bioterrorism. The program expanded after the anthrax attacks in 2001; however, the authorization expired at the end of September 2007.

Second, the bill evaluates and enhances the safety and oversight of high containment laboratories. These laboratories are used by scientists to study select agents and other infectious materials. Labs are categorized

by their safety level. There are four levels, termed Biosafety Level—BSL—1 through 4, with 4 being the highest level. The number of these labs has grown, both domestically and internationally, in the last several years.

The Select Agent Program is jointly administered by the U.S. Department of Health and Human Services HHS Centers for Disease Control and Prevention—CDC—and the U.S. Department of Agriculture's—USDA—Animal and Plant Health Inspection Service—APHIS. The program was intended to prevent terrorism, and protect public and animal health and safety, while not hampering important life-saving research. This is an obvious struggle that requires careful consideration, particularly when science is rapidly advancing around the globe.

Under the USA PATRIOT Act, it is illegal to possess ''select agents'' for reasons other than legitimate research. The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 further required laboratories and laboratory personnel to undergo background checks by the FBI prior to approval for possession of select agents. As of February 2009, there are 82 select agents, meaning the agents pose a severe threat to public or animal health and safety. Thirteen of these agents are found naturally in the United States. There are 336 entities and 10,463 individuals registered with the CDC to work with select agents and toxins, and 64 entities and 4,149 individuals registered with APHIS.

We take four key actions in S. 485 to strengthen the Select Agent Program.

First, our legislation reauthorizes the program through 2014 and calls for a comprehensive evaluation of the program. The review, to be conducted by the National Academy of Sciences, will look at the effects of the program on international scientific collaboration and domestic scientific advances. This is timely because the WMD Commission recently suggested the need for an interagency review of the Select Agent Program and its impact on biological security and legitimate scientific research. Historically, the United States has been an international leader in biosecurity. In fact, last year Canada proposed legislation to tighten safety and access to pathogens and toxins of concern for bioterrorism. Canada's legislation, which was reintroduced earlier this month, would establish a mandatory licensing system to track human pathogens, similar to our Select Agent Program. It also ensures compliance with the country's Laboratory Biosafety Guidelines across the country.

Second, the bill ensures a comprehensive list of select agents. Currently, CDC and APHIS develop a list of agents and toxins to which the program regulations apply. However, we believe some additional factors should be considered in revising the list. For example, scientific developments now make it possible to create agents from scratch or to modify them and make them more deadly. Highly infectious viruses or bacteria that are otherwise difficult to obtain can now be created by scientists using ''synthetic genomics.'' In addition, we now have more information from the Department of Homeland Security—DHS—about the threat posed by certain bioterrorism agents.

In 2002, U.S. researchers assembled the first synthetic virus using the genome sequence for polio. Later, in 2005 scientists reconstructed the 1918 Pandemic Influenza virus. Then in January 2008, ''safe'' form of Ebola was created synthetically. While this ''safe'' Ebola can be used for legitimate research to develop drugs and vaccines to protect against it, a scientist could also change it back to its lethal form. Also, earlier this year, advancements in technology yielded the first synthetic bacterial genome.

We must consider these scientific advances, including genetically modified organisms and agents created synthetically, if we are to address all agents of concern. In addition, DHS's recent bioterrorism risk assessments provide new information for our assessment of biological threats. This information should also be considered when determining which agents and toxins should be regulated.

Next, the bill encourages sharing information with state officials to enable more effective emergency state planning. State health officials are currently not made aware of which agents are being studied within their state. This leaves medical responders, public health personnel, and animal health officials unprepared for a potential release, whether accidental or intentional.

Lastly, S. 485 clarifies the statutory definition of smallpox. The Intelligence and Terrorism Prevention Act of 2004 criminalized the use of variola virus, the agent that causes smallpox. The statutory definition of the virus includes agents that are 85 percent identical to the causative strain. Researchers are worried this could be interpreted to also include the safer strain used to develop the smallpox vaccine, as well as less harmful naturally occurring viruses. This sort of ambiguity could be detrimental to necessary medical countermeasure research and development. Our bill requires the Attorney General to issue guidance clarifying the interpretation of this definition.

In addition, in this legislation we take three key actions to evaluate and enhance the safety and oversight of high containment laboratories.

First, our bill evaluates existing oversight of BSL 3 and 4, or high containment, labs. The bill requires an assessment of whether current guidance on infrastructure, commissioning, operation, and maintenance of these labs is adequate. As I mentioned, the number of these labs is increasing around the globe. As these new facilities age, we need to make sure they are appropriately maintained. It is essential that laboratory workers and the public can be assured that these facilities are as safe as possible. If the guidance we currently have in place is not adequate, then we need to know how to improve it. In addition, the recent report by the WMD Commission called for HHS and DHS to lead an interagency effort to tighten government oversight of high-containment labs.

Second, the bill improves training for laboratory workers. The WMD Commission report also called for standard biosafety and biosecurity training for all personnel who work in high-containment labs and funding the development of such educational materials. As the number of laboratories and personnel increases, we must ensure workers are appropriately trained. Accidents and injuries in the lab, such as chemical burns and flask explosions, may result from improper use of equipment. Our bill develops a set of minimum standards for training laboratory personnel in biosafety and biosecurity, and encourages HHS and USDA to disseminate these training standards for voluntary use in other countries.

Finally, the bill establishes a voluntary Biological Laboratory Incident Reporting System. This system will encourage personnel to report biosafety and biosecurity incidents of concern and thereby allow us to learn from one another. Similar to the Aviation Safety Reporting System, which gathers information on aviation accidents, this system will help identify trends in biosafety and biosecurity incidents of concern and develop new protocols for safety and security improvements. Lab exposures to pathogens not on the select agent list will also be captured through this type of voluntary reporting system. The WMD Commission recommended promoting a culture of security awareness in the life sciences community and establishing whistleblower mechanisms within the life sciences community so that scientists can report their concerns about safety and security without risk of retaliation. We believe such a reporting system would help fulfill this recommendation.

In closing, I encourage my Senate colleagues to join Senator KENNEDY and me as we work to improve our nation's biosecurity and biosafety systems by passing S. 485, the Select Agent and Biosafety Improvement Act of 2009. I want to thank the many researchers, scientists, and state health officials from across the country who shared with me and my staff their ideas, experiences, and recommendations. In this time of exciting scientific advances, we must ensure our laws and prevention programs are updated to reflect current conditions. In addition, we must remain vigilant in our efforts to protect the American people from bioterrorism. The Select Agent Program is an important part of ensuring the nation's safety and security, and I

look forward to working with my colleagues to reauthorize and improve the program.

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By Mr. SANDERS (for himself, Mr. BEGICH, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWN, Mr. BURRIS, Mr. CARDIN, Mr. CASEY, Mr. DURBIN, Mr. HARKIN, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. JOHNSON, Mr. LEAHY, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. SCHUMER, Ms. STABENOW, Mr. TESTER, and Mr. WYDEN):

S. 486. A bill to achieve access to comprehensive primary health care services for all Americans and to reform the organization of primary care delivery through an expansion of the Community Health Center and National Health Service Corps programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. SANDERS. Madam President, I think everybody recognizes that our current health care system is in very serious crisis. We have 46 million Americans who lack any health insurance. We have even more than that who are underinsured. The cost of health care is soaring. And we end up spending twice as much per person on health care as do the people of any other nation, despite having so many people uninsured and underinsured.

While a lot of the discussion regarding the health care crisis focuses on insurance coverage, there is another crisis equally severe that we do not talk enough about; that is, the crisis in access to doctors and dentists—in fact, the crisis in terms of primary health care.

The truth is that in our country today, we have some 56 million Americans, including Americans who have health insurance, who simply cannot find a doctor and, even more, cannot find a nurse. The absurdity of that is that when somebody cannot find a doctor, that person will end up going to the emergency room at great cost to our Nation or, equally likely, that person may not go to the doctor at all, gets sick, and ends up in the hospital, and we are spending tens of thousands of dollars treating that person when we could have spent far less if that man, woman, or child had access to a doctor when the illness first developed.

I am very gratified, and I thank President Obama, I thank Senator INOUYE and Senator HARKIN, Congressman OBEY, the Democratic leadership in the House for taking this Nation a giant step forward in terms of addressing the crisis in primary health care in the stimulus package.

What happened in the stimulus package is that $2 billion was allocated for community health centers, to help those community health centers expand, to help in the growth of new community health centers. On top of that, another $300 million was appropriated for the National Health Service Corps. The National Health Service Corps is one of the important health programs we have in this country because it provides debt forgiveness and scholarships for young physicians so they can go out and serve in underserved areas.

Many medical school graduates are leaving school $100,000, $150,000 in debt, and they have no choice but to end up becoming specialists, making a whole lot of money in order to pay back those debts. What we have done in the stimulus package is almost triple the amount of money going into the National Health Service Corps, which means that we are going to be able to enable thousands of young physicians and dentists to go out and work in underserved areas, which is a huge step forward for primary health care. That was a very important part of the stimulus package.

In fact, on top of all of that, this sum of money is going to create 44,000 sustainable jobs as we create a primary health care infrastructure and as we provide health care to an additional 4 million Americans.

As significant as what we did in the stimulus package is, it is only a downpayment for what we have to do to address the crisis in terms of primary health care. Therefore, I am very proud to announce that today I introduced, along with 21 of my Senate colleagues—and they are in alphabetical order—Senators BEGICH, BINGAMAN, BOXER, BROWN, BURRIS, CARDIN, CASEY, DURBIN, HARKIN, INOUYE, KENNEDY, KERRY, JOHNSON, LEAHY, MENENDEZ, MERKLEY, MIKULSKI, SCHUMER, STABENOW, TESTER, and WYDEN—all of those Senators join with me in new legislation which, in fact, is going to revolutionize primary health care in America.

Also today, the majority whip in the House, JIM CLYBURN of South Carolina, introduced a similar bill which I believe has 78 cosponsors. That legislation is called the Access for All America Act. Its goal is to significantly expand community health centers all over this country, as well as the National Health Service Corps.

The community health center concept was developed by Senator TED KENNEDY over 40 years ago. The truth is that the concept of community health centers has been long supported in a bipartisan manner. President Bush was supportive of the concept. Senator MCCAIN certainly mentioned it in his campaign for President, and Senator HATCH—many Republicans have supported it, as well as many people on our side of the aisle.

The reason for that bipartisan support is that everybody here understands that community health centers provide quality health care in a cost-effective manner. What community health centers do is provide comprehensive health care in terms of access to doctors and dentists. I point out that there is a major dental crisis all over this country. Community health centers by law have to provide mental health counseling. On top of that, community health centers provide the lowest cost of prescription drugs in the United States of America.

Today, there are approximately 1,100 community health centers all over America. In my State of Vermont, we have gone from 2 to 7 in the last 5 years, and they are now providing health care to over 80,000 Vermonters.

We have 1,100 in this country today. What this legislation will do is go from 1,100 community health centers to 4,800 community health centers, quadrupling the number of health centers in America. By doing that, we will provide comprehensive, high-quality primary health care in every underserved area in this country—a giant step forward in terms of making primary health care accessible to every man, woman, and child in this Nation.

In my view, we need to move toward a national health care program which guarantees health care for all people, but we can take this important step forward in terms of primary health care quite soon.

Here is one of the very wonderful aspects of what this legislation does. Right now, we spend about $2.1 billion a year for community health centers. This legislation, over a 5-year period, will take that number up to $8 billion. It will go from $2 billion to $8 billion as we quadruple the number of community health centers.

What study after study suggests is that in fact this investment will end up saving us money. This investment in primary health care will save us money because those people who get sick will now be able to go to a community health center—perhaps the most cost-effective primary health care in America—rather than walking into an emergency room, which is one of the most expensive health care providers in the country. In addition, when people have access to health care and get treatment when they need it, they are not going to get very sick and end up in a hospital, where it will cost tens of thousands of dollars to deal with their illness.

So what this legislation does is quadruple the number of community health centers, and it very substantially increases the amount of money that goes to the National Health Service Corps so we can provide debt relief and scholarships to young physicians who will then go out and serve us in underserved areas.

In my view, this legislation, if passed—and I think we have a good chance to pass it because there is a whole lot of bipartisan support here in the Senate for this concept, a lot of support in the House as well—will revolutionize primary health care in America. It will bring us to the day when virtually every American will have access to a doctor, a dentist, mental health counseling, and low-cost prescription drugs. It will enable us to produce the doctors, the dentists, the nurses, and the other health care providers we desperately need to get out

into rural, urban America, and underserved areas. It will be a major step forward in providing the primary health care infrastructure we need as we in fact move to a national health care program.

This is important legislation, and I thank all of the 21 Members of the Senate who have already come on as original cosponsors. We hope that many more will come on in the coming weeks and months. My hope is we can get this bill out of committee and see it passed as a stand-alone piece of legislation.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

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By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. HATCH, Mrs. FEINSTEIN, and Mr. REID):

S. 487. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I have spoken many times in this Chamber about the promise of stem cell research. For more than a decade, ever since scientists first succeeded in deriving human embryonic stem cells, I have done my utmost to promote this exciting field, which offers so much hope for so many people.

President Obama has promised to lift the restrictions on embryonic stem cell research that were put in place by President Bush, and I hope and expect that he will do so soon. But we have to make sure that the freedom to pursue this research is also protected by Federal law, not merely by an executive order that can be reversed during a future administration.

That is why Senator SPECTER and I, along with Senators KENNEDY, HATCH, and FEINSTEIN, are introducing the Stem Cell Research Enhancement Act of 2009. This is the exact same bipartisan bill that both houses of Congress approved in 2007, but was vetoed by President Bush. I urge Congress to pass this law again, and for President Obama to sign it, so our scientists can move forward with this research posthaste, without fear of further political interference.

Let me spend just a moment reviewing what this bill will accomplish. More than 7 years ago, the President announced that federally funded scientists could conduct research on embryonic stem cells only if the cells had been derived before August 9, 2001, at 9 p.m.

I never understood that. Why 9 p.m.? Why not 9:30? If stem cell research is morally acceptable at 8:59 p.m., why isn't it OK at 9:01? It's totally arbitrary.

When the President announced his policy, he said that 78 stem cell lines were eligible for federally funded research. But, today, only 21 of those 78 lines are eligible—not nearly enough to reflect the genetic diversity of this Nation. Many of those 21 lines are showing their age, and all were grown with mouse feeder cells, an outdated method that raises concerns about contamination.

Meanwhile, hundreds of new stem cell lines have been derived since the President's arbitrary deadline. Many of those lines are uncontaminated and healthy. But they're totally off-limits to federally funded scientists.

That is a shame. If we are serious about realizing the promise of stem cell research—about helping people with Parkinson's, cancer, juvenile diabetes, and so many other diseases—our scientists need access to the best stem cell lines available. We need a stem cell policy that offers credible, meaningful hope. And that's what this bill would provide.

Under this bill, Federally funded researchers could study any stem cell line, regardless of the date that it was derived, as long as strict ethical guidelines are met.

Most importantly, the only way a stem cell line could be eligible for federally funded research is if it were derived from an embryo that was otherwise going to be discarded.

There are more than 400,000 embryos in the United States that are left over from fertility treatments and are currently sitting frozen in storage. Most of those embryos will eventually be thrown away. All we are saying is, instead of discarding all 400,000 of those leftover embryos, let's allow couples to donate a few of them, if they wish, to create stem cell lines that could cure diseases and save lives.

Mr. President, it is time to lift the restrictions that have handcuffed stem cell research for more than 7 years. I urge the Senate to pass this bill as soon as possible and send it to the President for his signature.

I ask unanimous consent that a copy 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. 487

*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 ''Stem Cell Research Enhancement Act of 2009''.

**SEC. 2. HUMAN EMBRYONIC STEM CELL RESEARCH.**

Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498C the following:

**''SEC. 498D. HUMAN EMBRYONIC STEM CELL RESEARCH.**

''(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or guidance), the Secretary shall conduct and support research that utilizes human embryonic stem cells in accordance with this section (regardless of the date on which the stem cells were derived from a human embryo).

''(b) ETHICAL REQUIREMENTS.—Human embryonic stem cells shall be eligible for use in any research conducted or supported by the Secretary if the cells meet each of the following:

''(1) The stem cells were derived from human embryos that have been donated from in vitro fertilization clinics, were created for the purposes of fertility treatment, and were in excess of the clinical need of the individuals seeking such treatment.

''(2) Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

''(3) The individuals seeking fertility treatment donated the embryos with written informed consent and without receiving any financial or other inducements to make the donation.

''(c) GUIDELINES.—Not later than 60 days after the date of the enactment of this section, the Secretary, in consultation with the Director of NIH, shall issue final guidelines to carry out this section.

''(d) REPORTING REQUIREMENTS.—The Secretary shall annually prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.''.

**SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.**

Part H of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 2, is further amended by inserting after section 498D the following:

**''SEC. 498E. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.**

''(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

''(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director of NIH, shall issue final guidelines to implement subsection (a), that—

''(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

''(2) prioritize research with the greatest potential for near-term clinical benefit; and

''(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

''(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

''(e) DEFINITION.—

''(1) IN GENERAL.—In this section, the term 'human embryo' shall have the meaning given such term in the applicable appropriations Act.

''(2) APPLICABLE ACT.—For purposes of paragraph (1), the term 'applicable appropriations Act' means, with respect to the fiscal year in which research is to be conducted or supported under this section, the Act making appropriations for the Department of Health and Human Services for such fiscal year, except that if the Act for such fiscal year does not contain the term referred to in paragraph (1), the Act for the previous fiscal year shall be deemed to be the applicable appropriations Act.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2010 through 2012, to carry out this section.''.

Mr. SPECTER. Mr. President, I rise to introduce—the ''Stem Cell Research Enhancement Act similar to legislation that I have sponsored in the last two Congresses with Senators HARKIN, HATCH, KENNEDY, FEINSTEIN, and SMITH.

I believe medical research should be pursued with all possible haste to cure the diseases and maladies affecting Americans. In my capacity as ranking member and at times chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I have backed up this belief by supporting increases in funding for the National Institutes of Health. I have said many times that the NIH is the crown jewel of the Federal Government—perhaps the only jewel of the Federal Government. When I came to the Senate in 1981, NIH spending totaled $3.6 billion. In fiscal year 2009, NIH will receive approximately $29 billion to fund its pursuit of lifesaving research. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS, and many others. It is clear to me that Congress's commitment to the NIH is paying off. This is the time to seize the scientific opportunities that lie before us and to ensure that all avenues of research toward cures—including stem cell research—are open for investigation.

I first learned of the potential of human embryonic stem cells in November of 1998 upon the announcement of the work by Dr. Jamie Thomson at the University of Wisconsin and Dr. John Gearhart at Johns Hopkins University. I took an immediate interest and held the first congressional hearing on the subject of stem cells on December 2, 1998. These cells have the ability to become any type of cell in the human body. Another way of saying this is that the cells are pluripotent. The consequences of this unique his legislation is property of stem cells are far reaching and are key to their potential use in therapies. Scientists and doctors with whom I have spoken—and that have since testified before the Labor-HHS Appropriations Subcommittee at 20 stem cell-related hearings—were excited by this discovery. They believed that these cells could be used to replace damaged or malfunctioning cells in patients with a wide range of diseases. This could lead to cures and treatments for maladies such as juvenile diabetes, Parkinson's disease, Alzheimer's disease, cardiovascular diseases, and spinal cord injury. In all, well over 100 million Americans could benefit from stem cell research.

Embryonic stem cells are derived from embryos that would otherwise have been discarded. During the course of in vitro fertilization, IVF, therapies, sperm, and several eggs are combined in a laboratory to create 4 to 16 embryos for a couple having difficulty becoming pregnant. The embryos grow in an incubator for 5 to 7 days until they contain approximately 100 cells. To maximize the chances of success, several embryos are implanted into the woman. The remaining embryos are frozen for future use. If the woman becomes pregnant after the first implantation, and does not want to have more pregnancies, the remaining frozen embryos are in excess of clinical need and can be donated for research. Embryonic stem cells are derived from these embryos. The stem cells form what are called ''lines'' and continue to divide indefinitely in a laboratory dish. In this way, the 21 lines currently available for Federal researchers were obtained from 21 embryos. The stem cells contained in these lines can then be made into almost any type of cell in the body—with the potential to replace cells damaged by disease or accident. At no point in the derivation process are the embryos or the derived cells implanted in a woman, which would be required for them to develop further. The process of deriving stem cell lines results in the disruption of the embryo and I know that this raises some concerns.

During the course of our hearings in this subject, we have learned that over 400,000 embryos are stored in fertility clinics around the country. If these frozen embryos were going to be used for in vitro fertilization, I would be the first to support it. In fact, I have included $2,000,000 in the HHS budget each year since 2002 to create and continue an embryo adoption awareness campaign. But the truth is that most of these embryos will be discarded. I believe that instead of just throwing these embryos away, they hold the key to curing and treating diseases that cause suffering for millions of people.

President Bush opened the door to stem cell research on August 9, 2001. His policy statement allowed limited Federal funding of human embryonic stem cell research for the first time. There is a real question as to whether the door is open sufficiently.

A key statement by the President related to the existence of approximately 60 eligible stem cell lines—then expanded to 78. In the intervening 5 years, it has become apparent that many of the lines cited are not really viable, robust, or available to federally funded researchers. The fact is there are only 21 lines now available for research. Perhaps, most fundamental is the issue of therapy. It was not addressed in the President's statement, but it came to light in the first weeks after the President's announcement that all of the stem cell lines have had nutrients from mouse feeder cells and bovine serum. Under FDA regulations, these lines will face intense regulatory hurdles before being useful in human therapies. In the intervening years, new technology has been developed so that mouse feeder cells are no longer necessary for the growth of stem cells. It only makes sense that our Nation's scientists should have access to the latest technology.

Since August 9, 2001, new facts have come to light and the technology has moved forward to the extent that the policy is holding back our scientists and physicians in their search for cures. I have a friend and constituent in Pittsburgh named Jim Cordy who suffers from Parkinson's. Whenever I see Jim, he carries an hourglass, to remind me that the sands of time are passing and that the days of his life are slipping away. That is a pretty emphatic message from the hourglass. So it seems to me that this is the kind of sense of urgency which ought to motivate Congress and the biomedical research community.

On March 19, 2007, Dr. Elias Zerhouni, President Bush's appointee to lead the National Institutes of Health, testified before the Senate Labor-HHS-Education Appropriations Subcommittee regarding the NIH budget and stem cells. At that time he stated, ''It is clear today that American science would be better served and the nation would be better served if we let our scientists have access to more cell lines . . . To sideline NIH in such an issue of importance, in my view, is shortsighted. I think it wouldn't serve the nation well in the long run.'' His testimony clearly shows that the time has come to move forward.

The Stem Cell Research Enhancement Act lifts the August 9, 2001, date restriction, thus making stem cell lines eligible for federally funded research regardless of the date on which they were derived. Expanding the number of stem cell lines would accelerate scientific progress towards cures and treatments for a wide range of diseases and debilitating health conditions. The bill puts in place strong ethical requirements on stem cell lines that are funded with Federal dollars. In fact, several stem cell lines currently funded with Federal dollars would not be eligible under the policies put in place by this bill. The requirements include: embryos used to derive stem cells were originally created for fertility treatment purposes and are in excess of clinical need; the individuals seeking fertility treatments for whom the embryos were created have determined that the embryos will not be implanted in a woman and will otherwise be discarded; the individuals for whom the

embryos were created have provided written consent for embryo donation; and the donors can not receive any financial or other inducements to make the donation.

When President Bush's Council on Bioethics reported on several theoretical methods for deriving stem cells without destroying embryos, I immediately scheduled a hearing to investigate these ideas. On July 12, 2005, the Labor-HHS Subcommittee heard testimony from five witnesses describing several theoretical techniques for deriving stem cells without destroying embryos. The stem cells would theoretically have the key ability to become any type of cell. The techniques discussed included single cell derivation of stem cells; altered nuclear transfer; deriving stem cells from so-called ''dead'' embryos; and, perhaps the most promising, turning adult cells back into stem cells.

Legislation, which I first introduced with Senator Rick Santorum in the 109th Congress, was meant to encourage these alternative methods for deriving stem cells without harming human embryos. That legislation has been incorporated into the current bill, which amends the Public Health Service Act by inserting a section that:

1, Mandates that the Secretary of Health & Human Services shall support meritorious peer-reviewed research to develop techniques for the derivation of stem cells without creating or destroying human embryos.

2, Requires the Secretary to issue guidelines within 90 days to implement this research and to identify and prioritize the next research steps.

3, Requires the Secretary to consider techniques outlined by the President's Council on Bioethics—such as altered nuclear transfer and single cell derivation.

4, Requires the Secretary to report yearly on the activities carried out under this authorization.

5, Includes a ''Rule of Construction'' stating: Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

6, Define ''human embryo'' by reference to the latest definition contained in the appropriations act for the Department of Health & Human Services.

7, Authorizes ''such sums as may be necessary'' for fiscal year 2010 through 2012.

Knowing that scientists are never certain exactly which research will lead to the next great cure; I have always supported opening as many avenues of research as possible. Based on that line of reasoning, I have always supported human embryonic, adult, and cord blood stem cell research. My goal is to see cures for the various afflictions that lower the quality of life—or end the lives—of Americans. I believe this bill implements this philosophy by opening of embryonic stem cell research and encouraging alternatives.

Importantly, the bill does not allow Federal funds to be used for the derivation of stem cell lines—the step in the process where the embryo is destroyed. Also, the bill does not address the subject of cloning, which continues to be banned in the appropriations bills for Health & Human Services.

President Barack Obama has indicated that he will overturn the current restrictions. I feel it is important to codify this important policy change so that the policy does not ping-pong back and forth with each successive President. This uncertainty slows the progress of science. Young scientists rightly avoid fields of science for which funding may come and go due to political whim rather than scientific and medical merit. A temporary end to the current restrictions is an incomplete and ultimately self-defeating solution.

I strongly believe that the funding provided by Congress should be invested in the best research to address diseases based on medical need and scientific opportunity. Politics has no place in the equation. Throughout history there are numerous examples of politics stifling science in the name of ideology. Galileo was imprisoned for his theory that the planets revolve around the Sun. The Institute of Genetics of the Soviet Academy of Sciences opposed the use of hybrid varieties of wheat because it was based on the science of the West. Instead, they supported a doctrine called ''acquired characteristics,'' which was made the official Soviet position. This resulted in lower yields for Soviet wheat throughout the former Soviet Union in the first half of the 20th century. These historical examples teach us that we must make these decisions based on sound science, not politics. I urge this body to support the Stem Cell Research Enhancement Act so that this Congress does not look as foolish in hindsight as these examples.

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By Mr. BROWN:

S. 488. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWN. Mr. President, today I am introducing a bill to help cancer patients and bring us closer to finding a cure for that devastating and deadly disease.

Clinical trials are one of the most effective weapons in our nation's ongoing fight against cancer. Experimental treatments both save lives and advance research.

However, many health insurance policies discourage enrollment in these trials by refusing to cover trial participants' routine health care, even as patients continue to pay monthly premiums.

Take, for example, Sheryl Freeman from Dayton, OH. Sheryl and her husband Craig visited my office in Washington, DC 2 years ago to tell their story:

Sheryl was a retired school teacher and was covered under Craig's insurance plan. Craig has been a Federal employee for 20 years and has one of the best health plans in the country.

Yet they found that when Sheryl—who had been diagnosed with multiple myloma—tried to enroll in a clinical trial to save her life, their insurance company would not cover routine costs that would have been covered had she not enrolled in the clinical trial.

For instance, in addition to participating in the clinical trial at Ohio State's James Cancer Hospital, Sheryl needed to visit her oncologist in Dayton at least once a week for standard cancer monitoring, which included scans and blood tests. But her insurance company would not cover these services if she enrolled in a clinical trial.

Sheryl wanted to take part in a clinical trial because she hoped it would help her. She hoped that it might save her life, give her more time, or help future patients with the same type of cancer.

But rather than devoting her energy toward combating cancer, Sheryl spent the last months of her life haggling with her insurance company. By the time her insurer finally agreed to cover costs they never should have denied, it was too late. The delays and denials from Sheryl's insurance company affected her treatment and, likely, her survival.

Sheryl died on December 9, 2007.

Sadly, this is not an isolated case. Across Ohio and the Nation, insurers are using patients' participation in clinical trials as an excuse to deny health benefits that would otherwise be covered.

In fact, about 20 percent of patients who try to enroll in clinical trials are denied coverage by their insurers. This statistic doesn't capture those patients who refrain from entering a trial because they have been forewarned of coverage barriers.

The Access to Cancer Clinical Trials Act—which has been introduced in the House by Representative ISRAEL and which I introduced last year as well—would eliminate these barriers for cancer patients. Under the legislation, health care costs associated with a clinical trial would still be covered by the trial sponsors; however, insurers would not be permitted to deny benefits for other routine health care otherwise covered under their health plan. Similar legislation was passed in the Ohio General Assembly last year, but this federal bill would apply to all insurance carriers, not just those regulated by states.

The Access to Cancer Clinical Trials Act is a lifesaving bill endorsed by over thirty voluntary health organizations, including the Lance Armstrong Foundation, the National Patient Advocate Foundation, and the American Association for Cancer Research.

It is unthinkable that patients battling cancer must also fight insurers for basic benefits that should never be in doubt. To make progress on finding a cure for cancer, we need to encourage participation in research, not permit insurers to inhibit it.

I ask my colleagues to please join me in supporting this important bill.

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By Mr. WEBB (for himself, Mr. BURR, Ms. COLLINS, Mr. WARNER, Mr. DURBIN, Mr. CARDIN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. DODD, Mr. BUNNING, and Mr. KERRY):

S. 491. A bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; to the Committee on Finance.

Mr. WEBB. Mr. President, today I rise to introduce the bipartisan Federal and Military Retiree Health Care Equity Act. I introduce this bill with Senators BURR, COLLINS, CARDIN, DURBIN, WARNER, ROCKEFELLER, AKAKA, DODD, KERRY, and BUNNING. This legislation will provide some relief for our Nation's Federal and military retirees from the increases in their health care plans. This measure extends premium conversion to Federal and military retirees, allowing them to pay their health insurance premiums with pretax dollars.

I believe strongly in protecting the rights and benefits of our federal and military retirees, many of whom have given years of service to our country. I commend their service to our Nation.

The increasing cost of health care is a critical issue, especially to Federal and military retirees living on a fixed income. Health care premiums are rising for Federal and military retirees and their families. This legislation will help to ensure that more Federal and military retirees are able to continue their health care coverage with the Federal Employee Health Benefits Plan and supplemental TRICARE health insurance plans as premiums continue to rise.

In the fall of 2000 premium conversion became available to active Federal employees who participate in the Federal Employees Health Benefits Program. It is a benefit already available to many private sector employees. While premium conversion does not directly affect the amount of the Federal Employee Health Benefit Plan premiums, it helps to offset some of the increase by reducing an individual's Federal tax liability.

Extending this benefit to Federal employees requires a change in the tax law, specifically section 125 of the Internal Revenue Code. This legislation makes the necessary change in the tax code. Under the legislation, the benefit would be concurrently afforded to our Nation's military retirees as well to assist with increasing health care costs.

A number of organizations representing federal and military retirees are strongly behind this initiative: National Active and Retired Federal Employees Association, The Military Coalition, National Treasury Employees Union, National Association of Postmasters of the United States, Professional Aviation Safety Specialists, National Association of Postal Supervisors, National Federation of Federal Employees, National Association of Government Employees, National Rural Letter Carrier Association, National Postal Mail Handlers, American Foreign Service Association, and American Postal Workers Union.

The Federal and Military Retiree Health Care Equity Act has enjoyed overwhelming, bipartisan support for four Congresses. This is a matter of basic fairness. Our Federal employee and military retirees deserve access to the same quality, affordable health care they received as active members of the civil service and military. I encourage my colleagues to join me in moving this legislation forward in this Congress.

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. 491

*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 ''Federal and Military Retiree Health Care Equity Act''.

**SEC. 2. PRETAX PAYMENT OF HEALTH INSURANCE PREMIUMS BY FEDERAL CIVILIAN AND MILITARY RETIREES.**

(a) IN GENERAL.—Subsection (g) of section 125 of the Internal Revenue Code of 1986 (relating to cafeteria plans) is amended by adding at the end the following new paragraph:

''(5) HEALTH INSURANCE PREMIUMS OF FEDERAL CIVILIAN AND MILITARY RETIREES.—

''(A) FEHBP PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an annuitant, as defined in paragraph (3) of section 8901, title 5, United States Code, with respect to a choice between the annuity or compensation referred to in such paragraph and benefits under the health benefits program established by chapter 89 of such title 5.

''(B) TRICARE PREMIUMS.—Nothing in this section shall prevent the benefits of this section from being allowed to an individual receiving retired or retainer pay by reason of being a member or former member of the uniformed services of the United States with respect to a choice between such pay and benefits under the health benefits programs established by chapter 55 of title 10, United States Code.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 3. DEDUCTION FOR TRICARE SUPPLEMENTAL PREMIUMS.**

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 224 as section 225 and by inserting after section 223 the following new section:

**''SEC. 224. TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.**

''(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the amounts paid during the taxable year by the taxpayer for insurance purchased as supplemental coverage to the health benefits programs established by chapter 55 of title 10, United States Code, for the taxpayer and the taxpayer's spouse and dependents.

''(b) COORDINATION WITH MEDICAL DEDUCTION.—Any amount allowed as a deduction under subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).''.

(b) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (21) the following new paragraph:

''(22) TRICARE SUPPLEMENTAL PREMIUMS OR ENROLLMENT FEES.—The deduction allowed by section 224.''.

(c) CLERICAL AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

''Sec. 224. TRICARE supplemental premiums or enrollment fees.

''Sec. 225. Cross reference.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SEC. 4. IMPLEMENTATION.**

(a) FEHBP PREMIUM CONVERSION OPTION FOR FEDERAL CIVILIAN RETIREES.—The Director of the Office of Personnel Management shall take such actions as the Director considers necessary so that the option made possible by section 125(g)(5)(A) of the Internal Revenue Code of 1986 (as added by section 2) shall be offered beginning with the first open enrollment period, afforded under section 8905(g)(1) of title 5, United States Code, which begins not less than 90 days after the date of the enactment of this Act.

(b) TRICARE PREMIUM CONVERSION OPTION FOR MILITARY RETIREES.—The Secretary of Defense, after consulting with the other administering Secretaries (as specified in section 1073 of title 10, United States Code), shall take such actions as the Secretary considers necessary so that the option made possible by section 125(g)(5)(B) of the Internal Revenue Code of 1986 (as so added) shall be offered beginning with the first open enrollment period afforded under health benefits programs established under chapter 55 of such title, which begins not less than 90 days after the date of the enactment of this Act.

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By Mr. CARDIN (for himself and Mr. SPECTER):

S. 495. A bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I rise today to introduce the Justice Integrity Act of 2009. I am pleased that Senator SPECTER, the ranking member of the Judiciary Committee, has joined me as an original cosponsor of this legislation. I think it is important to

begin this discussion with the first words that appear in the Constitution of the United States. ''We the people of the United States, in Order to form a more perfect Union, establish Justice . . .'' The Founding Fathers chose Justice as a cornerstone for the foundation of our country. Justice is defined as fairness, moral rightness, and as a system of law in which every person receives his or her due from the system, including all of their guaranteed rights. There are many perceptions and realities that surround our criminal justice system.

Our Constitution guarantees that all Americans, no matter their race, color, creed or gender, have the right to equal protection under the law. Yet statistics, reports and data reflect a possibility of bias in our justice system. For example, a distressing statistic shows that one out of every three African-American males born today can expect to go to jail during his lifetime. African-Americans are disproportionately arrested and incarcerated, they are more likely to be pulled over by a police car while driving, and they are three times more likely to be arrested for a drug offense than white Americans and are nearly 10 times as likely to enter prison for drug offenses. Take for example, how two forms of the same drug are handled differently in our justice system: crack cocaine and powder cocaine. In 2006, blacks constituted 82 percent of those sentenced under federal crack cocaine laws while whites constituted of only 8.8 percent, despite the fact that more than 66 percent of people who use crack cocaine are white. Government data further demonstrates that drug rates are similar among all racial and ethnic groups.

A 2007 study released by the Department of Justice's Bureau of Justice Statistics revealed that while Black, Hispanic and White drivers are equally likely to be pulled over by police, Blacks and Hispanics are much more likely to be searched and arrested. These types of disparities and the perception of bias is unacceptable and we should take bold steps to correct these injustices. During the last Congress, my good friend and former member of the Judiciary Committee, Senator Biden, introduced this bill and during his introductory speech he stated ''nowhere is the guarantee of equal protection more important than in our criminal justice system.'' I couldn't agree more with that statement, which is why I have reintroduced this very important legislation.

Just last week Attorney General Eric Holder gave a speech for African-American History Month. In that speech, Attorney General Holder asked us, as a nation, to ''find ways to force ourselves to confront that which we have become experts at avoiding''. One way to do that is to look at the disparities in our justice system that have existed for many years and can be traced back to slavery and the Jim Crow era. In President Obama's March 2008 speech on Race, he asked Americans to ''march for a more just, more equal, more free, more caring and more prosperous America.'' He further stated that in order to perfect our union we must continue to ''insist on a full measure of justice in every aspect of American life.'' I heard President Obama that day, and I heard Attorney General Holder last week. I believe we are at a crossroads today where we can either take on the challenges and attack these injustices or continue to turn our heads away from the problems in our justice system. The Justice Integrity Act responds to the racial and ethnic disparities and perceptions that surround our Federal justice system.

The Justice Integrity Act will create 10 pilot programs across the country that will help create a plan that will ensure that law enforcement priorities and initiatives—including charging and plea decisions, as well as sentencing recommendations are not influenced by racial or ethnic bias but instead apply the law in a just and fair manner to all individuals. These 10 pilot programs will be set up at the discretion of the Attorney General in 10 different U.S. attorney offices. Each U.S. attorney will create an advisory group including all the major stakeholders in the justice system. Each of the individuals will gather information and examine data which will lead to a report on their findings and recommendations to the district on how to reduce unjustified racial and ethnic disparities.

Our current justice system is not working at its greatest potential. This bill will not only help restore the public's trust in our justice system but also restore integrity in our justice system. Any form of bias in our criminal justice system erodes the core principles in our Constitution specifically that ''all men are created equal'' under the law and that our justice system is not only fair but just.

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. 495

*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 ''Justice Integrity Act of 2009''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the pursuit of justice requires the fair application of the law;

(2) racial and ethnic disparities in the criminal process have contributed to a growing perception of bias in the criminal justice system;

(3) there are a variety of possible causes of disparities in criminal justice statistics among racial and ethnic groups and these causes may differ throughout the United States, including crime rates, racial discrimination, ethnic and cultural insensitivity, or unconscious bias, as well as other factors;

(4) the Nation would benefit from an understanding of all factors causing a disparate impact on the criminal justice system; and

(5) programs that promote fairness will increase public confidence in the criminal justice system, increase public safety, and further the pursuit of justice.

**SEC. 3. PILOT PROGRAM.**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall establish a pilot program in 10 United States districts in order to promote fairness, and the perception of fairness, in the Federal criminal justice system, and to determine whether legislation is required.

(b) PROGRAM REQUIREMENTS.—

(1) U.S. ATTORNEYS.—The Attorney General shall designate, in accordance with paragraph (3), 10 United States Attorneys who shall each implement a plan in accordance with section 4, beginning not later than 1 month after those United States Attorneys are designated by the Attorney General.

(2) PURPOSE.—The purposes of the plans required by this section are—

(A) to gather racial and ethnic data on investigations and prosecutions in the United States districts and the causes of disparities, if any;

(B) to determine the extent to which the communities' perception of bias has affected confidence in the Federal criminal justice system;

(C) to analyze whether measures may be taken to reduce unwarranted disparities, if any, and increase confidence in the criminal justice system; and

(D) to make recommendations, to the extent possible, to ensure that law enforcement priorities and initiatives, charging and plea bargaining decisions, sentencing recommendations, and other steps within the criminal process are not influenced by racial and ethnic stereotyping or bias, and do not produce unwarranted disparities from otherwise neutral laws or policies.

(3) CRITERIA FOR SELECTION.—

(A) IN GENERAL.—The 10 pilot districts referred to in subsection (a) shall include districts of varying compositions with respect to size, case load, geography, and racial and ethnic composition.

(B) METROPOLITAN AREAS.—At least 3 of the United States Attorneys designated by the Attorney General shall be in Federal districts encompassing metropolitan areas.

**SEC. 4. PLAN AND REPORT.**

(a) IN GENERAL.—

(1) UNITED STATES ATTORNEY.—Each United States Attorney shall, in consultation with an advisory group appointed in accordance with paragraph (2), develop and implement a plan in accordance with subsections (b) and (c).

(2) ADVISORY GROUP.—

(A) APPOINTMENT.—Not later than 90 days after designation by the Attorney General, the United States Attorney in each of the 10 pilot districts selected pursuant to section 3 shall appoint an advisory group, after consultation with the chief judge of the district and criminal justice professionals within the district.

(B) MEMBERSHIP.—The advisory group of a United States Attorney shall include—

(i) 1 or more senior social scientists with expertise in research methods or statistics; and

(ii) individuals and entities who play important roles in the criminal justice process and have broad-based community representation such as—

(I) Federal and State prosecutors;

(II) Federal and State defenders, if present in the district, and private defense counsel;

(III) Federal and State judges;

(IV) Federal and State law enforcement officials and union representatives;

(V) a member of the United States Sentencing Commission or designee;

(VI) parole and probation officers;

(VII) correctional officers;

(VIII) victim's rights representatives;

(IX) civil rights organizations;

(X) business and professional representatives; and

(XI) faith based organizations that provide services to people involved in the criminal justice system.

(C) TERM LIMIT.—Subject to subparagraph (D), a member of the advisory group shall not serve longer than 5 years.

(D) PERMANENT MEMBERS.—Notwithstanding subparagraph (C), the following shall be permanent members of the advisory group for that district:

(i) The chief judge for the judicial district.

(ii) The Federal defender for the judicial district.

(iii) The United States Attorney for the judicial district.

(E) REPORTER.—The United States Attorney may designate a reporter for each advisory group, who may be compensated in accordance with guidelines established by the Executive Office of the United States Attorneys.

(F) INDEPENDENT CONTRACTORS.—The members of an advisory group of a United States Attorney and any person designated as a reporter for such group—

(i) shall be considered independent contractors of the United States Attorney's Office when in the performance of official duties of the advisory group; and

(ii) may not, solely by reason of service on or for the advisory group, be prohibited from practicing law before any court.

(b) DEVELOPMENT AND IMPLEMENTATION OF A PLAN AND REPORT.—

(1) ADVISORY GROUP REPORT.—The advisory group appointed under subsection (a)(2) shall—

(A)(i) systematically collect and analyze quantitative data on the race and ethnicity of the defendant and victim at each stage of prosecution, including case intake, bail requests, declinations, selection of charges, diversion from prosecution or incarceration, plea offers, sentencing recommendations, fast-track sentencing, and use of alternative sanctions; and

(ii) at a minimum, collect aggregate data capable of individualization and tracking through the system so that any cumulative racial or ethnic disadvantage can be analyzed;

(B) seek to determine the causes of racial and ethnic disparities in a district, and whether these disparities are substantially explained by sound law enforcement policies or if they are at least partially attributable to discrimination, insensitivity, or unconscious bias;

(C) examine the extent to which racial and ethnic disparities are attributable to—

(i) law enforcement priorities, prosecutorial priorities, the substantive provisions of legislation enacted by Congress; or

(ii) the penalty schemes enacted by Congress or implemented by the United States Sentencing Commission;

(D) examine data including—

(i) the racial and ethnic demographics of the United States Attorney's district;

(ii) defendants charged in all categories of offense by race and ethnicity, and, where applicable, the race and ethnicity of any identified victim;

(iii) recommendations for sentencing enhancements and reductions, including the filing of substantial assistance motions, whether at sentencing or post-conviction, by race and ethnicity;

(iv) charging policies, including decisions as to who should be charged in Federal rather than State court when either forum is available, and whether these policies tend to result in racial or ethnic disparities among defendants charged in Federal court, including whether relative disparities exist between State and Federal defendants charged with similar offenses;

(v) the racial and ethnic composition of the Federal prosecutors in the district; and

(vi) the extent to which training in the exercise of discretion, including cultural competency, is provided prosecutors;

(E) consult with an educational or independent research group, if necessary, to conduct work under this subsection; and

(F) submit to the United States Attorney by the end of the second year after their initial appointment a report and proposed plan, which shall be made available to the public and which shall include—

(i) factual findings and conclusions on racial and ethnic disparities, if any, and the State of public confidence in the criminal process;

(ii) recommended measures, rules, and programs for reducing unjustified disparities, if any, and increasing public confidence; and

(iii) an explanation of the manner in which the recommended plan complies with this paragraph.

(2) ADOPTION OF PLAN.—Not later than 60 days after receiving and considering the advisory group's report and proposed plan under paragraph (1), the United States Attorney appointed under section 3 shall adopt and implement a plan.

(3) COPY OF REPORT.—The United States Attorney shall transmit a copy of the plan and report adopted and implemented, in accordance with this subsection, together with the report and plan recommended by the advisory group, to the Attorney General. The United States Attorney shall include with the plan an explanation of any recommendation of the advisory group that is not included in the plan.

(4) CONGRESS.—The Attorney General shall transmit to the United States Attorney's in every Federal district and to the Committees on the Judiciary of the Senate and the House of Representatives copies of any plan and accompanying report submitted by a pilot district.

(c) PERIODIC UNITED STATES ATTORNEY ASSESSMENT.—After adopting and implementing a plan under subsection (b), each United States Attorney in a pilot district shall annually evaluate the efficacy of the plan. In performing such assessment, the United States Attorney shall consult with the advisory group appointed in accordance with subsection (a)(2). Each assessment shall be submitted to the Executive Office for United States Attorneys for review in accordance with subsection (d).

(d) INFORMATION ON THE PILOT PROGRAM.—

(1) REPORT AND MODEL PLAN.—Not later than 5 years after the date of the enactment of this Act, the Attorney General shall—

(A) prepare a comprehensive report on all plans received pursuant to this section;

(B) based on all the plans received pursuant to this section the Attorney General shall also develop one or more model plans; and

(C) transmit copies of the report and model plan or plans to the Committees on the Judiciary of the Senate and the House of Representatives.

(2) CONTINUED OVERSIGHT.—The Attorney General shall, on a continuing basis—

(A) study ways to reduce unwarranted racial and ethnic disparate impact in the Federal criminal system; and

(B) make recommendations to all United States Attorneys on ways to improve the system.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated $3,000,000 for use, at the discretion of the Attorney General, by the United States Attorneys' advisory groups in the development and implementation of plans under this Act.

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By Mr. DURBIN:

S. 497. A bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. As we prepare to tackle the many challenges of our health care system, let's take the time to make sure that nursing schools are in a position to teach and train a new generation of nurses and nurse educators. Today, I am introducing the Nurse Education, Expansion, and Development (NEED) Act to provide schools of nursing with grants for faculty, equipment, and clinical laboratories. The proposed grants give colleges of nursing the flexibility to use federal funds to address the very problems that keep nursing schools from hiring more teachers today.

The healthcare crisis is complicated and the challenges are immense, but the runaway costs and inefficiencies in our health care system are no longer sustainable. So as we begin to look at healthcare reform in this Congress, let's keep in mind one lesson we learned from Massachusetts' recent experience. After a landmark healthcare reform law to extend healthcare coverage to every person in the State, the sudden demand for primary care professionals outpaced the supply.

Nurses can help fill that primary care gap. Today, nurse practitioners are already taking over at the helm of primary care in many areas that don't have any primary care physicians. Nurses are staffing health care clinics, and many are opening their own practices. Increased standards of training have opened new doors for nurses who want to further their careers but do not want to attend medical school. The numbers tell the story. In 2000 there were roughly 90,000 nurse practitioners in the U.S. By 2015, it is estimated there will be as many as 135,000.

Unfortunately, the number of nurses is not keeping pace with the growing health care needs of our Nation. In 2000, the U.S. Department of Health and Human Services found that the U.S. is 110,000 short of the number of nurses we need. By 2005, the shortage had doubled to 219,000. By 2020, it is expected we will be more than 1 million nurses short of the need.

Contributing to this shortage is a lack of faculty to teach and train future nurses. In a survey of more than 400 schools of nursing last year, the American Association of Colleges of Nursing found that 63 percent of the schools reported vacancies on their faculty. An additional 17.8 percent said

they were fully staffed, but still needed more faculty to handle the number of students who want to be trained. Last year, nursing colleges across the Nation denied admission to 49,948 qualified applicants because there were not enough faculty members to teach the students.

Statistics paint a bleak picture for the availability of nursing faculty now and into the future. The median age of a doctorally prepared nursing faculty member is 56 years old. The average age of retirement for faculty at schools of nursing is 65 years. It is expected that 200 to 300 doctorally prepared faculty will be eligible for retirement each year from 2005 through 2012, reducing faculty even though more than 1 million replacement nurses will be needed.

The number of qualified students turned away from nursing schools in Illinois reflects the national trend and continues to grow. In 2002–2003, 502 qualified students were rejected from Illinois nursing schools. In 2008, 2,523 students were turned away because of lack of faculty and resources—over 1600 more students than in 2007. To avoid the vast shortage HHS is projecting, we have to figure out how to make a significant increase that we can sustain in the number of nurses graduating and entering the workforce each year.

My hope is that the bill I am introducing today can be part of the answer. Nursing schools need the resources to teach and train a new generation of nurses and nurse educators. Let's not take on health care reform without considering the more than 2.9 million nurses in our country today who are critical to our health care system. And as we look at improving our health care system, let's start by investing in the nursing pipeline today for the health care needs of tomorrow.

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. 497

*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 ''Nurse Education, Expansion, and Development Act of 2009''.

**SEC. 2. FINDINGS.**

The Congress finds as follows:

(1) While the Nurse Reinvestment Act (Public Law 107–205) helped to increase applications to schools of nursing by 125 percent, schools of nursing have been unable to accommodate the influx of interested students because they have an insufficient number of nurse educators. The American Association of Colleges of Nursing estimates that—

(A) in the 2008–2009 school year—

(i) 62.8 percent of schools of nursing had from 1 to 16 vacant faculty positions; and

(ii) an additional 17.8 percent of schools of nursing needed additional faculty, but lacked the resources needed to add more positions; and

(B) 49,948 eligible candidates were denied admission to schools of nursing in 2008, primarily due to an insufficient number of faculty members.

(2) A growing number of nurses with doctoral degrees are choosing careers outside of education. Over the last few years, 20.7 percent of doctoral nursing graduates reported seeking employment outside the education profession.

(3) The average age of nurse faculty at retirement is 62.5 years. With the average age of doctorally-prepared nurse faculty at 55.6 years in 2007, a wave of retirements is expected within the next 10 years.

(4) Master's and doctoral programs in nursing are not producing a large enough pool of potential nurse educators to meet the projected demand for nurses over the next 10 years. While graduations from master's and doctoral programs in nursing rose by 12.8 percent (or 1,918 graduates) and 4.5 percent (or 24 graduates), respectively, in the 2008–2009 school year, projections still demonstrate a shortage of nurse faculty. Given current trends, there will be at least 2,616 unfilled faculty positions in 2012.

(5) According to the November 2007 Monthly Labor Review of the Bureau of Labor Statistics, more than 1,000,000 new and replacement nurses will be needed by 2016.

**SEC. 3. CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS.**

(a) GRANTS.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p) is amended by adding at the end the following:

**''SEC. 832. CAPITATION GRANTS.**

''(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

''(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

''(c) GRANT COMPUTATION.—

''(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

''(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

''(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

''(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

''(B) $1,405 for each full-time or part-time student who—

''(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

''(ii) has not more than 3 years of academic credits remaining in the program.

''(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

''(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

''(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

''(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

''(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

''(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

''(d) ELIGIBILITY.—For purposes of this section, the term 'eligible school of nursing' means a school of nursing that—

''(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

''(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 school years preceding submission of the grant application; and

''(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 school years preceding submission of the grant application.

''(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each school year for which the grant is awarded, the school will comply with the following:

''(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

''(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

''(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding school year by 5 percent or 5 students, whichever is greater.

''(B) Subparagraph (A) does not apply to the first school year for which a school receives a grant under this section.

''(C) With respect to any school year, the Secretary may waive application of subparagraph (A) if—

''(i) the physical facilities at the school involved limit the school from enrolling additional students; or

''(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding school years.

''(4) Not later than 1 year after receipt of the grant, the school will formulate and implement a plan to accomplish at least 2 of the following:

''(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

''(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

''(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy,

public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

''(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

''(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

''(F) Increasing enrollment of minority and diverse student populations.

''(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

''(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

''(I) Increasing integration of geriatric content into the core curriculum.

''(J) Partnering with economically disadvantaged communities to provide nursing education.

''(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

''(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

''(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

''(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to the Congress—

''(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

''(2) not later than the end of fiscal year 2010, a final report on such results.

''(g) APPLICATION.—To seek a grant under this section, a school nursing shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the costs of carrying out this section (except the costs described in paragraph (2)), there are authorized to be appropriated $75,000,000 for fiscal year 2010, $85,000,000 for fiscal year 2011, and $95,000,000 for fiscal year 2012.

''(2) ADMINISTRATIVE COSTS.—For the costs of administering this section, including the costs of evaluating the results of grants and submitting reports to the Congress, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2010, 2011, and 2012.''.

(b) GAO STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Congress on ways to increase participation in the nurse faculty profession.

(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) A discussion of the master's degree and doctoral degree programs that are successful in placing graduates as faculty in schools of nursing.

(B) An examination of compensation disparities throughout the nursing profession and compensation disparities between higher education instructional faculty generally and higher education instructional nursing faculty.

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By Mr. BURR:

S. 498. A bill to amend title 38, United States Code, to authorize dental insurance for veterans and survivors and dependents of veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BURR. Mr. President, I rise today to once again introduce legislation that would give our veterans, surviving spouses, and certain dependent children the option to buy dental insurance coverage through the Department of Veterans' Affairs, VA. My bill is based on a very successful program that has been in place since 1998 for military retirees and their families.

Under the TRICARE Retiree Dental Program, TRDP, military retirees are given the option to purchase dental coverage through the Department of Defense. Since the program started, over 1 million eligible participants have chosen to buy dental coverage through this plan, including over 56,000 in my home State of North Carolina. Those individuals have access to a network of about 112,000 dental plan providers across the Nation. Premiums range from $14 to $48 per month per person, depending on the region and type of dental plan selected. With this kind of success, it seems only fitting that we offer the same kind of benefit to our veterans.

VA runs the largest integrated health care system in the Nation. Although VA provides dental benefits to the 7.9 million veterans enrolled in the healthcare system, these benefits are either limited to a select group of people or can only be provided under very limited circumstances. For example, VA provides comprehensive dental care to veterans for 180 days after they leave service; who have service-related dental conditions; who are in nursing homes and require dental care; or who fall under other very strict guidelines.

My bill would supplement this limited coverage by giving veterans and survivors the option to purchase a more comprehensive dental plan. Of course, many veterans may have dental coverage through their employers or through an individual policy. My bill extends this dental plan option to all enrolled veterans.

As I mentioned, the bill is modeled after the successful program that is now offered to TRICARE retirees. Federal employees also have access to a similar benefit option for dental coverage. Like these other programs, this VA program would be entirely voluntary and provide needed coverage from a network of dental professionals in local communities.

This bill would not replace VA's dental services; it is just another option for those who want to have access to group insurance rates that they could not otherwise get on their own. This idea is like the 44 year relationship VA has with Prudential, who provides active duty servicemembers and veterans with group life insurance policies. The most important part of the relationship is that servicemembers and veterans get to reap the benefits of group rates and competition.

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By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, Mr. KOHL, Mr. LEAHY, Mr. BROWN, and Mr. INOUYE):

S. 501. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with Senators SCHUMER, KOHL, LEAHY, and BROWN to reintroduce an important piece of legislation, the Fair Prescription Drug Competition Act. Our legislation eliminates one of the most prominent loopholes that brand name drug companies use to limit consumer access to lower cost generic drugs; it ends the marketing of so-called ''authorized generic'' drugs during the 180-day exclusivity period that Congress designed to specifically allow true generics to enter the market.

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic. Some argue that authorized generic drugs are cheaper than brand name drugs and, therefore, benefit consumers. In reality, authorized generics only serve to reduce generic competition, extend brand monopolies, and lead to higher health care costs for consumers over the long-term. As I have said many times, authorized generics are a sham. They are brand name prescription drugs in disguise.

After up to 20 years of holding a patent for a brand name drug, the manufacturer doesn't want to let go of their enormous profits. So, they repackage the drug and refer to it as a generic in order to achieve a very simple goal—to drive true generics out of the market by offering the drug at a lower price initially; then, when victory is assured, raising the cost on the so-called ''authorized generic'' to gain a larger profit. This is a huge problem and one that is becoming even more prevalent as patents on some of the best-selling brand name pharmaceuticals expire.

In 1984, Congress passed the Hatch-Waxman legislation to provide consumers greater access to lower cost generic drugs. The intent of this law was to improve generic competition, while preserving the ability of brand name manufacturers to discover and market new and innovative products. Over time, brand name manufacturers found ways to exploit certain loopholes in the Hatch-Waxman law to the detriment of generics.

As a result, Congress enacted amendments to the Hatch-Waxman Act as

part of the 2003 Medicare prescription drug law. These amendments were designed to close long-standing loopholes that were delaying generic competition and hindering consumer access to lower-cost generic drugs. These reforms were also intended to strengthen the 180-day period of market exclusivity for generic manufacturers that pursue costly patent challenges.

The Hatch-Waxman Act and the additional reforms included in the 2003 Medicare law provide crucial incentives for generic drug companies to enter the market and make prescription drugs more affordable for consumers. As health care spending continues to skyrocket, finding ways to reduce costs is crucial. Today, generic medications comprise more then 56 percent of all prescriptions in this country, but they only generate 13 percent of our Nation's drug costs. Furthermore, generic drugs are 50 percent to 80 percent cheaper than brand name drugs. In fact, generic drugs save consumers an estimated $8 to $10 billion a year at retail pharmacies. For working families, these savings can make a huge difference, particularly during a recession. We must protect the true intent of the Hatch-Waxman Act and increase access to affordable prescription drugs for all Americans. The Fair Prescription Drug Competition Act does just that by eliminating the authorized generics loophole, protecting the integrity of the 180 days, and improving consumer access to lower cost generic drugs.

I urge my colleagues to support this timely and important piece of legislation.

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By Mr. WYDEN:

S. 499. A bill to amend the Energy Policy Act of 2005 to repeal the ultra-deepwater and unconventional onshore natural gas and other petroleum research and development program; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, I rise this afternoon to reintroduce the Withdraw Energy Addicting New Subsidies Act. I first introduced this legislation in the 109th Congress to repeal what I believed to be a back-door subsidy to the oil and gas industry at a time when the oil and gas industry didn't need any more subsidies. This hidden subsidy was included in the Energy Policy Act of 2005. And what it does is to directly transfer $50 million dollars a year of oil and gas royalties, which would otherwise go the Federal Treasury, into a special program to research on advanced, ultra-deep drilling technology for the oil and gas industry. This transfer isn't a one-time transfer, it's an annual transfer that continues every year through the year 2017, at a cost of $250 million over five years.

There are plenty of industries in this country that are hurting, but the oil and gas industry is not one of them. It's time, as President Obama has said, to end Federal programs that we don't really need. And this is one of them. I applaud the decision by the President to propose the repeal of the ultra-deepwater drilling program in the budget he announced today. It's a decision that's long overdue. That's why I am reintroducing this bill—the WEANS Act. I urge my colleagues in joining me in ending this unneeded subsidy by supporting the WEANS Act.

I ask unanimous consent that a copy 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. 499

*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 ''Withdraw Energy Addicting New Subsidies Act of 2009'' or the ''WEANS Act of 2009''.

**SEC. 2. REPEAL OF ULTRA-DEEPWATER AND UNCONVENTIONAL ONSHORE NATURAL GAS AND OTHER PETROLEUM RESEARCH AND DEVELOPMENT PROGRAM.**

Subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.) is repealed.

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By Mr. DURBIN:

S. 500. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. As the Congress tries to help Americans overcome the most serious economic crisis since the Great Depression, we face two urgent yet conflicting priorities. We have to increase demand for American products to resuscitate our economy. And we have to reduce the financial burden that our children will assume. We need to let consumers keep more of their own money without reducing the revenues that the government needs to pay for essential services.

In addition, we need to stop the reckless lending that brought us this economic disaster.

Today, I introduce the Protecting Consumers from Unreasonable Credit Rates Act to try to get at each of these goals. My bill sets a ceiling of 36 percent annualized interest rates on consumer credit.

Consumers spend approximately $27 billion every year on predatory payday loans, high-cost overdraft loans, and hugely expensive refund anticipation loans. Imagine if a portion of that $270 billion 10-year cost of credit could be redirected towards buying American goods and services. The Center for Responsible Lending estimates that a strong federal usury cap would save low-income borrowers $5 billion each year.

And, in an era that has called for trillions of taxpayer dollars to bail out banks and jumpstart economic demand, this proposal costs the taxpayers nothing.

The Protecting Consumers from Unreasonable Credit Rates Act would establish a new Federal annualized fee and interest rate calculation—the FAIR—and institute a 36-percent cap for all types of consumer credit.

In 2006, Congress enacted a Federal 36 percent annualized usury cap for certain credit products marketed to military servicemembers and their families, which curbed payday, car title, and tax refund lending around military bases. My bill would expand on that premise to include all types of credit for all borrowers.

If a lender can't make money on 36 percent interest, then maybe the loan shouldn't be made.

Although I hope to gain widespread support for this bill from responsible lenders, I understand that some of the financial service firms in this country will be uneasy with a broad bill establishing a high interest rate cap. I hope this bill can open an honest conversation about consumer credit rates.

My opening question in that conversation is this: what services do you provide for which you can justify charging your customers more than 36 percent in annual interest?

Fifteen States and the District of Columbia have already enacted broadly applicable usury laws that protect borrowers from high-cost payday loans and many other forms of credit, while 34 States and the District of Columbia have limited annual interest rates to 36 percent or less for one or more types of consumer credit.

But there is a problem with this State-by-State approach. Those limits can sometimes be evaded by out-of-State lenders that are based in States that have weaker usury laws.

Various Federal and State loopholes allow unscrupulous lenders to charge cash-strapped consumers pay 400 percent annual interest for payday loans on average, 300 percent annual interest for car title loans, up to 3500 percent annual interest for bank overdraft loans, between 50 and 500 percent annual interest for loans secured by expected tax refunds, and higher than 50 percent annual interest for credit cards that charge junk fees.

Consider 66-year-old Rosa Mobley, who lives on Social Security and a small pension.

The Chicago Tribune reports that Ms. Mobley took out a car title loan—a type of payday loan in which the borrowers put up their cars as collateral—for $1,000. Ms. Mobley was charged 300 percent interest.

She wound up paying more than $4,000 over 28 months and at the time of the report was struggling just to get by.

This bill would require that all fees and finance changes be included in the new usury rate calculation and would require all lending to conform to the limit, thereby eliminating the many loopholes that have allowed these predatory practices to flourish.

It would not preempt stronger State laws, it would allow State attorneys general to help enforce this new rate cap, and it would provide for strong

civil penalties to deter lender violations.

I included in this bill the flexibility for responsible lenders to replace payday loans that some borrowers once relied on with reasonably priced, small-dollar loan alternatives. The bill allows lenders to exceed the 36 percent usury cap for one-time application fees that cover the costs of setting up a new customer account and for processing costs such as late charges and insufficient funds fees.

The Protecting Consumers from Unreasonable Credit Rates Act would eliminate predatory lenders, but it also would help borrowers make smarter choices.

Congress established the Truth in Lending Act over 40 years ago to help consumers compare the costs of borrowing when buying a home, a car, or other items by establishing a standard Annual Percentage Rate that all lenders should advertise.

My first mentor in politics, the late Senator Paul Douglas from my home State of Illinois, said all the way back in 1963 that too often lenders:

> compound the camouflaging of credit by loading on all sorts of extraneous fees, such as exorbitant fees for credit life insurance, excessive fees for credit investigation, and all sorts of loan processing fees which rightfully should be included in the percentage rate statement so that any percentage rate quoted is meaningless and deceptive.

That was before anyone had ever heard of ''subprime lending.''

Unfortunately, as the use of credit has exploded and as the complexity of the credit products offered by lenders has become mind-boggling, Congress and the Federal Reserve have taken several actions since the passage of Truth in Lending to weaken the APR as a tool for comparison shopping. Today, many fees can be excluded from the rate that is given to borrowers. The APR no longer gives consumers the convenient and accurate information it once did. One payday lender in Pennsylvania used the various exclusions to disclose what was really a 400 percent APR as 6 percent.

This bill would give consumers a way to accurate compare credit options, by requiring that the new FAIR calculation be disclosed both for open-end credit plans such as credit cards and for closed-end credit such as mortgages and payday loans.

The bill is supported by 100 groups at the national and local levels, including the Consumer Federation of American, the National Consumer Law Center, the Center for Responsible Lending, USPIRG, and Consumers Union, and I include a copy of their letter of support for the CONGRESSIONAL RECORD.

As Congress considers some very complicated economic challenges, I urge my colleagues to also consider simple solutions. We can help give more money to American consumers today without borrowing money that must be repaid tomorrow. Let's start by eliminating some of the worst abuses in lending by establishing a reasonable fee and interest rate cap.

I urge my colleagues to support the Protecting Consumers from Unreasonable Credit Rates Act.

I ask unanimous consent that the text of the bill and the letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 500

*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 ''Protecting Consumers from Unreasonable Credit Rates Act of 2009''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) attempts have been made to prohibit usurious interest rates in America since colonial times;

(2) at the State level, 15 states and the District of Columbia have enacted broadly applicable usury laws that protect borrowers from high-cost payday loans and many other forms of credit, while 34 states and the District of Columbia have limited annual interest rates to 36 percent or less for 1 or more types of consumer credit;

(3) at the Federal level, in 2006, Congress enacted a Federal 36 percent annualized usury cap for service members and their families for covered credit products, as defined by the Department of Defense, which curbed payday, car title, and tax refund lending around military bases;

(4) notwithstanding such attempts to curb predatory lending, high cost lending persists in all 50 States due to loopholes in State laws, safe harbor laws for specific forms of credit, and the exportation of unregulated interest rates permitted by preemption;

(5) due to the lack of a comprehensive Federal usury cap, consumers annually pay approximately $17,500,000,000 for high-cost overdraft loans, as much as $8,600,000,000 for storefront and online payday loans, and nearly $900,000,000 for tax refund anticipation loans;

(6) cash-strapped consumers pay on average 400 percent annual interest for payday loans, 300 percent annual interest for car title loans, up to 3,500 percent for bank overdraft loans, 50 to 500 percent annual interest for loans secured by expected tax refunds, and higher than 50 percent annual percentage interest for credit cards that charge junk fees;

(7) a national maximum interest rate that includes all forms of fees and closes all loopholes is necessary to eliminate such predatory lending; and

(8) alternatives to predatory lending that encourage small dollar loans with minimal or no fees, installment payment schedules, and affordable repayment periods should be encouraged.

**SEC. 3. NATIONAL MAXIMUM INTEREST RATE.**

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following:

**''SEC. 141. MAXIMUM RATES OF INTEREST.**

''(a) IN GENERAL.—Notwithstanding any other provision of law, no creditor may make an extension of credit to a consumer with respect to which the fee and interest rate, as defined in subsection (b), exceeds 36 percent.

''(b) FEE AND INTEREST RATE DEFINED.—

''(1) IN GENERAL.—For purposes of this section, the fee and interest rate includes all charges payable, directly or indirectly, incident to, ancillary to, or as a condition of the extension of credit, including—

''(A) any payment compensating a creditor or prospective creditor for—

''(i) an extension of credit or making available a line of credit, such as fees connected with credit extension or availability such as numerical periodic rates, annual fees, cash advance fees, and membership fees; or

''(ii) any fees for default or breach by a borrower of a condition upon which credit was extended, such as late fees, creditor-imposed not sufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, overdraft fees, and over limit fees;

''(B) all fees which constitute a finance charge, as defined by rules of the Board in accordance with this title;

''(C) credit insurance premiums, whether optional or required; and

''(D) all charges and costs for ancillary products sold in connection with or incidental to the credit transaction.

''(2) TOLERANCES.—

''(A) IN GENERAL.—With respect to a credit obligation that is payable in at least 3 fully amortizing installments over at least 90 days, the term 'fee and interest rate' does not include—

''(i) application or participation fees that in total do not exceed the greater of $30 or, if there is a limit to the credit line, 5 percent of the credit limit, up to $120, if—

''(I) such fees are excludable from the finance charge pursuant to section 106 and regulations issued thereunder;

''(II) such fees cover all credit extended or renewed by the creditor for 12 months; and

''(III) the minimum amount of credit extended or available on a credit line is equal to $300 or more;

''(ii) a late fee charged as authorized by State law and by the agreement that does not exceed either $20 per late payment or $20 per month; or

''(iii) a creditor-imposed not sufficient funds fee charged when a borrower tenders payment on a debt with a check drawn on insufficient funds that does not exceed $15.

''(B) ADJUSTMENTS FOR INFLATION.—The Board may adjust the amounts of the tolerances established under this paragraph for inflation over time, consistent with the primary goals of protecting consumers and ensuring that the 36 percent fee and interest rate limitation is not circumvented.

''(c) CALCULATIONS.—

''(1) OPEN END CREDIT PLANS.—For an open end credit plan—

''(A) the fee and interest rate shall be calculated each month, based upon the sum of all fees and finance charges described in subsection (b) charged by the creditor during the preceding 1-year period, divided by the average daily balance; and

''(B) if the credit account has been open less than 1 year, the fee and interest rate shall be calculated based upon the total of all fees and finance charges described in subsection (b)(1) charged by the creditor since the plan was opened, divided by the average daily balance, and multiplied by the quotient of 12 divided by the number of full months that the credit plan has been in existence.

''(2) OTHER CREDIT PLANS.—For purposes of this section, in calculating the fee and interest rate, the Board shall require the method of calculation of annual percentage rate specified in section 107(a)(1), except that the amount referred to in that section 107(a)(1) as the 'finance charge' shall include all fees, charges, and payments described in subsection (b)(1).

''(3) ADJUSTMENTS AUTHORIZED.—The Board may make adjustments to the calculations in paragraphs (1) and (2), but the primary goals of such adjustment shall be to protect consumers and to ensure that the 36 percent

fee and interest rate limitation is not circumvented.

''(d) DEFINITION OF CREDITOR.—As used in this section, the term 'creditor' has the same meaning as in section 702(e) of the Equal Credit Opportunity Act (15 U.S.C. 1691a(e)).

''(e) NO EXEMPTIONS PERMITTED.—The exemption authority of the Board under section 105 shall not apply to the rates established under this section or the disclosure requirements under section 127(b)(6).

''(f) DISCLOSURE OF FEE AND INTEREST RATE FOR CREDIT OTHER THAN OPEN END CREDIT PLANS.—In addition to the disclosure requirements under section 127(b)(6), the Board may prescribe regulations requiring disclosure of the fee and interest rate established under this section in addition to or instead of annual percentage rate disclosures otherwise required under this title.

''(g) RELATION TO STATE LAW.—Nothing in this section may be construed to preempt any provision of State law that provides greater protection to consumers than is provided in this section.

''(h) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under section 130(a), any payment compensating a creditor or prospective creditor, to the extent that such payment is a transaction made in violation of this section, shall be null and void, and not enforceable by any party in any court or alternative dispute resolution forum, and the creditor or any subsequent holder of the obligation shall promptly return to the consumer any principal, interest, charges, and fees, and any security interest associated with such transaction. Notwithstanding any statute of limitations or repose, a violation of this section may be raised as a matter of defense by recoupment or setoff to an action to collect such debt or repossess related security at any time.

''(i) VIOLATIONS.—Any person that violates this section, or seeks to enforce an agreement made in violation of this section, shall be subject to, for each such violation, 1 year in prison and a fine in an amount equal to the greater of—

''(1) 3 times the amount of the total accrued debt associated with the subject transaction; or

''(2) $50,000.

''(j) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any United States district court or any other court of competent jurisdiction within 3 years from the date of the violation, and such attorney general may obtain injunctive relief.''.

**SEC. 4. DISCLOSURE OF FEE AND INTEREST RATE FOR OPEN END CREDIT PLANS.**

Section 127(b)(6) of the Truth in Lending Act (15 U.S.C. 1637(b)(6)) is amended by striking ''the total finance charge expressed'' and all that follows through the end of the paragraph and inserting ''the fee and interest rate, displayed as 'FAIR', established under section 141.''.

DIVERSE NATIONAL AND STATE GROUPS SUPPORT DURBIN/SPEIER FAIR BILL

FEBRUARY 25, 2009.

Hon. RICHARD J. DURBIN,
*Hart Senate Bldg.,*
*Washington, DC.*
Hon. JACKIE SPEIER,
*Cannon House Office Bldg.,*
*Washington, DC.*

DEAR SENATOR DURBIN AND REPRESENTATIVE SPEIER: We applaud Senator Durbin and Representative Speier for proposing a measure that would stop a wide range of lending abuses by capping interest rates for consumer credit at 36 percent annually. Cleaning up the finance industry is essential to a sustainable economic recovery.

The ''Protecting Consumers from Unreasonable Credit Rates Act'' would implement a key promise made by President Obama to extend to all Americans Congressional protection against predatory lending for Service members and their families. By limiting the total cost of consumer credit to 36 percent, Congress will keep billions of dollars in the hands of low and moderate-income consumers, helping to stimulate the economy without costing taxpayers a penny.

This measure is designed to keep affordable financial products available, as lenders who offer sustainable loans do so at rates well below 36 percent annually. But it would eliminate abuses that rely on high fees, interest and other devices to charge extremely high annual rates—some 400 percent and higher—to trap consumers in debt they cannot afford to pay off.

Protections that once curbed abusive lending in America have been shredded, and consumers are paying astronomical rates for credit, especially those who have the fewest resources. Payday loans cost 400 percent APR or higher; car title loans cost 300 percent APR and put car ownership at risk; loans secured by expected tax refunds cost 50 to 500 percent APR; and credit card fees and interest can combine to produce triple-digit rates. Bank overdraft loans can cost quadruple digit interest rates. These extremely expensive credit products drain billions from families who struggle to make ends meet, diminishing their ability to purchase products and services that would boost the economy.

The ability of states to enact meaningful reforms on credit card and bank overdraft practices has been severely restricted as a result of federal preemption. Banks are now permitted to locate in a state without consumer protections and then engage in unregulated lending in the other forty-nine states, which are powerless to protect their citizens against high cost credit cards and tax refund anticipation loans. State usury caps have been riddled with loopholes and exceptions, leaving consumers in thirty-five states exposed to outrageously expensive payday loans.

The FAIR (Fees and Interest Rate) cap on consumer credit is set high enough not to hamper mainstream responsible lending. A 36 percent rate cap is twice the limit for federally-chartered credit unions and enables credit to be responsibly extended to consumers with less than perfect credit ratings. This is the rate cap enacted by Congress through the Military Lending Act and is the limit typically used in state small loan laws. The FAIR cap will be the maximum amount lenders can charge, but states will be able to set lower rate caps to protect their citizens, such as New York's 25 percent criminal cap and Arkansas's constitutional cap.

We urge quick action to implement the FAIR cap to stop usurious credit rates, to protect struggling consumers, and to put all lenders under the same set of protections.

Sincerely,

Jean Ann Fox, Consumer Federation of America.
Pam Banks, Consumers Union.
Lauren Saunders, National Consumer Law Center (on behalf of its low income clients).
Edmund Mierzwinski, U. S. Public Interest Research Group.
Michael Calhoun, Center for Responsible Lending.
David Berenbaum, National Community Reinvestment Coalition.
Hilary O. Shelton, NAACP.
Linda Sherry, Consumer Action.
Sally Greenberg, National Consumers League.
Don Mathis, Community Action Partnership.
Jim Campen, Americans For Fairness in Lending.
Maude Hurd, Association of Community Organizations for Reform Now (ACORN).
George Goehl, National Training and Information Center.
Ira Rheingold, National Association of Consumer Advocates (NACA).
Jerily DeCoteau, First Nations Development Institute.
Joanna Donohoe, Oweesta Corporation.
Lisa Rice, National Fair Housing Alliance.
Rosemary Shahan, Consumers for Auto Reliability and Safety.
Steve Hitov, National Health Law Program (NHeLP).
Jacqueline Johnson Pata, National Congress of American Indians.
Joe Rich, Lawyers' Committee for Civil Rights Under Law.

STATE ORGANIZATIONS

Shay Farley, Alabama Appleseed.
Barbara Williams, Alaska Injured Workers Alliance Research and Development Corp.
Diane E. Brown, Arizona Public Interest Research Group.
Leslie Kyman Cooper, Arizona Consumers Council.
Al Sterman, Democratic Processes Center, Arizona.
Karin Uhlich, Southwest Center for Economic Integrity, Arizona.
H.C. ''Hank'' Klein, Arkansans Against Abusive Payday Lending, Arkansas.
Jim Bliesner, San Diego City/County Reinvestment Task Force, California.
Betsy Handler, Inner City Law Center, Los Angeles, California.
Richard Holober, Consumer Federation of California.
Kimberly Jones and Liana Molina, California Reinvestment Coalition.
Kyra Kazantzis, Public Interest Law Firm, Fair Housing Law Project, San Jose, CA
M. Stacey Hawver, Legal Aid Society of San Mateo County, CA.
Raphael L. Podolsky, Legal Assistance Resource Center of Connecticut, Inc. Lynn Drysdale, Jacksonville Area Legal Aid, Inc., Florida.
Bill Newton, Florida Consumer Action Network.
Sally G. Schmidt, Florida Equal Justice Center.
Victor Geminani, Lawyers for Equal Justice, Hawaii.
Don Carlson, Central Illinois Organizing Project, Illinois.
Lynda DeLaforgue and William McNary, Citizen Action/Illinois.
Rose Mary Meyer, Project IRENE, Illinois.
Dory Rand, Woodstock Institute, Illinois.
Madeline Talbott, Action Now, Illinois.
Brian C. White, Lakeside Community Development Corporation, Illinois.
Victor Elias, Child and Family Policy Center and Iowa Coalition Against Abusive Lending, Iowa.
Larry M. McGuire, Minister, Community of Christ and Inter-Religious Council of Linn County, Iowa.
Lana L. Ross, Iowa Community Action Association.
Jason Selmon, Sunflower Community Action, Kansas.
Terry Brooks, Kentucky Youth Advocates.
Dana Jackson, Making Connections Network, Louisville, Kentucky.
Melissa Fry Konty, Mountain Association for Community Economic Development, Kentucky.
Anne Marie Regan and Rich Seckel, Kentucky Equal Justice Center.
Amy Shir, Kentucky Asset Building Coalition.
Debra Gardner, Public Justice Center, Maryland.
Charles Shafer, Maryland Consumer Rights Coalition.

Debra Fastino, The Coalition for Social Justice, Massachusetts.

Jim Breslauer, Neighborhood Legal Services, Lawrence, Massachusetts.

Caroline Murray, Alliance to Develop Power/ADP Worker Center, Massachusetts Paheadra B. Robinson, Mississippi Center for Justice.

Robin Acree, GRO-Grassroots Organizing, Missouri.

Mike Cherry, Consumer Credit Counseling Service, Missouri.

Mike Ferry, Gateway Legal Services, Inc., Missouri, Arkansas, and Illinois.

Linda Gryczan, Montana Business and Professional Women, Montana Women's Lobby

Linda E. Reed, Montana Community Foundation.

Michele Johnson, Consumer Credit Counseling Service, Nevada and Utah

Dan Wulz, Legal Aid Center of Southern Nevada.

Paula J. O'Brien, New York State Consumer Protection Board.

Josh Zinner and Sarah Ludwig, Neighborhood Economic Development Advocacy Project, New York.

Al Ripley, North Carolina Justice Center.

Jeffrey D. Dillman, Housing Research and Advocacy Center, Ohio.

Bill Faith, Coalition on Homelessness and Housing in Ohio.

Jim McCarthy, Miami Valley Fair Housing Center, Inc., Ohio.

David Rothstein, PolicyMatters, Ohio.

Jeff Shuman, Deep Fork Community Action, Oklahoma.

Linda Burgin, SEIU Local 503, Oregon.

Linda Burgin, SEIU Oregon State Council.

Jerry Cohen, AARP Oregon.

Alice Dale, SEIU Local 49, Oregon.

Angela Martin, Our Oregon.

Kerry Smith, Community Legal Services, Pennsylvania.

Sue Berkowitz, South Carolina Appleseed Legal Justice Center.

Rena Eller, Senior Citizens of Hendersonville, Inc.

Dana M. Given, United Way of Sumner County, Tennessee.

Corky Neale, RISE Foundation and Memphis Responsible Lending Collaborative, TN.

Karen Pershing, United Way of Greater Knoxville, Tennessee.

Sherry Tolli, Home Safe of Sumner, Wilson and Robertson Counties, Inc., Tennessee.

Carlos Gallinar, La Fe Community Development Corporation, El Paso, Texas.

Regina Harvey, Dominion Financial Management, Smyrna, Texas.

Linda Hilton, Coalition of Religious Communities, Utah.

Janice "Jay" Johnson, Virginia Organizing Project.

Irene E. Leech, Virginia Citizens Consumer Council.

LaTonya Reed and C. Douglas Smith, Virginia Interfaith Center.

Ward Scull and Mike Lane, Virginians against Payday Lending.

James W. Speer, Virginia Poverty Law Center.

Dana Wiggins, Virginia Partnership to Encourage Responsible Lending.

Maya Baxter, Statewide Poverty Action Network, Washington.

John R. Jones, Washington ACORN.

Bruce Neas, Columbia Legal Services, Washington, on behalf of clients.

Will Pittz, Washington Community Action Network.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 57—DESIGNATING THE FIRST WEEK OF APRIL 2009 AS "NATIONAL ASBESTOS AWARENESS WEEK"

Mr. BAUCUS (for himself, Mr. LEAHY, Mr. ISAKSON, Mr. TESTER, Mr. KENNEDY, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Mrs. MURRAY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 57

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas asbestos fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally, little is known about late-stage treatment of asbestos-related diseases, and there is no cure for such diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognoses;

Whereas the United States has reduced its consumption of asbestos substantially, yet continues to consume almost 2,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas exposure to asbestos continues, but safety and prevention of asbestos exposure already has significantly reduced the incidence of asbestos-related diseases and can further reduce the incidence of such diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a "National Asbestos Awareness Week" will raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the first week of April 2009 as "National Asbestos Awareness Week";

(2) urges the Surgeon General to warn and educate people about the public health issue of asbestos exposure, which may be hazardous to their health; and

(3) respectfully requests that the Secretary of the Senate transmit a copy of this resolution to the Office of the Surgeon General.

### SENATE RESOLUTION 58—DESIGNATING THE WEEK OF MARCH 1 THROUGH MARCH 8, 2009, AS "SCHOOL SOCIAL WORK WEEK"

Mr. WHITEHOUSE (for himself, Mr. COCHRAN, Mr. KERRY, Ms. LANDRIEU, Mr. BROWN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. LINCOLN, Mr. KENNEDY, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 58

Whereas the Senate has recognized the importance of school social work through the inclusion of school social work programs in the current authorizations of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school's educational team, playing a central role in creating partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address students' emotional, physical, and environmental needs so that students may achieve behavioral and academic success;

Whereas to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107–110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of "School Social Work Week" highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates March 1 through March 8, 2009, as "School Social Work Week";

(2) honors and recognizes the contributions of school social workers to the successes of students in schools across the Nation; and

(3) encourages the people of the United States to observe "School Social Work Week" with appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 591. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

## TEXT OF AMENDMENTS

**SA 591.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives; as follows:

At the end of the bill add the following:

**SEC. 9. FCC AUTHORITIES.**

(a) CLARIFICATION OF GENERAL POWERS.—Title III of the Communications Act of 1934 is amended by inserting after section 303 (47 U.S.C. 303) the following new section:

**"SEC. 303B. CLARIFICATION OF GENERAL POWERS.**

''(a) CERTAIN AFFIRMATIVE ACTIONS REQUIRED.—The Commission shall take actions to encourage and promote diversity in communication media ownership and to ensure that broadcast station licenses are used in the public interest.

''(b) CONSTRUCTION.—Nothing in section 303A shall be construed to limit the authority of the Commission regarding matters unrelated to a requirement that broadcasters present or ascertain opposing viewpoints on issues of public importance.''.

(b) SEVERABILITY.—Notwithstanding section 7(a), if any provision of section 2(a)(1), 2(b)(1), or 3 or any amendment made by those sections is declared or held invalid or unenforceable by a court of competent jurisdiction, the amendment made by subsection (a) and the application of such amendment to any other person or circumstance shall not be affected by such holding.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 26, 2009, at 9:30 a.m., in open session to receive testimony on strategic options for the way ahead in Afghanistan and Pakistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 26, 2009, at 10 a.m., in order to conduct a committee hearing entitled An Examination of the Administration's Homeowner Affordability and Stability Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, February 26, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The Committee will examine Consumer Protection and the Credit Crisis and enforcement against fraudulent credit repair schemes under the Credit Repair Organization Act (CROA).

Specifically, the Committee will examine consumer protection in credit counseling, debt management, and foreclosure rescue programs and fraud. The Committee will also examine oversight of the federal authorities, protecting distressed consumers from mortgage fraud scams, and steering families away from these fraudulent schemes toward a path of financial stability.

The PRESIDING OFFICER. Without objection it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, February 26, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to provide recommendations for reducing energy consumption in buildings through improved implementation of authorized DOE programs and through other innovative federal energy efficiency policies and programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 26, 2009, at 2:30 p.m., to hold a hearing titled ''Engaging Muslim Communities around the World.''

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LIEBERMAN. 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, in order to conduct a hearing entitled ''Integrative Care: A Pathway To A Healthier Nation'' on Thursday, February 26, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 26, 2009 at 10 a.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Youth Suicide in Indian Country.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, in order to conduct an executive business meeting on Thursday, February 26, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON VETERANS' AFFAIRS

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, February 26, 2009 at 10 a.m. to conduct a hearing on Caring for Veterans in Rural Areas. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 26, 2009 at 2:30 p.m. to hold a closed meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, February 26, 2009, at 2:30 p.m. in order to conduct a hearing entitled, ''Protecting Public and Animal Health—Homeland Security and the Federal Veterinarian Workforce.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. 387 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 387) to designate the United States courthouse located at 211 South Court Street, Rockford, Illinois, as the Stanley J. Roszkowski United States Courthouse.

There being no objection, the Senate proceeded to consider the bill.

Mr. SANDERS. 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 related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 387) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 387

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

**SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.**

(a) DESIGNATION.—The United States courthouse, located at 211 South Court Street, Rockford, Illinois, shall be known and designated as the ''Stanley J. Roszkowski United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Stanley J. Roszkowski United States Courthouse''.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93–618, as amended by Public Law 100–418, on behalf of the President pro tempore and upon the recommendation of the chairman of the Committee on Finance, appoints the following members of the Finance Committee as congressional advisers on trade policy and negotiations to International conferences, meetings and negotiation sessions relating to trade agreements: the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from North Dakota (Mr. CONRAD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Utah (Mr. HATCH).

## ORDERS FOR FRIDAY, FEBRUARY 27, 2009

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, February 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and 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.

## PROGRAM

Mr. SANDERS. Mr. President, there will be no rollcall votes during Friday's session of the Senate. However, Senators should expect a busy week next week as the Senate considers the Omnibus appropriations bill.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 5:11 p.m., adjourned until Friday, February 27, 2009, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## HONORING LABOR LEADER MATTIE JACKSON

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Ms. PELOSI. Madam Speaker, I rise to pay tribute to a longtime labor and community leader, Mattie Jackson, who died February 7 in San Francisco. Mrs. Jackson devoted her life to fighting for equal rights in the workplace and social justice for all San Franciscans. During her tenure the rights of women and people of color were protected and preserved. She educated and mobilized union members to correct the unjust and unfair practices that existed in the workplace. She was an inspiration to all who knew her.

Mrs. Jackson was born October 3, 1921 in Livingston, Texas and moved to San Francisco with her husband in 1943. Mrs. Jackson began her distinguished career in the labor movement when she took a job at Koret of California as a blind stitch operator in 1947 and worked for the next 20 years as shop steward. In 1967 she joined the staff of the Pacific Northwest District Council of the International Ladies Garment Workers Union (ILGWU) and the National Board of the ILGWU. As Manager over the next 20 years she earned the reputation of an unrelenting advocate for garment workers and a tough negotiator. She was chief negotiator of contracts for the Pacific Northwest Division from 1970–1989. As a union leader her endorsement was sought by all those seeking elected office in the San Francisco area.

Upon her retirement in January 1990, the International President of the ILGWU, said, 'Mattie Jackson is an institution not only throughout our union, but throughout the entire labor movement.'

To her beloved daughter, Gail Jackson, her grandsons, Toriano Gordon, Marco Boccara, and granddaughter Angelique Boccara, I extend my deepest sympathy. Mattie Jackson was a beloved friend of San Francisco and will not be forgotten.

## TRIBUTE ON THE BIRTH OF MARGARET ELLISON ALBON

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. WILSON of South Carolina. Madam Speaker, today I am happy to congratulate Major and Mrs. Brian and Susan Albon, USMC, of Kailua, Hawaii, on the birth of their new baby daughter. Margaret Ellison Albon was born on February 23, 2009, at 11:03 p.m., weighing 5 pounds and 14 ounces. Margaret joins an older brother Joshua William Albon. She has been born into a loving home, where she will be raised by parents who are devoted to her well-being and bright future. Her birth is a blessing.

I want to congratulate Margaret's grandparents Joe and Vickie Chandler of Ninety Six, South Carolina, and Bill and Charlene Albon of Newton, North Carolina. On behalf of my wife Roxanne, and our entire family, we want to wish Brian, Susan, Joshua, and Margaret all the best.

## STATEMENT ON THE 60TH ANNIVERSARY OF ELGIN COMMUNITY COLLEGE

### HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. FOSTER. Madam Speaker, I rise today to congratulate Elgin Community College on the occasion of its 60th anniversary and to join in recognizing May 22, 2009 as Elgin Community College Day.

Elgin Community College opened its doors in the fall of 1949 with only 97 students, 1 administrator, 1 full-time faculty member and 17 part-time staff members. For its first 10 years, the school worked out of a wing of the old High School on Elgin's East Side.

Throughout the 1950s, ECC was run by Public School District U–46. After 16 years of existence, Elgin became an independent community college in 1965.

Throughout the 1970s, Elgin Community College expanded curricula, faculty, staff, and services that included on-campus child care, financial aid, job placement, student activities, and tutoring. In 1974, the current boundaries of the Community College District were established. This district encompasses 360 square miles and serves students from 5 counties.

During the 1980s, Elgin Community College's enrollment increased significantly, so the college adapted by opening new facilities off-site and exploring alternate ways to reach its students. ECC first offered telecourses in 1980, and eventually opened a community education center in Carpentersville.

From the 1990s up to today, the college has continued to grow and now serves a diverse student population. Currently one out of every twelve adults in the Elgin Community College District takes at least one class a year at the school, and three out of every ten high school seniors choose ECC to continue their education.

I congratulate the class of 2009 and the entire Elgin Community College Family. I thank them for their service to the community, and I look forward to watching the College grow in the future.

## PERSONAL EXPLANATION

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. HOLT. Madam Speaker, on Monday February 23, 2009 I did not return to Washington in time and missed three votes.

Had I been present I would have voted "yes" on H.R. 911—Stop Child Abuse in Residential Programs for Teens Act of 2009 (rollcall 72), "yes" on H.R. 44—Guam World War II Loyalty Recognition Act (rollcall 73), and "yes" on H.R. 601—Box Elder Utah Land Conveyance Act (rollcall 74).

## COMMEMORATING THE 17TH ANNIVERSARY OF THE MASSACRE AT KHOJALY

### HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. WHITFIELD. Madam Speaker, I rise today to solemnly recognize the 17th anniversary of the massacre at Khojaly, and to honor the lives of those lost in this great tragedy.

On February 26, 1992, the small town of Khojaly, Azerbaijan was violently shaken by invading Armenian troops during the Armenian-Azerbaijan war. Armenian forces surrounded the town and opened fire on the innocent inhabitants. During this bloody incursion, nearly 2,000 civilians—mostly women, children and the elderly—were brutally killed, wounded or taken hostage by the Armenian military forces as they seized the town. This resulted in the largest massacre of modern times in the Caucasus and Caspian Basin.

According to Human Rights Watch and other international observers, the massacre was committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment. This crime led to the death of 613 civilians; including 106 women, 63 children and 70 elderly men; 1275 persons were taken hostage, and the fate of more than 150 remains unknown.

At the time, Newsweek Magazine reported, "Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children of Khojaly, a small village in war-tom Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped."

Tragically, during this war, Khojaly was simply the first example of this savage cruelty. In fact, the level of brutality and the unprecedented atrocities committed at Khojaly set a pattern of destruction and ethnic cleansing that Armenian troops would adhere to for the

remainder of the war. On November 29, 1993, Newsweek quoted a senior U.S. Government official as saying, ''what we see now is a systematic destruction of every village in their (the Armenians) way. It's vandalism.''

Altogether, the occupied areas represent roughly 20 percent of the territory of Azerbaijan. And, altogether roughly one million Azerbaijanis were evicted from their homes over the course of the Armenian-Azerbaijan war.

Armenia's then-defense minister Serge Sarkisian in an interview with British journalist Tomas de Waal openly admitted that ''before Khojaly the Azerbaijanis thought that . . . the Armenians were people who could not raise their hands against the civilian population. We were able to break that [stereotype].''

Madam Speaker, in recognition of this horrific day, an international humanitarian awareness campaign, ''Justice for Khojaly,'' was initiated by Mrs. Leyla Aliyeva, and provides much needed information on the massacre through its website for interested parties. In the wake of the 17th anniversary of this massacre, I encourage all of us to familiarize ourselves with this dreadful past so it is not repeated in the future. I also stand with all Azerbaijani-Americans as they recognize and commemorate this solemn day.

## TRIBUTE TO CHARLES ''CHUCK'' BEEMAN

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. BACA. Madam Speaker, I stand here today to honor a loving father, loyal husband, adoring grandfather, Charles ''Chuck'' Beeman.

Born in Clovis, New Mexico, his family moved to San Bernardino, California where he grew up to become a longstanding, influential member of the community. Having graduated from San Bernardino High School in 1950, Chuck received a track scholarship to attend USC. However, it was his thirst for education that made him truly shine as he earned a doctorate in pharmacy from USC in 1956.

In addition to serving in the Army and the Army Reserve, Chuck became a successful businessman, opening Beeman's Pharmacy at St. Bernardine Medical Center in 1963. At the same time, he continued working at Krause Pharmacy on North E Street. In 1971, Chuck expanded his business by opening a second Beeman's Pharmacy across the street in 1971. However, his passion and concern for the community reached beyond his place of work as he was a strong advocate for higher education.

Appointed to the San Bernardino Community College District board in 1983, Chuck served until November 2008. Having served for twelve years together on the board, I always respected his leadership and dedication to the community. Through our bipartisan efforts, we were always very supportive of one another. Together, we were successful in helping implement the first Hispanic President of sister schools San Bernardino Valley College and Crafton Hills College. We also were instrumental in securing funding from public and private partnership in order to reinstitute the wrestling program at San Bernardino Valley College.

Survived by his wife, Janice, his memory will also be carried on by his children Christopher Beeman, Beth Beeman Dorado, Roland ''Scott'' Beeman and Gary Beeman; his brother; Jerry Beeman; his sister, Lois Waugh; and Chuck's loving twelve grandchildren.

As a longtime colleague and friend of Chuck's, I'll always remember his love for model car racing and though new to the game, a great golfer as well. At the last San Bernardino Community College meeting in December where we were celebrating his contribution to the District, I appreciated the mention that we can now add a 78 for his best round of golf to Chuck's long list of accomplishments.

I would like to express my greatest sympathies for his family's loss. Let us take a moment to remember this great man and his admirable dedication to instilling positive change and leading an exemplary life, one whose footsteps we all hope to follow. The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

God Bless Charles ''Chuck'' Beeman for love of country and mankind.

## THE LAWLESSNESS SOUTH OF THE BORDER CONTINUES . . . TOO DANGEROUS FOR MARINES?

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. POE of Texas. Madam Speaker, Americans are still under vicious attack in Mexico. How violent is it on the border? Last month, Marines at Camp Pendleton were barred from visiting Tijuana, Mexico. Lt. General Samuel Helland of the 1st Marine Expeditionary Force at Camp Pendleton restricted Marines from traveling to Tijuana because they are concerned for the safety of Marines. Our United States Marines, Camp Pendleton Marines, who have toured in Iraq and Afghanistan can't travel 60 miles to the Mexican border because it is too dangerous.

In 2008, over 800 people were killed in Tijuana, compared to the 2007 death toll number of 337. Organized, violent crimes continue to spread south of the border. Currently, the U.S. Department of State's travel alert still exists for Mexican border towns. The State Department reports that ''Mexican drug cartels are engaged in an increasingly violent fight for control of narcotics trafficking routes along the U.S.-Mexico border . . . recent drug cartels have taken on the characteristics of small unit combat, with cartels employing automatic weapons and, on occasion, grenades.'' I have been down to the Texas-Mexico border now 14 times, and I have talked to local sheriffs who testify to the wild, Wild West border style wars that take place in these towns and corroborate with the U.S. Department of State's warnings to Americans.

These are dangerous, deadly times on the U.S.-Mexico border, dangerous enough to ban United States Marines. It is time we deal with the lawlessness on the U.S.-Mexico Border.

## PROVIDING FOR CONSIDERATION OF H.R. 1105, OMNIBUS APPROPRIATIONS ACT, 2009

SPEECH OF

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 25, 2009*

Ms. LEE of California. Mr. Speaker, I rise in support of H.R. 1105, the Omnibus Appropriations Act of 2009, and I thank Chairman OBEY, my Chairman, as well as the leadership, for their work in putting this bill together.

Today's action on the Omnibus Appropriations bill will complete action on the federal budget for fiscal year 2009.

When we originally began this process over a year ago, we were dealing with a President who rejected the idea that we needed to invest in our children's education.

He didn't think we should fund job training and employment services to ensure that American workers could compete in the global economy.

He didn't think that all Americans should have access to quality affordable health care, or that we should try and lift up the more than 37 million people living in poverty.

He rejected the basic notion that ''an ounce of prevention is worth a pound of cure'' and tried to cut funding for the CDC, while opposing increases in funding for cutting edge biomedical research to create the next generation of miracle drugs.

He told us in no uncertain terms that he would veto any federal budget we passed that tried to invest in education, job training, healthcare, alternative energy, and local law enforcement and ensure the continued prosperity of our nation.

And he did so while demanding that we provide hundreds of billions of dollars to fund the ongoing war and occupation in Iraq, and to bail out the banking industry for their greed and mismanagement.

Rather than accepting the President's position that the American people were not worth investing in, we decided to wait him out.

Today we have a President, who rejects the failed economic policies and ideologies of the last eight years.

We have a President who believes that, yes, the American people—our constituents—deserve a government that works for them, and that is willing to invest in them to ensure that they can get a good education, live healthy and productive lives, and obtain meaningful employment, and raise their children in a just and peaceful world.

Yes, Mr. Speaker, change has indeed come to our nation's capital. And now we've got to roll up our sleeves and get to work.

The Omnibus Appropriations Act of 2009 makes critical investments in a range of programs and builds on the economic stimulus package to help put America to work.

I urge my colleagues to support it.

## CAPTIVE PRIMATE SAFETY ACT

SPEECH OF

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 23, 2009*

Mr. KIRK. Mr. Speaker, as the lead Republican sponsor I am pleased to rise in support of the Captive Primate Safety Act. This legislation, supported by the American Zoo and Aquarium Association, the Humane Society of the United States, and the Jane Goodall Institute, among others, would protect public health and safety and enhance animal welfare by preventing people from keeping nonhuman primates as pets.

On February 16, 2009, Travis, a 200-pound chimpanzee, attacked a 55-year-old woman in Connecticut. Travis, a popular figure in his home town who appeared in television commercials and posed for photographs, inflicted such massive injuries on the victim that she now awaits a face transplant.

This gruesome incident highlights the fact that keeping a primate for a pet is both dangerous to the owner and inhumane to the animal. Over the past decade, roughly 100 people have been injured by primates, many of whom are children. Acts of neglect have also occurred in my home state of Illinois. In October 2008, Chicago police seized a ring-tailed lemur that was reportedly found with no food, little water, and standing in his own waste.

Although nonhuman primates are our closest living relatives, because they have unique needs and can be dangerous, they should not be kept as pets. With an estimated 15,000 primates in private hands, federal legislation is needed to reinforce this fact.

This legislation would amend the Lacey Act by adding nonhuman primates to the list of ''prohibited wildlife species,'' declaring it illegal for any individual person to import, export, transport, sell, receive, acquire, or purchase any prohibited wildlife species. The bill exempts zoos, universities, and wildlife sanctuaries. Having passed in the 110th Congress overwhelmingly, I strongly encourage my colleagues to join me again in passing this needed and timely legislation.

## EXPRESSING CONDOLENCES TO FAMILIES OF VICTIMS OF CRASH OF CONTINENTAL CONNECTION FLIGHT 3407

SPEECH OF

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 25, 2009*

Mr. COSTELLO. Mr. Speaker, I rise today in strong support of H. Res. 183, a resolution expressing condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407.

I want to thank my colleagues, Mr. LEE and the members of the New York delegation, for introducing this resolution.

On February 12, 2009, Continental Connection Flight 3407 crashed just a few miles from the Buffalo Niagara International Airport. It was a tragic accident and our thoughts and prayers are with the families of the victims. Fifty people died as a result of this crash, and an investigation is underway to determine the cause of that crash.

While we have the safest air transportation system in the world, we must not become complacent.

Again, we, as a nation, mourn the loss of Continental Connection Flight 3407 and urge my colleagues to strongly support H. Res. 183.

## THE GIDEONS

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. POE of Texas. Madam Speaker, Abraham Lincoln believed that ''the Bible is the best gift God has ever given to a man.'' For 100 years The Gideon's, a non-denominational evangelical group of professional businessmen, have labored to extend this heavenly gift by distributing Bibles throughout the world. I commend the Gideon's as January 2008 marks their centennial anniversary of serving God and sharing the gospel of Jesus.

''Of the many influences that have shaped the United States into a distinctive nation and people, none may be said to be more fundamental and enduring than the Bible.'' Because of this the Gideon's are an undeniable part of American history. From their humble roots in Beaver Dam, Wisconsin, three traveling businessmen devised a plan called ''the Bible project''. Their mission was to simply furnish a Bible in hotel rooms throughout the United States. One hundred years later The Gideon's presence in America and across the globe has grown tremendously. They have now placed more than 1.3 billion Bibles in more than 180 countries around the world.

The Gideon's patriotic spirit is truly realized through their quest to give all military personnel serving in the United States Armed Forces a small, pocket size New Testament. They also distribute Bibles to patients in United States Veterans hospitals. Their distribution of Scriptures, touches the lives of many people regardless of age, gender, income, or need and for that they are great patriots.

For the past 100 years, Gideons International members have given so much time and service to their communities, state, nation and the world. In so doing, they have brought the Gospel message to life by distributing God's Word. I invite you to join me in honoring all Gideons for their continued faithfulness and service to God.

## EARMARK DECLARATION

### HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Health Resources and Services (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Child Protection Center, Inc.

Address of Requesting Entity: 1750 17th St., Bldg. L, Sarasota, Fl. 34234

Description of Request: I secured $285,000 for the Child Protection Center.

The ''Pillar of Hope'' Campaign seeks to build a Child Advocacy Center in Sarasota, Florida. Along with the expansion of the counseling program, the Center will have two new state-of-the-art medical exams rooms at their location. By having the ability to provide more medical services to abused children the burden on local emergency rooms will be lessened. Currently, the Center is unable to offer certain services as they are limited in space in their current location.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Charlotte County

Address of Requesting Entity: 18500 Murdock Circle, Suite 536

Description of Request: I secured $380,000 for Evacuation Route Widening/Burnt Store Road Project.

Funds will be used to complete design and begin construction of this evacuation route, extending from Zemel Road to the Lee/Charlotte County line. Emergency evacuation times from Charlotte and Lee Counties are unacceptably high. The Burnt Store Road evacuation road, which services over 250,000 residents in Lee and Charlotte Counties, requires 17.3 hours clearance time for a category three hurricane during peak season.

Funds will be used to expand the existing 2–lane rural highway to a 4–lane divided arterial with shoulders. It is estimated that this effort will reduce clearance time by 11 hours and enhance the overall safety of the route.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: City of Sarasota

Address of Requesting Entity: 1565 First Street, Sarasota, FL 34236

Description of Request: I secured $166,250 for the revitalization of the Robert L. Taylor Community Center as part of the Newtown Redevelopment Comprehensive Plan.

The Robert L. Taylor Community Center is the only government sponsored/owned recreation center in Newtown and is the most heavily used recreation center in the City. Its renovation will provide modern recreation facilities for the youth of Newtown. The recreation center and its 10 acres of land, including athletic fields and a pool, is the home of the Redskins football league (little league football), a gym, weight room, auditorium (used heavily by seniors for meetings and bingo, etc.), and business offices. The center is also the primary facility used by local high school student athletes when their school facilities are in use by in-season sports. Unfortunately, most of the facilities are in need of complete intense renovation or replacement

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd. Sarasota, Fl 34236

Description of Request: I secured $600,000 for Emergency Technology and Communications from the COPS account for Sarasota County.

Sarasota County is requesting federal assistance to help fund the next generation E–911 VOIP network technology component of a new multifaceted Emergency Operations 911 Public Safety Communications Center. The technology component will replace the current 30-year-old 911 call-taking network (recognizing only voice calls). This equipment is vital to helping keep the people of Sarasota County safe.

## PAYING TRIBUTE TO REVEREND ROBERT ROYAL ON HIS 80TH BIRTHDAY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise to congratulate my good friend Reverend Robert Royal as he joins his family, long time friends, and the Harlem community together in celebration of his 80th Birthday. This momentous and joyous occasion will be celebrated with an extraordinary affair on March 1, 2009 in the headquarters of ''Our Children's Foundation'' in my beloved village of Harlem.

Reverend Royal has a very rich history that has given him life and longevity. It all began in the winter day of January 27, 1929. At the tender age of fifteen, Mary, his dear mother, gave birth and quickly abandon her newborn on the streets of Harlem. Among the many reasons that could compel a mother to make such a heart wrenching decision, one can only assume that uncertainty in her tender age and the economic downturn that was to become the Great Depression later on that year, were strong reasons for such a decisive conclusion.

Robert Royal was placed in the old New York Hospital Founding Children's Home, under the administrations of the Catholic Archdioceses of New York. As a youngster, he was loved, cared for, and reared by nine surrogate mothers. Before this eighth birthday, he was transferred to the Riverdale Orphanage for Colored Children. In 1937, he was finally adopted by a distant uncle who lived in Stanford, Connecticut.

Robert returned to Harlem and attended Cooper Junior High School. He excelled in his studies and was given the honor to represent his school at the New York Daily Mirror International Youth Forum. Among the 500 attendees, he was selected to be one of the five panelist chairs. He went on to complete his High School education at Seward Park High School.

During the Korean War, there was a call to national service. He answered the call of conscription and become a warrior in the fight for freedom. Young Robert was among the many that had a near fatal experience, becoming a disabled Korean War Veteran. His heroic actions earned him two Bronze Stars and the President's coveted Distinguished Service Medal.

Battered, wounded, with medals on his chest, and limited choices in his life, Royal returned to the Village of Harlem. He sought out to write his own ticket for a better future by entering the City College of New York. Like so many G.I.'s coming home from the war, he was able to take full advantage of the G.I. Bill. Higher learning resulted in an undergraduate degree in accounting with a minor in Law of Labor Standards.

Robert's public service career began shortly thereafter at the NYC Department of Hospitals as an auditor. Later, he worked for the NYC Department of Public Works, the United States Internal Revenue Service, and as a publication typesetter for the United Nations.

Robert's call to the ministry in 1974 led to entering New York Theological Seminary, where he received a Masters of Divinity. Reverend Royal is presently serving as Executive Director of the New Brighton Local Community Development Corporation and Minister of Social Justice at Saint Paul Baptist Church under the leadership of Reverend Dr. V. DuWayne Battle.

Reverend Royal continues to be known for his extraordinary commitment, energy, wisdom, discipline, principle, and clear purpose which have won the admiration of all who are privileged to come to know and work with him. I consider myself fortunate to have the opportunity to observe and experience his example as a personal inspiration.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring and congratulating Reverend Robert Royal on his historic 80th Birthday. His constant dedication, commitment, and spiritual guidance is worthy of the highest esteem.

## PROVIDING FOR CONSIDERATION OF H.R. 1105, OMNIBUS APPROPRIATIONS ACT, 2009

SPEECH OF

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 25, 2009*

Mr. VAN HOLLEN. Mr. Speaker, I am glad we are finally wrapping up our FY 09 Appropriations work and offer this legislation my full support today.

Instead of slashing our federal investment in priorities like education, health care, energy, law enforcement and biomedical research as President Bush had demanded, this bill complements the economic recovery package by addressing our Nation's immediate needs while laying the foundation for long term economic growth.

For example, to help 6.9 million families pay for college and prepare our students to compete in the 21st century global economy, we allocate $17.3 billion—or $3 billion more than 2008—for Pell Grants.

To provide health care for over 470,000 uninsured Americans during this economic downturn, we provide $2.2 billion—or $125 million above last year's levels—for our community health centers.

To accelerate the deployment of renewable energy technologies and the jobs that go with them, we include $18.5 billion in additional loan guarantee authority for renewables in the Department of Energy's Innovative Technology Loan Guarantee Program.

To keep our communities safe, we designate $3.2 billion—or $495 billion above 2008—for State and local enforcement.

And to ensure that America remains the global leader in lifesaving biomedical research, we invest $30.3 billion—or $938 million more than last year—in the National Institutes of Health.

Mr. Speaker, it has been a long time coming, but we now see it was worth the wait. I will cast a ''yes'' vote and urge my colleagues to do the same.

## EXPRESSING CONDOLENCES TO FAMILIES OF VICTIMS OF CRASH OF CONTINENTAL CONNECTION FLIGHT 3407

SPEECH OF

### HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 25, 2009*

Mr. MASSA. Mr. Speaker, it is with deep solemnity that I take this moment to offer my sincere condolences to the families and friends of the 50 individuals who lost their lives when Flight 3407 crashed in Clarence, NY on February 12th. While we can never bring them back we can make sure they are honorably remembered for their many contributions, both big and small, in the lives of those all around them. I further extend my condolences to my colleague, Rep. CHRIS LEE, who represents the 26th Congressional District where the tragedy occurred.

## KLEIN COLLINS ROTC

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 26, 2009*

Mr. POE of Texas. Madam Speaker, I rise today to recognize the outstanding achievements of the Air Force Junior Reserve Officers' Training Corps (ROTC) Flying Tigers of Klein Collins High School in Klein, Texas. I want to thank the AFJROTC Flying Tigers for their service to second district of Texas and to congratulate them on their many accomplishments that led them to be chosen to perform in this year's presidential inaugural parade.

Their selection to this high honor is a testament to their mission statement ''to develop the best Air Force leaders and citizens of character, dedicated to serving the Nation.'' I am proud that a well-qualified group of cadets from Klein—Collins will be representing the state of Texas on Pennsylvania Avenue.

The KCHS AFJROTC has a history of success in their nationally acclaimed armed and unarmed drill team competitions. Under the direction of Colonel Daniel Crum and Sergeant Ray Watson, the cadets do much more than drill competitions and marching in parades. They are involved in serving their school and community through many different service projects and duties performed throughout the year.

The cadets have participated in numerous community projects that have respectfully earned them as many as 3,200 ''man hours'' in the 2007/2008 school year. I want to recognize several projects that the JROTC participated in this year. They have provided color guard presentations at many events around town. At Christmas time, the cadets sent care packages to our soldiers overseas. Locally, they sponsored as many as eighteen ''angels'' during the holidays to help provide impoverished families with presents. They have collected canned food for several needy families. They have participated in a local fall festival held at one of the Klein Elementary schools. Many of the cadets have served on individual service projects at their local churches, animal shelters and the YMCA. There are countless other service projects this group participates in throughout the community, all of which testifies to the quality of students in the great state of Texas.

The cadet's service and patriotism to our nation sets them apart as role models to other students. I know that the residents of the Spring Klein area are proud of their many accomplishments and happy that the Flying Tigers were chosen, out of thousands of applicants, to march in the 56th inaugural parade. It will be a momentous occasion for the students, school district and the patriotic communities in the second district of Texas. I applaud them for their tremendous achievement and wish them the best of luck in the future.

## EARMARK DECLARATION

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. SIMPSON. Madam Speaker, in accordance with House earmark reforms, I would like to place in the RECORD a listing of the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of HR 1105, the Omnibus Appropriations Act of 2009.

I'd like to take just a few minutes to describe why I support these projects and why they are valuable to the nation and its taxpayers.

DIVISION A—AGRICULTURE

The report contains $254,000 in ARS Salaries and Expenses for NW Center for Small Fruits in Corvallis, Oregon. The Small Fruits Initiative-Plant Improvement project will build upon the strengths of existing cooperative research programs aligned through the Northwest Center for Small Fruits Research. This ongoing tri-state program supports the development of small fruits as an alternative agriculture crop in the Pacific Northwest. The funding will strengthen existing programs throughout the region and add key programs to fill in critical gaps that are not met by the existing infrastructure associated with the Center, providing key resources for Idaho scientists to address problems that negatively impact the emerging berry, grape, and wine industries in the Northwest. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho, located at 875 Perimeter Drive, Moscow, Idaho 83844 through the USDA's ARS located at 29603 U of I Lane, Parma, Idaho, 83660.

The report contains $650,000 in Animal and Plant Health Inspection Service, salaries and expenses, for Greater Yellowstone Interagency Brucellosis Committee. Idaho, Montana, and Wyoming are each required by law to manage brucellosis-infected wildlife within their borders in order to prevent the spread of brucellosis to non-infected wildlife, cattle, or domestic bison. The Committee is coordinating with federal, state, and private actions in eliminating brucellosis from wildlife in the Greater Yellowstone Area and preventing transmission of this disease from wildlife to livestock. The funding will be used to develop and implement brucellosis herd unit management plans; to perform functions and duties of Idaho relative to the Greater Yellowstone Interagency Brucellosis Committee; to conduct brucellosis prevention, surveillance, control and eradication activities in Idaho and the Greater Yellowstone Area. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho State Department of Agriculture, located at 2270 Old Penitentiary Road, Boise, Idaho 83712.

The report contains $176,000 in Animal and Plant Health Inspection Service, salaries and expenses, for the Nez Perce Bio-Control Center. The Nez Perce Bio-Control Center is authorized by the Noxious Weed Control and Eradication Act of 2004 and manages and establishes nurseries to increase biological control organism availability, distribute biological control organisms, monitor their impacts, and provide an increased number of annual technology transfer workshops to Cooperative Weed Management Areas and other landowners and managers regionally. This funding will continue the partnership between USDA and the Nez Perce Tribe to maximize the effectiveness of implementing a complete biocontrol of weeds program in an Integrated Weed Management strategy. The Center will increase the availability of agents for landowners and managers throughout the region. Biological control offers long-term management of invasive weeds and can be used with other integrated pest management approaches. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Nez Perce Tribe Bio-Control Center, located at 102 Agency Road, Lapwai, Idaho 83540.

The report contains $514,000 in CSREES, research and education, for the Barley for Rural Development Project. Funding for this program will support research directed at the continued development of improved malt, feed, cellulosic ethanol and food barley varieties for growers and value added end-users in rural Idaho, Montana, and North Dakota communities. This research is starting to expand and meet market opportunities, addressing the critical need of growers in production agriculture to increase economic yield, enhance domestic and international market access, improve production technologies, better compete with Canadian imports and reduce dependence on government subsidies. Research supported by this project will increase the manufacture and sale of value-added barley products (malt, beer, fuel, food, livestock) in these states, having a substantial positive impact on their economies, supporting jobs, generating business activity, and federal, state, and local tax revenue. Maintenance of the strength of barley in the Idaho economy requires continual efforts to improve crop quality and productivity. This can only be accomplished by investing in strong research programs that keep the industry at the forefront. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho, located at 875 Perimeter Drive, Moscow, Idaho 83844.

The report contains $235,000 in CSREES, research and education, for the Cool Season Legume Research Project. This program is an aggressive cooperative research program between the USDA, the University of Idaho, and the University of Washington that seeks new, high yielding, high quality, nutritious dry pea, lentil, and chickpea varieties to meet producer and consumer needs. This research focuses on the breeding of new, superior varieties of legumes; management of nematodes, insects, plant diseases and weeds that can limit production; and reduction of soil erosion and water degradation associated with production, as well as the development of value-added new products. The technology being generated through the research is essential for the pea, lentil, and chickpea industries to remain competitive and profitable. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho, located at 875 Perimeter Drive, Moscow, Idaho 83844.

The report contains $603,000 in CSREES, research and education, for Increasing Shelf Life of Ag Commodities. In order to prevent serious food safety issues, this project will fund research and development of bio-electronic sensors that can detect the presence of microbial pathogens in food and food products. Preventative detection and treatment at the agricultural commodity level and fast, accurate detection of biological pathogens and dangerous food toxins is an important element for ensuring safety and shelf life. The research being conducted in this area at the University of Idaho will advance and expand previous work on biosensor systems to further enhance preventative detection and treatment of biological pathogens and dangerous food toxins. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho, located at 875 Perimeter Drive, Moscow, Idaho 83844.

The report contains $349,000 in CSREES, research and education, for Potato Cyst Nematode Research. This funding will be used by the University of Idaho for research and development of means to eradicate and better protect the Idaho potato crop from the soil-borne pathogen potato cyst nematode, hardened nematode bodies filled with eggs which can persist in the soil for up to 25 years. Current eradication depends upon methyl bromide, which is not totally effective and which may be banned because of its ozone depleting properties, as well as other chemicals which are even less effective and several of which may also be banned. The funds will be used to maximize the efficiency of methyl bromide while it is available and develop new ''green'' replacement eradicants (such as green manure or biologically derived nematicides) and

procedures (advance hatching frequency), as well as to improve planting material screening procedures and to study plant-vectorvirus relationships, which may also lead to new ways to fight potato viruses.

FY08 funding established the groundwork, and the University of Idaho is now prepared to fully implement the needed research. This project will work in concert with the ongoing USDA eradication program by providing new methods of treatment. This crop pest can result in 80% yield reductions and has negatively affected agricultural trade. There is a good chance that if this threat is addressed with adequate research and treatment it can be eliminated. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho College located at 875 Perimeter Drive, Moscow, Idaho 83844.

The report contains $1.037 million for potato research (CSREES). This funding would be used to support an on-going research program that provides critical support to the potato industry through the development of new potato varieties and resistance to disease and pests. The ARS research station at Aberdeen, Idaho, has produced eight new potato varieties, and it has participated in the development of twelve other varieties nationwide. With the increasing threat of disease and pests, new varieties are crucial for America's agriculture community. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the University of Idaho, located at 875 Perimeter Drive, Moscow, Idaho 83844 through the Cooperative State Research, Education, and Extension Service. Research will be performed at the United States Department of Agriculture's Agriculture Research Service, Pacific West Area, located at 1691 S. 2700 W., Aberdeen, Idaho 83210.

The report contains $8.294 million in Animal and Plant Health Inspection Service, salaries and expenses, for Potato Cyst Nematode Eradication. The USDA is currently conducting an aggressive eradication program to address the outbreak of Potato Cyst Nematode in Idaho, the first discovery in the U.S. This pest can result in up to 80% crop reductions, and agricultural trade has already been affected. It is imperative that our trading partners know we are aggressively addressing this issue. Furthermore, this pest has a very high risk of dispersion. While it is currently confided to a small area in Eastern Idaho, it is very conceivable that, if left untreated, this pest can spread, affecting crops other than potatoes. Through this funding, the program will continue to adequately address this issue, and there is a good potential the pest could be eradicated. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the United States Department of Agriculture, Animal and Plant Health Inspection Service located at 1400 Independence Avenue, Washington, D.C.

DIVISION B—COMMERCE, JUSTICE, SCIENCE

The report contains $1,000,000 in the COPS Meth account for the Idaho Meth Project. Methamphetamine trafficking and abuse in Idaho has been on the rise over the past few years and, as a result, Meth is having a devastating impact in many communities throughout the State. Meth is the number one illegal drug of choice in Idaho and the State's leading drug problem. The financial and social consequences of Meth abuse in Idaho are devastating. It is a contributing cause for much of the crime in Idaho, costs millions of dollars in productivity, contributes to the ever increasing prison populations and adversely impacts families. The Idaho Meth Project is a large-scale, statewide prevention and public awareness program designed to reduce the prevalence of first-time methamphetamine abuse in Idaho by influencing attitudes through high-impact advertising. Based on the successful Meth Project model developed in the state of Montana, the Idaho Meth Project is focused solely upon prevention and to achieve this goal is active in three areas: Public Service Messaging, Community Action and Public Policy. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho Meth Project, located at 304 N. 8th Street, Room 446, Boise, Idaho 83702.

The report contains $350,000 in the NOAA account for the Boise Center Aerospace Laboratory (BCAL) Watershed Modeling Utilizing LiDAR at Idaho State University. ISU's Department of Geosciences has developed free spatial analysis tools available to the public for remote sensing and geographic information sciences (GIS). The remote sensing tools include a downloadable toolbox for analyzing light detection and ranging (LiDAR) data, primarily for topography and vegetation in semi-arid environments. LiDAR technology can also provide topographic data below water. This funding will allow the ISU to develop new analysis tools for full-waveform LiDAR data to enable continuous characterization from the earth's surface to the top of the vegetation canopy. This type of analysis has improved potential over multiple return LiDAR data for understanding landscape processes in three dimensions. Hyperspectral analysis (soils and vegetation) will be coupled with the LiDAR data for a full characterization, spectrally and spatially of the landscape. These analyses will allow for studies of vegetation structure, dependence of vegetation, soils, and earth processes (e.g. fire, erosion) on topology (slope & aspect, drainages, surface roughness) and will provide up-to-date and precise flood plain maps for rivers with built environments to guide decisions on flood insurance coverage and land use restrictions. These predictive maps can also aid in evacuation of people and livestock during an impending flood. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho State University, located at 921 South 8th Avenue, Pocatello, Idaho 83209.

The report contains $350,000 in the NOAA account for the Improved hydrologic modeling of water resources for snow-dominated regions at Boise State University. Mountain-front communities in the western United States are experiencing rapid population growth, putting pressure on water resources. Wise use of water resources must be founded on knowledge of how water cycles through mountain-front landscapes. However, hydrologic processes in such systems are poorly understood. Understanding and forecasting these impacts of these changes requires comprehensive hydrologic models driven by state-of-the-art technology and science. These funds will assist with the development of an operational hydrology model for mountain-front hydrologic systems based on new research that advances knowledge on physical mechanisms by which water moves from mountains to valleys. The hydrologic model will build upon and improve current models used by the National Weather Service by making use of satellite technologies. The hydrologic model will be capable of assessing the impact of critical problems such as urbanization and climate change on water resources. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Boise State University, located at 1910 University Drive Boise, ID 83725–1135.

The report contains $880,000 in the COPS Law Enforcement Technology Account for the Idaho State Police to participate in the Criminal Information Sharing Alliance Network (CISAnet). CISAnet is a fully functional information-sharing network comprised of law enforcement agencies from ten states, including Idaho. The program focuses on drug trafficking and border security issues. Sharing of criminal law enforcement information by and between these ten states is vital to securing an area regarded as one of the most vulnerable to our nation's security. These funds would enable Idaho to continue participating in CISAnet. This program has received federal funding in previous fiscal years. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho State Police, located at 700 South Stratford, Meridian, ID 83642.

DIVISION C—ENERGY AND WATER

The report contains $5 million within the Army Corps of Engineers Section 595 program for rural water infrastructure upgrades in the Eastern Idaho Regional Wastewater Authority. The funding was authorized in the Water Resources Development Act. This funding is critical to assisting Idaho communities in upgrading their water and wastewater treatment facilities. In many cases, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies. In addition, these funds help communities in Idaho trying to attract new businesses and spur economic development. The vital water funding in this bill will assist communities in job creation and affordable housing by offering improved services at lower costs than would otherwise be possible. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Eastern Idaho Regional Wastewater Authority, located at 101 S. Emerson Avenue Shelley, Idaho 83274.

The report contains $1,427,250 in DOE's Energy Efficiency and Renewable Energy for the City of Boise's Geothermal Expansion. The Boise City geothermal system currently provides a low cost, environmentally sound, sustainable, locally provided heat source to commercial and publicly owned buildings in downtown Boise. Geothermal heat is considered a renewable source of energy and does not rely on fossil fuels, nuclear power, mining or damming of rivers and has zero emissions into the atmosphere. This project will extend the City of Boise geothermal pipeline system to Boise State University and would have the capacity to heat over two million square feet on the campus. It would provide significant cost savings as global energy costs increase and geothermal services continue to expand

to more facilities. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the City of Boise, located at 150 N Capitol Boulevard, Third Floor, Boise, Idaho 83702.

The report contains $2,498,639 in the DOE Office of Science account for the Idaho National Laboratory Center for Advanced Energy Studies (CAES) at the Idaho National Laboratory (INL). CAES is a partnership between the State of Idaho and its academic research institutions, the federal government through the U.S. Department of Energy and the Idaho National Laboratory managed by the Battelle Energy Alliance, LLC. Through its collaborative structure, CAES combines the efforts of these institutions to provide timely energy research on both technical and policy issues. The research equipment obtained through this appropriation will enable the INL, Boise State University, Idaho State University, the University of Idaho, other national universities and private industry to support DOE by furthering collaboration on the advanced energy studies. Through the resulting research, CAES will contribute to the availability of carbon-neutral renewable energy, such as biofuels for transportation; the stewardship of the environment including water resource management through energy efficiency; the management of fossil fuel energy systems; and the expansion of energy production from commercial nuclear power while educating the next generation of scientists, engineers, policymakers and the public. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho National Laboratory, located at 2525 North Freemont St., Idaho Falls, Idaho 83415.

The report contains $951,500 in the DOE Office of Science account for the Idaho Accelerator Laboratory at Idaho State University. The National Academy of Sciences recently issued a report recommending that the federal government should increase support to radionuclide production, distribution and basic research in production mechanisms; increase the domestic production of medical radionuclides through dedicated accelerators and reactors; and educate the next generation of medically-related nuclear scientists. The Idaho Accelerator Center would develop a medical isotope production facility that will serve regional isotope needs, conduct basic research in isotope production, educate the next generation of medically-related nuclear scientists and partner with regional and national entities in medical isotope distribution and use. This program would meet regional and national needs in education and isotope production and would complement and enhance DOE's National Isotope Program. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho State University, located at 921 South 8th Avenue, Pocatello, ID 83209.

DIVISION D—FINANCIAL SERVICES AND GENERAL GOVERNMENT

The report contains $200,000 in the Small Business Administration for a research and economic development and entrepreneurial initiative at Boise State University. With this funding, Boise State University will be able to establish research partnerships with business and governmental agencies to assist businesses in an effort to preserve free competitive enterprise and to maintain and strengthen the overall economy of the State of Idaho. The federal funds being requested will be used to match private and public sector dollars and in-kind contributions to conduct collaborative research that creates intellectual property, creates jobs and ultimately leads to the benefit and growth of the Idaho business community. The funds will also be used to develop the necessary infrastructure to mine, protect and assess the commercialization potential of the intellectual property that is developed as a result of these efforts. This healthy business climate is critical to the economic strength of Idaho, the region and the nation; the innovation and entrepreneurial spirit that originates from this sector helps the United States compete in today's global marketplace. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Boise State University, located at 1910 University Drive, Boise, ID 83725–1135.

The report also contains $200,000 in the Small Business Administration for the Water Cooler, a business development center in Boise, Idaho. The Water Cooler is a collaborative project that will create a nonprofit business development center for synergistic, emerging businesses and interests in Boise's creativity economy. The facility will sublease office space to small businesses and organizations; provide meeting, seminar and event space; offer a small business services center (copy, printing, IT, Wi-Fi, video conferencing and the like) and serve as a networking and idea hub for the next generation of organizations in the areas of technology, film/arts, entertainment, media, venture capital, advertising/marketing, legal and urban life. The project will develop and facilitate strategies for growing businesses and employment opportunities in Boise and throughout Idaho. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Capital City Development Corporation, located at 805 W. Idaho St. Ste. 403, Boise, ID 83702.

DIVISION E—INTERIOR, ENVIRONMENT AND RELATED AGENCIES

The report contains $250,000 in STAG for the City of Lava Hot Springs Wastewater Improvement project. Lava Hot Springs is a small town of only 480 citizens. The city's wastewater treatment plant is currently discharging pollutants into the Portneuf River, and the city will be facing severe penalties under current federal law. With such a small population, the financial burden of coming into compliance is immense. This project will improve the collection system by replacing the badly deteriorated sewer mains, correct grade problems, and enlarge pipes. The problem of debris buildup in the lagoons will be resolved with flow meter, screens, and a grit removal system all housed in a constructed headwork building. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the City of Lava Hot Springs, located at 115 West Elm, P.O. Box 187, Lava Hot Springs, Idaho, 83246.

The report contains $150,000 in Save America's Treasures for Restoration of the Rexburg Historic Westwood Theater. Formerly known as the Romance Theater, this circa 1917 building was the heart of entertainment for the rural communities of eastern Idaho offering vaudeville theater, silent movies, and dance recitals. One of the fastest growing communities in Idaho, Rexburg lacks a community venue for the arts. The City of Rexburg is attempting to restore the theater in order to provide a historical, cultural center for the growing population. The building requires restoration of the stage and auditorium and repairs to the roof and brick work. The City has developed a volunteer citizen committee to raise funding through fund raisers and the Idaho Commission on the Arts. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the City of Rexburg, Idaho, located at 12 North Center Street, P.O. Box 280, Rexburg, Idaho, 83440.

The report contains $2,000,000 in LWCF for Land Acquisition for Henry's Lake ACEC. The funding will be used to purchase a conservation easement on the historic Johnson Ranch, on the west side of Henry's Lake. The ranch sustains an important wildlife migration corridor for game herds in the Yellowstone region as well as the area's scenic beauty. Roughly 2 million visitors travel through the Henry's Lake area every year. This conservation easement will continue existing ranching and agricultural activities while protecting the land and its wildlife from the subdivision and second home development that is spreading in the Island Park/Henry's Lake area. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Bureau of Land Management, located at 1405 Hollipark Drive, Idaho Falls, Idaho, 83401.

The report contains $500,000 in LWCF for the Upper Snake/South Fork of the Snake River ACEC. The funding will be used to secure conservation easements from willing sellers. The BLM has ranked the Upper Snake South Fork as a top priority for land acquisition. As one of the nation's premier fishing destinations and recreational rivers, the Upper Snake/South Fork of the Snake River, which features outstanding fish habitat, water quality, scenic vistas and one of the West's most extensive cottonwood riparian forests, is under pressure from increasing population. The funding will facilitate protection of key lands in this landscape and will preserve and protect natural habitat while simultaneously supporting important recreational, and tourism opportunities in eastern Idaho. Additionally the lands proposed for protection include important agricultural lands that will remain in production and private ownership. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Bureau of Land Management, located at 1405 Hollipark Drive, Idaho Falls, Idaho, 83401.

The report contains $250,000 for the Idaho Sage Grouse Management Plan. This funding will be used to implement the state's management plan for the sage grouse population, which is on the verge of being listed under the Endangered Species Act. A decision by the Fish and Wildlife Service could come as early as this spring. Idaho is taking proactive steps to recover this species before a listing is required, and the Sage Grouse Advisory Committee (SAC) is coordinating implementation of a statewide management plan for sage

grouse. Contained within the plan are over 100 conservation measures for stabilizing and increasing populations of sage grouse in Idaho. In addition, there are 11 Local Working Groups that have completed or in the process of forming local plans. These funds will aid in implementing state and local plans and continuing the important on-the-ground work being done by Local Working Groups, including habitat restoration, monitoring, research, and education. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho Office of Species Conservation located at 300 North 6th Street, Suite 101, Boise, Idaho 83702.

DIVISION F—LABOR, HEALTH AND HUMAN SERVICES, EDUCATION

The report contains $333,000 in the Department of Education Elementary and Secondary Education account for the Idaho Early Literacy Project administered by the Lee Pesky Learning Center in Boise. The aim of the Idaho Early Literacy Project is to educate new mothers on the importance of early childhood literacy and math skills and providing them with resources for educating their children to assure that all children in Idaho are ready to read when they enter school. This funding will assist with the distribution of the research-based booklet, Every Child Ready to Read: Literacy Tips for Parents, to hospital maternity wards across Idaho as well as the training of child care providers throughout the state of Idaho. The training of child care providers includes a face-to-face approach in larger population centers and an on-line approach for remote rural locations. The project provides that children will receive literacy education at home and in child care facilities, creating the ''language rich'' upbringing necessary for success in school. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Lee Pesky Learning Center, located at 3324 Elder Street, Boise, ID 83705.

The report contains $285,000 in the Health Resources and Services Administration Health Facilities and Services account for the Idaho Caring Foundation for Children for dental services for low-income children. As a dentist, I understand the importance of proper dental hygiene at a very young age. Serious health and self-esteem problems can quickly evolve if dental hygiene is neglected early in a child's development. The project will provide access to needed dental services for 5,000 low-income, uninsured Idaho children. These services will be provided by our network of 120 Idaho dentists who provide dental services for reduced fees and in partnership with the oral health programs at all seven Idaho Health Districts. Eligible children will be identified by working in partnership with Idaho schools, health departments, Head Start programs and YMCA programs. All administrative costs for this program will be donated by Regence BlueShield of Idaho. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho Caring Foundation for Children, located at 1211 W. Myrtle, Suite 110, Boise, ID 83702.

The report contains $285,000 in the Department of Education Elementary and Secondary Education Account for the Idaho Falls Arts Council ARTKade program for the purchase of equipment. The Idaho Falls Arts Council is creating a two-story, 5000 square foot interactive visual arts education center for youth, ages K–12, called ARTkade in downtown Idaho Falls. This funding will go primarily to purchase equipment to build the various arts stations. The purpose of ARTkade is to stimulate and re-awaken young people's interest in the visual arts by using interactive learning, computer technology and hands on festival style art projects that capture their imagination and redirect them to art education. The Council is partnering with area schools in the development and implementation of this facility (in large part because many local schools do not have full-time art teachers) and will be providing users with referral information about other arts education opportunities in the region. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho Falls Arts Council, located at 498 A Street, Idaho Falls, ID 83402.

The report contains $143,000 in the Department of Education Elementary and Secondary Education account for the Life's Kitchen, Inc. life skills instruction programs for at-risk youth. This program works to stop the cycle of homelessness and prevent dependence on public assistance for at-risk, low-income youth (ages 16–20) through hands-on experience in the culinary arts combined with life skills instruction. Life skill instruction ranges from teaching students interview skills to personal financial management, as well as job placement. Life's Kitchen provides an innovative 16-week educational program of hands-on work experience training for young people who are at-risk and living on the fringe of society. These hands-on skills are developed while working in our three food businesses: cafe, catering and contract food. Students access the program through high school counselors, employment agencies, social workers, juvenile correction officers and word-of-mouth. The funding provided will be used to provide equipment and supplies needed to run the mentoring and tutoring as well as the culinary instruction portion of the programs. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Life's Kitchen Inc., located at 1025 S. Capitol Blvd. Boise, Idaho 83706.

The report contains $333,000 in the Health Resources and Services Administration Health Facilities and Services account for the Idaho Oral Health Institute at Idaho State University. The Idaho Oral Health Institute will provide a center for oral health education, research, and clinical practice in Idaho and the Pacific Northwest region of the United States. The Institute will promote the highest quality of oral health care by providing education in contemporary clinical methods to oral health professionals, innovative continuing education to practicing health professionals and staff, collaboration among oral health and health professions researchers across the country and a state-of-the-art oral health care facility including classrooms, clinics, and laboratories with leading edge equipment and technology designed for education and research. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Idaho State University, located at 921 South 8th Avenue, Pocatello, Idaho 83209.

The report contains $285,000 in the Institute of Museums and Library Services Museums and Libraries Account for the Discovery Center of Idaho for exhibits and outreach. The Discovery Center of Idaho is collaborating with multiple partners to create a new model of ''hands-on'' science center to captivate the attention of and inspire tomorrow's leaders and innovators. The center will be a resource for the region, with particular interest in serving rural areas to help break the myth that innovation is an urban phenomenon—and emphasize the understanding that ingenuity is found wherever and whenever an observant creative human being has a problem to solve. This is a tremendous opportunity to create a new approach to bridging the gap in science and technology education particularly for the underserved. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Discovery Center of Idaho, located at 131 Myrtle St., Boise, ID 83702.

The report contains $285,000 in the Department of Education's Higher Education account for the College of Southern Idaho's Pro-Tech Training Program. This program will enable the College to partner with other agencies to identify training needs and to identify potential candidates for employment. Data provided by Region IV of the State of Idaho Economic Development Agency indicate that manufacturing will be a leading employment area in the Magic Valley with over 250 new jobs expected over the next two years. The College of Southern Idaho has identified a significant educational demand for hi-tech manufacturing and engineering and a need for in-depth training in the technological aspects of the design, fabrication and manufacturing phases of production. These jobs will require the type of training that the College of Southern Idaho can provide with great expertise. This funding would be used to develop curriculum, implement new post-secondary educational-technical training degrees and programs at the College. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is College of Southern Idaho, located at 315 Falls Ave. Twin Falls, ID 83303–1238.

The report contains $285,000 in the Health Resources and Services Administration Health Facilities and Services account for St. Luke's Regional Medical Center's Children Health Services Expansion. The Children's Health Services Expansion project provides an essential increase in capacity for Pediatric Medical/Surgical, Pediatric Intensive Care, Neonatal Intensive Care, Pediatric Oncology, and Pediatric Surgical Suites and support areas, to meet the needs of the rapidly growing population in the hospital's service area. The hospital is spending millions on the expansion and federal funds will represent only a small portion of the project's total costs. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is St. Luke's Regional Medical Center Ltd., located at 190 E. Bannock Street, Boise, ID 83712.

The report contains $381,000 in the Health Resources and Services Administration Health Facilities and Services account for Madison County Memorial Hospital. Madison County Memorial Hospital services a growing area encompassing five counties and quite simply has outgrown its facilities. Increased capacity for obstetrics (Madison County Memorial Hospital

has more births than any other hospital of its size in the State of Idaho and possibly the nation) and inpatient and outpatient surgeries is needed. The size of this project is 70,000 sq. feet of new construction and 85,000 sq. feet of remodeling, with an overall budget of $49 million and an equipment budget of over $7 million. Federal funding will be used for necessary medical equipment for the expanded and remodeled facility and represents a very small portion of the overall funding for this project. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Madison County Memorial Hospital, located at 450 East Main, Rexburg, ID 83440.

The report contains $190,000 in the Department of Education Elementary and Secondary Education account for Idaho SySTEMic Solution program at Boise State University. Idaho SySTEMic Solution is a nationally relevant, hands-on, project-based STEM learning system (science, technology, engineering, & math) designed to spur achievement and confidence among elementary-age learners and their teachers. Key project components will include: 1) a comprehensive teacher training model that includes a one-week summer institute and ongoing site-based follow-up training to boost the ability and confidence of elementary teachers; 2) implementation into demographically diverse schools (grades 1–5/6, urban to suburban to rural, multicultural) of curriculum-aligned learning lab systems that have been shown to improve student scores in math, science, and technology; and 3) research and evaluation of results in accordance with Idaho and national assessment standards to maximize the effectiveness of transplanting this solution to other U.S. states. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Boise State University, located at 1910 University Drive, Boise, ID 83725–1135.

DIVISION I—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT

The report contains $285,000 in the HUD/EDI account for the Custer County Economic Development Initiative in Custer County, ID. Custer County is overwhelmingly owned by the federal government, creating enormous financial challenges. The county has a very small tax base with high costs for maintaining roads and services over a very large area. Funding would allow the county to purchase and renovate an old middle school in Challis that would become a government and business center housing county offices and allowing them to become ADA compliant. This project received $100,000 in FY08, and funding of this request would complete the project. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Custer County, Idaho, located at 801 Main Street, Challis, Idaho, 83226.

The report contains $1,961,750 in the FHWA/Public Lands Highways account for the City of Rocks Back Country Byway Relocation, ID. This 16.7 mile long project is located on the popular City of Rocks Back Country Byway in Cassia County, Idaho, which provides the only direct access to the City of Rocks National Reserve. When fully completed, the project will pave a 1.0 mile gravel segment, reconstruct 15.7 miles of deficient roadway, correct deteriorated road and slope conditions, provide a wider road with shoulders and guardrail, and improve the road's alignment by reducing the number and severity of sharp curves and steep grades. These improvements will increase safety for the driving public and provide safer access for bicycle and pedestrian traffic. These improvements will also significantly reduce the amount of ongoing maintenance required to keep the route usable. Previous federal funding, FY 1999 through FY 2008, totals $12,827,000 including $3.95 million in FY 2008. Full funding of this request in FY 2009 will complete the project. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho Department of Transportation, located at 3311 West State Street, Boise, Idaho, 83707–1129.

The report contains $4,845,000 in the FTA/Buses and Bus Facilities account for Buses and Bus Facilities for the Idaho Transit Coalition. Funding for this project will be used to support essential transit systems in rural and urban areas of the State of Idaho. This project meets the criteria of the FTA's Section 5209 Capital Program and has been funded by the Committee since FY 2002. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Community Transportation Association of Idaho, located at 10480 Garverdale Court, Bldg. 4, Suite 804A, Boise, Idaho 83704.

The report contains $475,000 in the FHWA/Interstate Maintenance Discretionary account for the I–84, Broadway Avenue to Gowen Road Widening, Boise, ID. Funding will be used for design of the project to add a third east and westbound lane between Broadway Avenue and Gowen Road on I–84. With funding, the project will be ready for construction in FY10 in conjunction with the State of Idaho's Connecting Idaho projects in the Boise area. Improving I–84 through Boise and the surrounding area is a priority for the State of Idaho. In FY 2008, $1.5 million was appropriated for the I–84 Interchange at Broadway Avenue that precedes this project, which is required to alleviate congestion and safety issues caused by the continued fast growth in the Treasure Valley. This project is included in the I–84 Boise Corridor Study adopted by the Idaho Transportation Department and the Community Planning Association of Southwest Idaho (COMPASS) Boards in October of 2001 and part of the COMPASS Regional 2030 Long Range Transportation Plan, approved in 2006. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is the Idaho Department of Transportation, located at 3311 West State Street, Boise, Idaho 83707–1129.

The report contains $475,000 in the FTA/Buses and Bus Facilities account for the Treasure Valley Transit Facilities, Meridian, ID. This project will fund site location and required environmental analysis for up to one administration facility and/or up to four bus transfer centers to improve transit services in western Ada and Canyon Counties, Idaho. The development of transit facilities is a recommendation in the regional transit plan which characterizes these transit centers as crucial to the success of the transit system. These facilities will support regional public transportation services in the area. $9.5 million was authorized in SAFETEA–LU for the Boise Multi-Modal Center (MMC). This project is part of the same system and is included, as is the MMC, in the regional capital facilities plan for transit in the Treasure Valley. This project is the next phase of development. Funds to date include $288,000 in the FY2008 Appropriations Bill for site location and the start of the environmental analysis. Matching funds for this year total $125,000. This request is consistent with the intended purpose of this account.

The entity to receive funding for this project is Valley Regional Transit, located at 830 N. Main Street, Meridian, Idaho 83642.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my district and an explanation of my support for them.

(1.) $254,000 for NW Center for Small Fruits in Corvallis, OR

(2.) $650,000 for Greater Yellowstone Interagency Brucellosis Committee

(3.) $176,000 for the Nez Perce BioControl Center

(4.) $926,000 for the Tri-State Predator Control Program

(5.) $514,000 for the Barley for Rural Development Project

(6.) $235,000 for the Cool Season Legume Research Project

(7.) $603,000 for Increasing Shelf Life of Ag Commodities

(8.) $349,000 for Potato Cyst Nematode Research

(9.) $1.037 million for Potato Research (CSREES)

(10.) $8.294 million for Potato Cyst Nematode Eradication

(11.) $1,000,000 for the Idaho Meth Project

(12.) $350,000 for the Boise Center Aerospace Laboratory (BCAL) Watershed Modeling Utilizing LiDAR; Idaho State University

(13.) $350,000 for the Improved hydrologic modeling of water resources for snow-dominated regions; Boise State University

(14.) $880,000 for Criminal Information Sharing Alliance Network (CISAnet); Idaho State Police

(15.) $5,000,000 for Rural Idaho water projects; Eastern Idaho Regional Wastewater Authority

(16.) $1,427,250 for Boise City Geothermal System Expansion; City of Boise

(17.) $2,498,639 for the Idaho National Laboratory Center for Advanced Energy Studies; Idaho National Laboratory

(18.) $951,500 for the Idaho Accelerator Center Production of Medical Isotopes; Idaho State University

(19.) $200,000 for a research and economic development and entrepreneurial initiative; Boise State University

(20.) $200,000 for a business development center, Capital City Development Corporation

(21.) $250,000 for City of Lava, Wastewater Improvement (STAG)

(22.) $150,000 for Rexburg Historic Westwood Theater (SAT)

(23.) $2,000,000 for Land Acquisition for Henry's Lake ACEC (LWCF)

(24.) $500,000 for the Upper Snake/South Fork of the Snake River ACEC (LWCF)

(25.) $250,000 for the Idaho Sage Grouse

(26.) $333,000 for Idaho Early Literacy Project; Lee Pesky Learning Center

(27.) $285,000 for Dental services for low-income children; Idaho Caring Foundation for Children

(28.) $285,000 for ARTKade; Idaho Falls Arts Council

(29.) $143,000 for Life skills instructions programs for at-risk youth; Life's Kitchen Inc.

(30.) $333,000 for Idaho Oral Health Institute; Idaho State University

(31.) $285,000 for The Discovery Center of Idaho exhibits and outreach; Discovery Center of Idaho

(32.) $285,000 for College of Southern Idaho Pro-Tech Training Program; College of Southern Idaho

(33.) $285,000 for Children's Health Services Expansion; St. Luke's Regional Medical Center, Ltd

(34.) $381,000 for Madison Country Memorial Hospital Construction and Renovation Project; Madison County Memorial Hospital

(35.) $190,000 for Idaho SySTEMic Solution program; Boise State University

(36.) $285,000 for Custer County to purchase middle school building

(37.) $1,961,750 for the City of Rocks Back Country Byway

(38.) $4,845,000 for the Idaho Transit Coalition for Buses and Bus Facilities

(39.) $475,000 for I–84 Broadway Avenue to Gowen Road Widening

(40.) $475,000 for the Treasure Valley Transit Facilities

## PROVIDING FOR CONSIDERATION OF H.R. 1105, OMNIBUS APPROPRIATIONS ACT, 2009

SPEECH OF

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 25, 2009*

Mr. LATHAM. Mr. Speaker, today we come to the House chamber to consider a package of the remaining fiscal year 2009 appropriations bills. We are five months late in acting on these bills, and for no good reason.

The net effect of this delay is two-fold: One, the delay has prevented a number of Federal programs from making necessary mission changes simply because those programs have been frozen in-place under the CR.

Number two, the $410 billion contained in this bill represents annual spending increases for hundreds of programs. These increases are well above necessary levels, especially given that we just passed a stimulus bill that carried $301 billion in new discretionary spending—much of which is for the same programs contained in this omnibus measure, and that we fund every year in the annual process.

In short, many of the programs in this package will get a double dose of funding. Unfortunately, this extra dose will be built into future spending, and that's not fair to the American taxpayer—why, because it locks in trillion dollar deficits.

Apart from the problems with the spending totals in this package, we are allowing a laundry list of policy issues to pass through Congress without any public scrutiny.

A number of these policy issues are troubling to many of us. For example, the omnibus eliminates the "Reading First" Program within the Department of Education. I don't remember debating this issue in the stunted '09 process.

The "Reading First" Program was widely supported for its emphasis on raising reading levels, particularly among low-income children. Just yesterday, I met with an elementary school principal from Iowa who praised the program as one which has made a difference to lots of children in my State.

Another policy change, done through a funding reduction, is a de-emphasis on Yucca Mountain. At a time when we need to be looking at all forms of energy, why would we want to halt construction and design work at Yucca since nuclear waste storage is a big issue. At a minimum, we should have had a debate on this subject.

In the end, this entire process has been a giant abdication of our responsibilities in this body, representing a shameful performance. Our constituents deserve better than the bill before us represents.

I hope that for the FY 2010 funding cycle, the majority will re-discover the value of regular order and transparency. In this way, we can add a little more credibility to the process, and the reputation of this House.

## JULIE ROGERS ''GIFT OF LIFE'' PROGRAM AND THEIR ''SPIRIT OF LOVE'' AWARD WINNERS

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. POE of Texas. Madam Speaker, today I am proud to pay tribute to the Julie Rogers "Gift of Life" Program and the recipients of their "Spirit of Love" awards for their commitment to the fight against cancer and dedication to assisting the medically underserved in Southeast Texas.

The Julie Rogers "Gift of Life" Program, established in 1994 by Regina Rogers, began as a tribute to her mother, a breast cancer survivor. Originally providing free mammograms to women, shortly afterwards they expanded to prostate screenings for men and cancer education outreach. Since then, they have provided over 13,500 mammograms and over 4,500 prostate screenings while conducting over 450 educational presentations. The Program has helped extend the lives of more than 135 people who found cancer after one of their screenings. They grew from their humble beginnings into one of the largest cancer screening and awareness organizations of its type in Texas.

Each year at their annual board meeting, the "Gift of Life" Program presents both an individual and corporate "Spirit of Love" Awards to honor those that have gone above and beyond the call of duty to help fight cancer and spread awareness. This year, the late Todd Christopher was awarded the Julie Rogers "Spirit of Love" Award, while the TOTAL Port Arthur Refinery was presented with the Corporate "Spirit of Love" Award. Both deserve the recognition for their dedication and commitment to the community.

Todd Christopher was born and raised in Beaumont, Texas. After graduating from Texas A&M University, Todd moved back home with an entrepreneur spirit and co-founded four businesses, bringing hundreds of jobs to the area. He served on a number of boards across the area and as co-chairman of the Julie and Ben Rogers Cancer Foundation Drive. He somehow found enough time to dedicate a large part of his life to his wife Gerry and children Clayton and Gary. He has coached their sports teams and supported their scholastic endeavors. Cancer tragically cut Todd's life short in 2008 but his spirit lives on. The work he did for Southeast Texas will last forever.

The TOTAL Port Arthur Refinery was recognized for exhibiting outstanding community leadership and reducing health disparities among Southeast Texans. The refinery, built in 1936 and acquired by the French company TOTAL in 1973, has taken a proactive role in fighting cancer. Through their annual sponsorship of "Gift of Life" breast and prostate cancer initiatives, they have provided over 600 women and more than 1,800 men with free mammograms and prostate screenings. They alone have helped extend the lives of seven women and nine men whose cancer was detected at "Gift of Life" screenings. They have also made a commitment to Southeast Texas by embarking on a $2.2 billion dollar expansion of their refinery, increasing their refining capacity and adding 60 new full time jobs.

On behalf of the Second Congressional District of Texas I would like to thank the Julie Rogers "Gift of Life" Program, the family of Todd Christopher, and the TOTAL Port Arthur Refinery for all their work in fighting cancer and spreading awareness. Their efforts have made Southeast Texas a better place to live and work.

## EARMARK DECLARATION

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. RADANOVICH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 1105, The Omnibus Appropriations Act, 2009:

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: California State University Agricultural Research Initiative

Bill Number: H.R. 1105

Account: Cooperative State Research, Education and Extension Service

Legal Name of Requesting Entity: California State University

Address of Requesting Entity: 401 Golden Shore, Long Beach, CA 90802–094210

Description of Request: I have secured $693,000 for the ARI. The Agriculture Research Initiatives (ARI) provides significant benefits to consumers as well as agriculture-related industries. Faculty and research scientists develop solutions for challenges that result in public confidence in food safety, agricultural research and production systems; regional and statewide economic development; and bring agricultural, environmental, and consumer benefits in the process. ARI funding priority will be given to science and best management issues related to climate change, air quality, greenhouse gas emissions, and carbon sequestering; food safety and security; water quality, infrastructure, and conveyance; and public health and welfare.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Pierce's Disease

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: University of California

Address of Requesting Entity: 1111 Franklin Street, 6th Floor, Oakland, CA 94607–5200

Description of Request: I have secured $1,531,000 for Pierce's Disease Research. The Pierce's Disease Research special research grant funds are awarded competitively to qualified researchers from any state based on priorities developed by industry, the University and governmental agencies. The program has supported projects to reduce the population of glassy-winged sharpshooters that spread the disease, map the genome for xylella fastidiosa—the bacterium that causes the disease—develop new cultural and vineyard practices to help growers contain the spread of Pierce's disease, and advance the search for long-term solutions. Continuation of funding is important to supporting ongoing science aimed at finding permanent solutions for control and containment of this devastating disease through breeding disease resistant scion and rootstock, developing new vineyard management practices, and other breakthroughs.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Regional Operability for Public Safety Communications, 2009

Bill Number: H.R. 1105

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Stanislaus County

Address of Requesting Entity: 1010 10th Street, Suite 6800, Modesto, CA 95354

Description of Request: I have secured $500,000 for Stanislaus County Regional Interoperability. This request will enhance the existing interoperability channel, expand radio coverage through difficult terrain, replace aging equipment, continue progress towards system wide P–25 compliance, and will support the City and County's joint efforts to respond to public safety incidents throughout California's Central Valley and to be prepared for a disaster situation. Equipment would include new towers, transmitters, antennae, voter/receivers and a security system at the primary transmission site.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Regional Interoperability, 2009

Bill Number: H.R. 1105

Account: Department of Justice, COPS Law Enforcement Technology

Legal Name of Requesting Entity: Fresno County

Address of Requesting Entity: 2281 Tulare Street, Third Floor, Room 300, Fresno, CA 93721

Description of Request: I have secured $200,000 for Fresno County Regional Interoperability. Fresno County is attempting to provide true communication capabilities between law enforcement, emergency medical services and fire protection serving Fresno County and the region by using an intelligent voice and data communication network. This request will enable the completion of an electronic data communication system. The completion of the system will greatly enhance the public safety of the approximately 1.5 million citizens of four counties (Fresno, Kings, Madera, and a portion of Tulare) and numerous communities served by the participating agencies through ensuring clear voice, data and video communications among first responders and law enforcement during emergencies.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Sacramento and San Joaquin River Basins Comprehensive Study

Bill Number: H.R. 1105

Account: Corps of Engineers, Investigations

Legal Name of Requesting Entity: California Department of Water Resources

Address of Requesting Entity: 1416 9th Street, Sacramento, CA 95814

Description of Request: I have secured $956,000 for the Sacramento and San Joaquin River Basin's Comprehensive Study. This Sacramento and San Joaquin River Basins Comprehensive Study is a cooperative effort between the California Department of Water Resources and the U.S. Army Corps of Engineers. The purpose of the Comprehensive Study is to develop a system-wide, comprehensive flood management plan for the Central Valley to reduce flood damage and to integrate ecosystem restoration in addition to developing ways to reduce the flood risk to people, their property, and the state and federal infrastructure of the Central Valley. The purpose is also to develop a sustainable flood management system for the future and to reduce the adverse consequences of floods when they occur. The Study provides a long-range management program for the Sacramento and San Joaquin River Basins with the objective of improving the flood carrying capacity of the system while restoring and protecting environmental features including wetlands as well as fish and wildlife habitat.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Career Technical Education Pathway Program

Bill Number: H.R. 1105

Account: Department of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Clovis Unified School District

Address of Requesting Entity: 1450 Herndon Avenue, Clovis, CA 93611

Description of Request: I have secured $476,000 for the Clovis Career Technical Education Pathway Program. Funding will provide essential curriculum and professional development and equipment to support the dual objectives of advancing student academic achievement and career development in workforce areas essential to our national economic development. This funding will allow students to develop knowledge and skills within the career pathway while taking rigorous, integrated courses that include Honors and Advanced Placement curriculum for college and university admissions. Each pathway will prepare students for post-secondary education, employment, or advanced training in a particular industry sector.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: Veterans Boulevard

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: City of Fresno

Address of Requesting Entity: 2600 Fresno Street, Fresno, CA 93721

Description of Request: I have secured $570,000 for Veterans Boulevard. The funding will be used for the preliminary engineering and design of a major thoroughfare, the Veterans Boulevard freeway interchange at State Route 99, which will alleviate growing traffic concerns as substantial development continues to expand in the northwest region of Fresno County. Veterans Boulevard is planned as a new six lane super-arterial roadway which includes bridges over SR 99, Golden State Boulevard and the Union Pacific Railroad tracks. The interchange is a critical element to alleviate congestion at the Shaw Avenue/SR 99 and the Herndon Avenue/SR 99 interchanges.

Requesting Member: Congressman GEORGE RADANOVICH

Project Name: State Route 180 East Improvements

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: City of Fresno

Address of Requesting Entity: 2600 Fresno Street, Fresno, CA 93721

Description of Request: I have secured $1,330,000 for State Route 180 East Improvements. The funding will be used to complete State Route 180 which will accommodate increased safe traffic flows vital for economic and commercial development of eastern Fresno County and will enhance farm-to-market shipping opportunities for the region. State Route 180 is vital to the economic health of the Central Valley. This vital corridor will provide the much needed East-West route extensions that will ultimately provide a connection to the only Interstate in Fresno County, Interstate 5. State Route 180 improvements help relieve State Route 99 of truck traffic and air pollution by moving traffic away from the metropolitan Fresno area.

## RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH

SPEECH OF

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 24, 2009*

Ms. LEE of California. Mr. Speaker, as an original co-sponsor I proudly rise in strong support of H. Res. 83, which recognizes the significance of Black History Month. Since 1926, the contributions of African Americans have been recognized and celebrated each February. It comes as no surprise that this year Black History Month is especially significant with the inauguration of Barack Obama as the nation's 44th President.

I thank my colleague and friend from Texas, Congressman AL GREEN, for introducing this very important resolution. The joy we all feel on this occasion is tempered by the grief that still lingers over the sudden loss last year of our dear friend and colleague, Congresswoman Stephanie Tubbs Jones of Ohio.

For more than 400 years and despite tremendous hardships such as slavery, segregation, and legalized injustice, African Americans

have made significant contributions to the economic, educational, political, artistic, literary, religious, scientific, and technological life in the United States.

As Chair of the Congressional Black Caucus, let me say that it is altogether fitting and proper that we set aside the month of February to remember and honor the achievements and contributions of American heroes like George Washington Carver, Dr. Charles Drew, Justice Thurgood Marshall, Congresswoman Shirley Chisholm, Jackie Robinson, Crispus Attucks, Tiger Woods, Benjamin Banneker, and Guion Bluford, Jr.

But Mr. Speaker, nothing wilts so fast as laurels that are rested upon. Time marches on and history unfolds daily. The greatest contributions to the American experience are yet to be made. The challenges facing our country are great but not as great as our will to overcome them. We have an economy to rebuild, an environment to protect, a generation to educate, diseases to cure, and lives to reclaim.

We will succeed. And when the history of this period is written, I have no doubt that it will record the tremendous accomplishments made by Americans, including African Americans.

We will rebuild our economy, preserve the environment and protect the planet, end the HIV/AIDS epidemic and other scourges; provide a world class education to the next generation; and demonstrate to the world not only that it is possible but desirable for people of different races, creeds, and religions to live and work together in peace and harmony.

As members of the greatest legislative body in the world it remains our duty this month and every month of every year to pursue policies that promote social and economic justice.

As an African American woman and legislator who has been benefited from the pioneering work of others, I am committed to doing all that I can to ensure that the doors of opportunity are opened even wider and that all persons in our country have the opportunity to fulfill their potential and realize their dreams.

I urge all Members to joining me in voting to support this resolution.

## PROVIDING FOR CONSIDERATION OF H.R. 1105, OMNIBUS APPROPRIATIONS ACT, 2009

SPEECH OF

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 25, 2009*

Mr. PRICE of North Carolina. Mr. Speaker, I rise today in support of the Clinical and Translational Science Award (CTSA) Program at the National Institutes of Health (NIH). The CTSA program is an important and transformative initiative designed to improve the way biomedical research is conducted across the, country, reduce the time it takes for laboratory discoveries to become treatments for patients, engage communities in clinical research efforts, and train the next generation of clinical and translational researchers.

As the Labor, Health and Human Services, and Education Subcommittee noted in its subcommittee mark, the program has the potential to create a new paradigm for clinical and translational research.

I am proud that two of the 38 current CTSA sites, the University of North Carolina at Chapel Hill and Duke University, are in my district. These two universities have a track record of excellence, and I am pleased that NIH has recognized them as strong research campuses.

Unfortunately, nearly level funding for NIH over the past few years has severely limited the size of the award that can be made to these and the other CTSA-recipient institutions. In addition to hindering the important work being done at the current CTSA sites, the funding challenges have encumbered implementation of the program and threaten to curtail its intended size of 60 sites.

As a firm supporter of NIH, I commend Chairman OBEY on the increased NIH funding in both the FY09 Omnibus Appropriations bill and the American Recovery and Reinvestment Act and thank him for designating for the CTSA program in the Omnibus bill. I look forward to working with my colleagues on the Appropriations Committee to provide robust funding for this important program in the FY10 appropriations cycle.

## LAW ENFORCEMENT LOOKING OVER THEIR SHOULDER. ARE THEY GUN SHY?

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. POE of Texas. Madam Speaker, one element lost throughout the fight to free Border Patrol agents Ramos and Compean is the weakened morale it brought throughout the entire ranks of the Border Patrol and its possible detrimental effects on border security. Everyone in the agency knows it could have been them standing guard along the border in Fabens, TX that February day in 2005. Faced with a similar situation, would they have made the same call as Ramos and Compean? The question is an important one because when placed in future similar situations, agents will pause and hesitate and will think long and hard about what course of action to take and if they take a certain course of action, will their government back them up or will they face scrutiny and prosecution? The border is a dangerous place full of dangerous bad guys who don't contemplate these things. Their job is to get their drugs across the border and will fight with everything they have to accomplish that task. Agents are taught to use their training to help them in the face of danger but even the most trained agent is human and most if not all will pause long and hard with thoughts of Ramos & Compean. Officers who hesitate to act not only risk safety to themselves but they risk losing control of our border to the bad guys. The problem is, the other side knows this and their behavior has been growing ever more hostile and ever more assaultive to see the length they can take.

Agents who take aggressive action to hold their border line and protect themselves and their fellow colleagues are constantly looking over their shoulder. The Mexican government has aided in that fear. They constantly are directing pressure from their consulates to local and national offices of the U.S. Attorney's office and FBI to stomp out what they consider are aggressive Border Patrol actions against their citizens, even if they know those citizens are there to commit crimes against the United States.

Our government needs to be on the right side of this border war. Our government needs to defend our agents who face hostility from a violent enemy. Our government needs to be less concerned with protecting criminals and more concerned with how agents actions will prevent further crime. Enemies throughout time respect only one thing and that is action and defiance. If we allow our agents to show that force and take it to the enemy instead of being gun shy, perhaps we will once again restore order on the border.

## TRIBUTE TO BALTIMORE READS

### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. SARBANES. Madam Speaker, I rise today to recognize Baltimore Reads—an organization that has worked tirelessly for the past 20 years to combat illiteracy. Their goal is to help participants gain the necessary skills for self-sufficiency, employment, and life-long learning in order to achieve economic and social empowerment. For 20 years, Baltimore Reads has been striving to meet these goals and, for many participants, has been a means to achieve them.

Since 1992, Baltimore Reads has distributed more than one million books to schools and disadvantaged families. At the Ripken Adult Learning Center, their educational facility in downtown Baltimore, more than 325 students attend classes at proficiency levels ranging from non-readers to GED candidates. With their programs in high demand, they have plans to expand to more locations and add Internet classes. Today, thousands of Baltimoreans have the basic skills necessary to succeed in life because of Baltimore Reads' efforts.

I strongly support Baltimore Reads' vision of a 100 percent literacy rate in Baltimore. I would like to take this opportunity to commend them on their work and wish them another 20 years of success.

## HONORING POLK COUNTY SCHOOL DISTRICT SUPERINTENDENT MARVIN WILLIAMS

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. GINGREY of Georgia. Madam Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have had a major impact on their community.

Today, I rise to honor Marvin Williams of Rockmart, Georgia in Polk County. Marvin has demonstrated a passion for serving others both in his personal and professional lives. For over 30 years, Marvin has been involved in the educational system of Polk County. He began his service as a Special Education

teacher and in 1980, Marvin started his administrative career at Westside Elementary School. In 1999, Marvin Williams became Interim Superintendent for the Polk County School District and officially became the county's first African-American Superintendent in 2007. Marvin has also been a valuable addition to my 11th District Education Advisory Board, helping to advise me in improving our nation's education policies.

In addition to Marvin's commitment to the education system of Polk County, he also gives back to his community through his service as the Minister of Music at Thankful Baptist Church in Rome, Georgia.

Madam Speaker, I ask that my colleagues join me in thanking Superintendent Marvin Williams for his leadership and service to the people of Polk County and his commitment to the students in his district.

## EARMARK DECLARATION

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. POE of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2009 Omnibus Appropriations Act:

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: Houston Police Department

Address of Requesting Entity: 1200 Travis Street, Houston, TX 77002

Description of Request: I have secured $350,000 for the Houston Police Department to purchase more LiveScan equipment, enabling them to capture electronic fingerprints and be part of the IAFIS (Integrated Automated Fingerprint Identification System) program which enables them to determine in seconds as opposed to days the alienage and criminal history of those they apprehend through the federal Law Enforcement Support Center. Previously, Houston has gone through the Texas Department of Public Safety which has received approximately $26 million in grants from the National Criminal History Improvement Program (through the Bureau of Justice Statistics) since 1995; however, the Texas Department of Public Safety and the National Criminal History Improvement Program services the entire state and they are limited in the amount of funding it can provide to Houston. Houston has 6 Livescan machines working. Funds obtained last fiscal year helped them buy 7 additional machines. Houston still needs 9 more machines to be fully electronic under IAFIS city wide.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Department of Justice, Office of Justice Programs, Byrne Discretionary Grants

Legal Name of Requesting Entity: Houston Police Department

Address of Requesting Entity: 1200 Travis Street, Houston, TX 77002

Description of Request: I have secured $150,000 for the Houston Police Department to purchase 50 additional mobile AFIS (automated fingerprint identification system) handheld devices that would be given to police officers away from their desks to quickly capture biometric information of suspects and quickly determine their criminal histories, outstanding warrants, whether they have an order of removal or bench warrant for a failure to appear for an immigration proceeding from Immigration and Customs Enforcement, etc. from ICE's Office of Detention and Removal's deportable felon database.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Corps of Engineers, Investigations

Legal Name of Requesting Entity: Sabine-Neches Navigation District

Address of Requesting Entity: P.O. Box 778, 2348 Hwy. 69 North, Nederland, TX 77627

Description of Request: I have secured $478,000 to complete the feasibility study phase of deepening and widening the Sabine-Neches Waterway which will include beginning the Planning, Engineering, and Design (PED) phase of the General Investigation of deepening and widening the waterway.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Department of Energy, EERE

Legal Name of Requesting Entity: University of Houston Center for Clean Fuels and Power Generation (CFPG)

Address of Requesting Entity: 4800 Calhoun Road, Houston, TX 77004

Description of Request: I have helped secure $475,750 to focus on the synthesis and development of clean and sustainable fuels, their combustion for efficient generation of portable power, and their exhaust after-treatment for minimal impact to the environment. CFPG is one component of a diverse portfolio of programs focused on energy at UH, which is strategically located in a vast regional petrochemical complex and port system, as well as the center of the international energy industry. CFPG program activities include: cross-cutting multi-scale research in the sciences and engineering, technology transfer and integration, and educating a diverse scientific workforce in fields key to the success of the U.S. economy.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Corps of Engineers, O&M

Legal Name of Requesting Entity: Chambers-Liberty Counties Navigation District

Address of Requesting Entity: 1801 Trinity Street, Liberty, TX 77575

Description of Request: I have secured $994,000 to maintain navigation along the lower Trinity River in Texas. The Trinity River Project is a 47 mile shallow draft waterway beginning with the Anahuac Channel which extends for 5.6 miles from the 6 foot depth in upper Trinity Bay to the Mouth of the Trinity River at Anahuac Texas. From the mouth of Trinity River, the channel to Liberty proceeds for 41.4 miles along the meanders of the Trinity River to the Port of Liberty. Also included is a 9-foot depth channel extending from the Houston Ship channel along the east shore of the Trinity Bay, to a point 1 mile below Anahuac, Texas. Maintenance is needed to allow shallow draft barge access to support the current industrial residents at the Port of Liberty and to attract new ones. The combination of rail and barge traffic at the Port of Liberty creates a powerful synergy to propel the economic development of our primary rural community.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Corps of Engineers, O&M

Legal Name of Requesting Entity: Gulf Intracoastal Canal Association

Address of Requesting Entity: 2010 Butler Drive, Friendswood, TX 77546

Description of Request: I have helped secure $29,586,000 to maintain navigation of selected Gulf Intracoastal Waterway reaches in Texas such as the Victoria, Cedar Bayou, and Harlingen channels. Funding also could include installing mooring buoys at selected locations along the waterway and repairs to the Colorado Lock near Matagorda, Texas.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Department of Health and Human Services, Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Lamar University

Address of Requesting Entity: PO Box 10001, Beaumont, TX 77710

Description of Request: I have secured $238,000 to Lamar University's Community and University Partnerships Service (CUPS) to help coordinate, plan and promote quality healthcare for underserved populations in Southeast Texas. CUPS will provide critical access to resources and expertise for quality healthcare coupled with traditional community-based delivery systems through efficient utilization of University resources and partnerships.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Department of Health and Human Services, Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Memorial Hermann Baptist Beaumont Hospital

Address of Requesting Entity: PO Box 1591, Beaumont, TX 77704

Description of Request: I have secured $190,000 for the Hospital's Behavioral Health Center to renovate the Center's appearance.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Beaumont, TX

Address of Requesting Entity: 801 Main Street, Beaumont TX 77701

Description of Request: I have secured $190,000 for improvements to a 20 block area in downtown Beaumont, including Neches Street from Laurel to College Streets and Park Street from North to College Streets. Since the

downtown improvements are an ongoing project, the design and construction of the project would take approximately a year and could begin immediately.

Requesting Member: Congressman TED POE

Bill Number: FY 2009 Omnibus Appropriations Act

Account: Airport Improvement Program

Legal Name of Requesting Entity: Houston Airport System, George Bush Intercontinental Airport

Address of Requesting Entity: P.O. Box 60106, Houston, TX 77205–0106

Description of Request: I have secured $712,500 for noise mitigation to include the continued residential acquisition and sound insulation program. The August 2000 Record of Decision for the Houston's George Bush Intercontinental Airport Runway 8L–26R and Associated Near-Term Master Plan Projects and Federal Actions identified a series of actions necessary to mitigate the environment impacts associated with the new runway and the related airport improvements. In terms of discernible community impacts, aircraft noise is the primary activity requiring mitigation. As noted in the Record of Decision (page 53), "The primary responsibility for implementation of the mitigation measures lies with the Houston Airport System and the FAA will take appropriate steps through federal funding grant assurances and grant conditions, airport layout plan approvals, and contract plans and specifications to ensure that the following mitigation actions are implemented during project developments. The approvals contained in this Record of Decision are specifically conditioned upon full implementation of these mitigation measures." The measures identified in the Final Environmental Impact Statement and the Record of Decision are acquisition and soundproofing of residential properties exposed to significant noise impacts. Property acquisition and soundproofing have been underway for several years. To date, over $35 million has been invested in this program.

## EARMARK DECLARATION

## HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2009 Omnibus Appropriations bill that was included in H.R.1105:

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: $176,000 for the University of Illinois Extension to extend its MarketMaker information technology platform to a national level that will enable food producers, processors, wholesalers and retailers electronic access to geographically referenced data, thus enhancing the opportunity for food and agricultural entrepreneurs to identify and develop new and profitable markets and improve the efficiency and profitability of food systems in the United States and globally. Of this amount $91,277 is for personnel; $28,752 for Supplies; $17,204 for Publications; $13,198 for Services; $13,679 for travel; and $11,890 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: $461,000 for the University of Illinois to conduct collaborative, multidisciplinary research to promote optimal human health by studying novel attributes of food. Of this amount $322,300 is for Personnel; $14,000 is for Participant/Trainee Support; $60,600 for Supplies; $3,300 for Publications; $29,800 for Travel; and $31,000 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: $745,000 for the Soybean Disease Biotechnology Center, located within the National Soybean Research Laboratory (NSRL) at the University of Illinois, which provides cutting edge research and a first line of defense against major soybean diseases. Of this amount $595,000 is for Personnel; $80,000 for Supplies; $20,000 for Travel; and $50,000 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: $564,000 for the Livestock Genome Sequencing Initiative at the University of Illinois and international partners in two consortia who are creating maps of the complete cattle and swine genomes. Of this amount $253,800 is for Personnel; $140,000 for Supplies; $115,400 for Services (sequencing); $17,000 for Travel; and $37,800 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Veterinary Medicine, 1008 Hazelwood Dr., Urbana, IL 61802

Description of Request: $235,000 for the Illinois Center for One Medicine, One Health at the University of Illinois which will focus on research, training and outreach efforts designed to improve our society's preparedness and response to natural and intentional exposures of biological, chemical and physical agents. Of this amount $117,500 is for research; $47,000 is for the instruction of courses various academic programs; and $70,500 for training programs and exercises to serve state departments of agriculture and public health.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Agriculture Appropriations bill included in H.R.1105

Account: Cooperative State Research, Education, and Extension Service

Legal Name of Requesting Entity: International Arid Lands Consortium

Address of Requesting Entity: 1955 East 6th Street, Tucson, AZ 85719

Description of Request: $401,000 for the International Arid Lands Consortium to use research and technical assistance expertise at the University of Illinois, University of Arizona, University of Nevada's DRI, New Mexico State University, Texas A&M University and South Dakota State University in the critical fields of sustainable agriculture, land management and water use. It cooperates with researchers in Israel, Jordan and Egypt to enhance its effectiveness. Of this amount $301,000 will go to peer reviewed research projects at the member institutions and $100,000 will go to administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 CJS Appropriations bill included in H.R.1105

Account: Office of Justice Programs—Juvenile Justice

Legal Name of Requesting Entity: Project Success of Decatur and Macon County

Address of Requesting Entity: 310A West William Street, Decatur, IL 62522

Description of Request: $180,000 to implement the "Truancy Prevention and School Success" project to provide truancy prevention/intervention programming for public school children in grades K–8. Of this funding $64,920 is for Personnel; $3,000 for equipment; $4,000 for Travel; $7,650 for supplies; and $100,430 for consultants and tutors.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 CJS Appropriations bill included in H.R.1105

Account: NOAA—Operations, Research, and Facilities

Legal Name of Requesting Entity: Illinois State Geological Survey

Address of Requesting Entity: 615 E. Peabody Drive, Champaign, IL 61820

Description of Request: $725,000 for the Illinois Height Modernization project to update the benchmarks in the state (approximately half can no longer be located), unify the database of benchmarks, and provide a digital elevation (LiDAR) model for the state. Of this amount $64,708 is for salaries and benefits; $11,000 is for travel; $16,500 is for Computing Hardware and Services; $200,000 is for Level lines for new benchmarks in Northern Illinois; $190,000 is for LiDAR data collection; $2,000 for outreach forums; $377 for commodities; $400 for telecommunications; $119,665 for facilities and administration; and $120,350 for NOAA/NGS overhead.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 CJS Appropriations bill included in H.R.1105

Account: NOAA—Operations, Research, and Facilities

Legal Name of Requesting Entity: Midwestern Regional Climate Center

Address of Requesting Entity: 2204 Griffith Drive, Champaign, IL 61820

Description of Request: $3,900,000 for the Regional Climate Centers (RCC) program which will be split between the 6 Regional Centers to gather climate data from around the country, providing quality assurance and disseminating information to Federal, state and local government agencies, universities, businesses and the general public. After administration costs to NOAA/NESDIS approximately each RCC will receive $570,000. For the Midwest Regional Climate Center $381,800 will be used for Personnel; $156,200 is for University of Illinois overhead; $20,000 for operational support; and $12,000 for travel.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Labor-HHS-Education Appropriations bill included in H.R.1105

Account: Health Resources and Services Administration (HRSA)—Health Facilities and Services

Legal Name of Requesting Entity: Dewitt-Piatt Bi-County Health Department

Address of Requesting Entity: 910 Rte. 54 East, PO Box 518, Clinton, IL 61727

Description of Request: $238,000 for the construction of an office facility to house operations of the local public health department which will include a dental clinic to meet growing needs in the community. Of which, all of the $238,000 will be spent on contractual services, such as labor and construction materials.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Energy and Water Development Appropriations bill included in H.R.1105

Account: Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: City of Grayville, Illinois

Address of Requesting Entity: 122 S. Court St., Grayville, IL 62844

Description of Request: $96,000 for a planning study to determine the feasibility of building a low-water dam near the main channel of the Wabash River at Grayville, Illinois. Of this total amount, $10,000 will be used for preliminary analysis and scope definition; $25,000 will be used for a ground and aerial survey; $25,000 will be used for environmental coordination; $25,000 will be used toward generating the dam feasibility report; and $10,000 will be spent on a preliminary design of the dam.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Energy and Water Development Appropriations bill included in H.R.1105

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Lake Land College

Address of Requesting Entity: 5001 Lake Land Boulevard, Mattoon, IL 61938

Description of Request: $1,332,100 to develop a campus-wide alternative energy plan to encompass the use of wind energy, geothermal, and photovoltaics in an effort for Lake Land College to take a leadership role in regard to alternative and renewable energy education. Of this amount, $1,332,100 will be spent on materials and equipment in the Northwest Classroom Building and include the upgrade of HVAC and electrical, lighting, and plumbing systems along with the removal of asbestos.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 interior Appropriations bill included in H.R.1105

Account: STAG—Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: City of Lexington, Illinois

Address of Requesting Entity: 329 West Main Street, Lexington, IL 61753

Description of Request: $300,000 for the City of Lexington, Illinois for the construction of a new city-wide sanitary sewage collection and treatment system. The City is under a "consent decree" with the Illinois EPA that avoids legal action against the City as long as construction of the new system is undertaken in a timely manner. Of this amount, all of the $300,000 will be spent on design services for the new system.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Transportation—HUD Appropriations bill included in H.R.1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: Facilities & Services, 1501 South Oak Street, Champaign,IL 61821

Description of Request: $570,000 for the extension of Fourth Street to Hazelwood Road in Champaign, Illinois for new development purposes and increased traffic needs. This will relieve traffic congestion along First Street and provide better access to the University of Illinois at Urbana-Champaign campus, the University Park Hotel & Conference Center, and The Research Park at the University of Illinois. Of this amount, $171,500 will be spent on engineering costs; $307,000 will be spent on installing a traffic signal at the corner of St. Mary's Rd. and Fourth St.; clearance activities will cost $33,500; and $58,000 will be spent on installing a storm sewer.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Transportation—HUD Appropriations bill included in H.R.1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: City of Bloomington, Illinois

Address of Requesting Entity: 107 E. Chestnut Street, Bloomington, IL 61701

Description of Request: $166,250 for the renovation of a 33,000 square foot former medical building into a regional arts education center for children. The final component of the City's new downtown Cultural District, the new center will enable the growth of area arts organizations, provide after-school arts programs for at-risk children in the city's core neighborhoods and continue the economic revitalization of Bloomington's downtown. Of this amount, $146,250 will be used to replace the building's heating and air conditioning system and $20,000 will be used for classroom equipment and furnishings.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2009 Transportation—HUD Appropriations bill included in H.R.1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Illinois State University

Address of Requesting Entity: Campus Box 304, Hovey 310, Normal, IL 61790

Description of Request: $95,000 for the development of a university research park for small to medium sized businesses that will assist regional business development and create opportunities for new jobs in Illinois. The business incubator and university research park will be mixed use with particular emphasis on specializing in renewable energy, nanotechnology and advanced manufacturing. Of this amount, $30,000 will be used for office equipment; $5,000 will be used for supplies; and $60,000 for personnel.

## EARMARK DECLARATION

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, Consolidated Appropriations for Fiscal Year 2009.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT

Downingtown Borough, 4–10 West Lancaster Avenue, Downingtown, Pennsylvania—$712,500 for a bridge over Brandywine Creek. The bridge will extend Boot Road over Brandywine Creek allowing access to a proposed redevelopment site that will bring jobs and attract businesses to Chester County's only Keystone Opportunity Zone (KOZ). It is critical to the revitalization plans of the borough.

Valley Forge Park National Historical Park, 1400 North Outer Line Drive, King of Prussia, Pennsylvania—$142,500 for the construction of a bridge over Valley Creek for Loop Trail. This project will complete the final link in Valley Forge National Historical Park's Joseph Plumb Martin Trail (JPMT), which receives 960,000 visits annually. The Missing Link will connect the JPMT with three other popular hiking and recreational trails and with two popular parking areas at Knox's Quarters and the Mount Misery trailhead. The new trail will enable visitors to walk, jog, or bicycle around the entire park without having to travel along dangerous state highways. This will greatly improve visitor safety and enhance the visitor experience through reduced exposure to high-volume traffic and the increased availability of recreational options.

Borough of Boyertown, 100 S. Washington Street, Boyertown, Pennsylvania—$475,000 for Main Street streetscape improvements. Boyertown is a Main Street designated community under the Main Street program of the Pennsylvania Department of Economic Development. The purpose of the designation is to revitalize the downtown commercial district to promote a stable, safe, and pleasant shopping and living area to be enjoyed but not only the borough but surrounding communities.

Historic Yellow Springs, PO Box 62, Chester Springs, Pennsylvania—$142,500 for parking and street enhancements at Historic Yellow Springs. The funding will help to further revitalize the community with projects to enhance

parking and to help renovate their facilities. The mission of Historic Yellow Springs is to share, preserve, and celebrate the unique living village of Yellow Springs by focusing on history, arts, education and the environment.

Montgomery County Community College, 340 Dekalb Pike, Blue Bell, Pennsylvania—$237,500 for continued expansion of their West Campus in the borough of Pottstown. This funding will allow for Montgomery County Community College's further expansion of workforce development and transfer programming to help residents in Pottstown Borough and greater tri-county area of Montgomery, Chester, and Berks counties.

AGRICULTURE

The Rodale Institute, 611 Siegfriedale Rd., Kutztown, Pennsylvania—$42,000 for continued Arbuscular Mycorrhizal Fungi research. The funding will help further Rodale's research which they believe has helped to determine that using biological farming methods instead of chemical methods will produce cleaner air and safer drinking water.

COMMERCE, JUSTICE AND SCIENCE

Berks County Community Foundation, PO Box 212, Reading, Pennsylvania—$200,000 for the Reading Police K9 Unit. The funding will be used to further develop the Reading Police K9 Unit and help meet its future financial needs for the purpose of crime reduction in the City of Reading.

Exeter Police Department, 4975 Demoss Road, Exeter, Pennsylvania—$250,000 for the Berks County Emergency Response Team (BCERT). Funding will be used to purchase equipment necessary for the formation of a Berks County emergency response team. The team and equipment that will be bought with this funding will help protect the lives of police officers and other first responders during the resolution of high-risk incidents and serving arrest and search warrants.

Alvernia College, 540 Upland Avenue, Reading, Pennsylvania—$600,000 for the South Reading Youth Initiative. The funding will be used to assist at-risk youth by promoting programs that teach them to expand their ability to think logically and critically, to comprehend accurately, and to communicate effectively.

American Library Association, 1615 New Hampshire Ave. NW, First Floor, Washington, DC—$258,000 for the All Kids Count program. The funding will be used to develop a series of four films dedicated to educating parents how to keep their children safe and informing children how to protect themselves against abduction, internet predators and targeted school violence.

Police Athletic League of Norristown, PO Box 685, Norristown, Pennsylvania—$92,000 for PAL youth programs in Norristown. The funding will be used to continue the high-quality, low-cost programs that are offered to the youth (ages 5–18) of the Norristown Area. Programs and activities are offered that cover educational, artistic and recreational interests.

ENERGY AND WATER

Alvernia College, 540 Upland Avenue, Reading, Pennsylvania—$570,900 for scientific instrumentation initiatives. The funding will be used for essential investigative equipment for an interdisciplinary forensic science and criminalistics training laboratory, an environmental research laboratory, a fuels and energy research laboratory, a human anatomy and physiology laboratory, and a mathematics laboratory, that will help Alvernia in broadening its scientific offerings.

Albright College, 13th & Bern Sts, P.O. Box 15234, Reading, Pennsylvania—$380,600 for science instrumentation and construction of three student independent research labs dedicated to biology, chemistry and biochemistry and physics.

FINANCIAL SERVICES

Delaware County Community College, 901 South Media Line Road, Media, Pennsylvania—$300,000 for a small business solutions center. The funding will be used to continue the Center's operations as well as expand its programs. Specifically, the Center will develop and deliver a series of entrepreneurial programs for students enrolled in DCCC's trade programs (i.e., plumbing, electrical, carpentry, HVAC, automotive technology, and welding) since these students have consistently asked for more training in starting their own small businesses.

INTERIOR AND ENVIRONMENT

City of Reading, 815 Washington Street, Reading, Pennsylvania—$500,000 for the Reading Waste Water Treatment Plant. The funding will be used to consolidate screening and grit removal operations, the impact of future environmental regulations, the need for security improvements, and the potential for improved efficiencies associated with new control systems.

LABOR HEALTH AND HUMAN SERVICES AND EDUCATION

Phoenixville Community Education Foundation, PO Box 809, Phoenixville, Pennsylvania—$147,000 for remedial after school math and reading education. Funding will be used to provide remedial summer and after-school programming for students in grades K–12 who are not proficient in math and reading on the Pennsylvania System of School Assessment (PSSA), the states standardized test.

I–LEAD, Inc., 525 Penn St., Reading, Pennsylvania—$143,000 for the College Without Walls program. The College Without Walls program delivers I–LEAD's leadership curriculum via an accelerated Associates Degree in Leadership Studies in students' neighborhoods of residence through partnerships with local nonprofit organizations. The program includes Vocational training opportunities in healthcare, including a cutting-edge vocational ESL program, leverages workforce development dollars to build long-term careers in high-demand industries for low-income workers. For those who do not have a high school diploma, I–LEAD offers GED classes and support to equip local residents to take the next step toward economic independence and family and community stability by furthering their education.

Chester County Hospital, 701 East Marshall Street, West Chester, Pennsylvania—$428,000 for facilities and equipment. The funding will be used to add 72 inpatient beds and will allow the hospital to centralize and update all of its surgical facilities and services.

Central Pennsylvania African American Museum, 119 N. 10th Street, Reading, Pennsylvania—$238,000 for exhibits relating to the Underground Railroad. Funding will be used to educate the public regarding African American History including inventions, contributions to society and the world, with special emphasis on telling the Underground Railroad story and record the history of local African Americans.

Chester County Historical Society (CCHS), 225 North High Street, West Chester, Pennsylvania—$190,000 for a community historical education initiative in the County. Funding will be used to modernize and broaden education and other outreach services to better address the changing needs, expectations, and demographics of the community.

Pocopson Township Historical Committee, PO Box 1, Pocopson, Pennsylvania—$214,000 for exhibits and curriculum development at the Locust Grove Schoolhouse. The Pocopson Township Historical Committee works to identify and encourage the preservation of historical resources within the Township through education and community involvement.

## TRIBUTE TO BERNARD C. BARRMAN, SR.

### HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. McCARTHY of Cailfornia. Madam Speaker, I rise today to honor a longtime community leader and friend, Bernard ''Bernie'' Barmann Sr., from Bakersfield, California, on his retirement after more than 30 years of service to Kern County. Bernie has served in the Kern County Counsel's Office since 1974, first as the Deputy County Counsel and then as County Counsel since 1985.

Bernie graduated from Immaculate Conception College in 1955 and later earned his M.A. and Ph.D. from Stanford University in 1966. As a Fulbright Scholar and Kent Fellow, Bernie studied in France in 1963 to 1965. A dedicated scholar, Bernie taught at the Ohio State University and the University of Toronto from 1966 to 1971. In 1974, he earned a J.D. from the University of San Diego. Locally, he was an adjunct professor at California State University, Bakersfield's School of Business and Public Administration from 1986 to 2000.

A skilled lawyer, Bernie was admitted to the California State Bar in 1974 and for 33 years has practiced law in California at both the state and federal level. He has also been admitted to argue in front of several federal courts as well as the United States Supreme Court. Bernie has also been active in the California State Bar and the Kern County Bar—he was an editor for the Law Practice Management Newsletter for the State Bar from 1991 to 1993 and served as President of the Kern County Bar Association in 2001. He served from 1997 to 2000 on the State Bar Judicial Nominees Evaluation Commission and was President of the California County Counsels Association in 1993–1994. Bernie was awarded the Kern County Bench & Bar Award in 2006 for his outstanding contributions to the legal profession and justice system, and was recognized in Who's Who in American Law each year from 1992 to 2004. He lectures frequently on local government issues, especially on the topics of the California Open Meeting law and the Public Records Act.

An active member in the Kern County community, Bernie has been a Rotarian for 23 years and has served in leadership positions with various community organizations, including the Kern County Academic Decathalon, the Boy Scouts of American Southern Sierra

Council, the Bakersfield Symphony Orchestra Board, and the Community Concerts Association, to name a few. Bernie's victories for Kern County made funding available for new administration buildings including many fire stations and the Juvenile Justice Center.

As Bernie retires from the position of Kern County Counsel, his selfless contributions to Kern County will not be forgotten. However, I know he is looking forward to spending more time with his wife, Bee, their two children, Bernie Jr., an attorney in Los Angeles, and Brigit, a psychologist in Asheville, North Carolina, and his three grandchildren. I wish him well in retirement.

## A TRIBUTE IN REMEMBRANCE OF LOUVINIA G. POINTER

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. TOWNS. Madam Speaker, I rise today in remembrance of Louvinia G. Pointer. Ms. Pointer, a 92-year-old Brooklyn resident, was a musicologist and celebrated arts educator.

Born in Holly Hill, South Carolina in 1926, Mrs. Pointer and her family migrated to Harlem in 1926 in search of progressive opportunities for African Americans in the North.

Trained as a pianist from a young age, organist and lyric soprano, Louvinia White was prompted by friends to audition for Apollo Theater's Amateur Night competition at age 18. With a recommendation from Countee Cullen, Louvinia was accepted to New York University (NYU) in 1935, where she studied music education and later enrolled in the Music Masters program.

In 1939, a member of Louvinia's church informed her that renowned British playwright Noel Coward sought three African American women to open his new production scheduled to open on Broadway. Louvinia and two singing partners auditioned for Coward singing ''Lift Thine Eyes'' from Felix Mendelssohn's Elijah. Returning home from classes at NYU one evening she found a telegram in her mailbox from Mr. Coward asking her to report to the theater, When she arrived, Coward approached her with hands outstretched and thanked her for coming, exclaiming that he needed her voice in his show, Set to Music, starring Beatrice Lillie. Soon thereafter, Coward composed an obbligato for Louvinia to open the production.

In 1943, Louvinia became a choral director in the National Youth Administration (NYA) Radio Workshop, a unit of President Roosevelt's Works Progress Administration. Louvinia directed one of the two NYA Radio Choirs, which performed weekly concerts on WNYC–FM until the conclusion of the program in 1943. Through the success of her choir, Louvinia married World War II veteran William Davis Pointer Sr. (1918–2001) and the two birthed three children, Olive Elise Pointer (1950), William Davis Pointer Jr. (1952), and internationally acclaimed, Grammy nominated jazz violinist and political activist Noel Whitaker Pointer (1954–1994).

Louvinia's final Broadway role was in the 1951 revival of Marc Connely's 1936 film classic The Green Pastures, a musical setting of the Biblical ''Creation''. Louvinia then commenced her tenure as a music educator in the New York City public school system in 1958. She educated thousands of youth at Girls High School, Tilden High School, P.S. 21 and Lefferts Junior High School.

In 1987, Louvinia founded the Great Day Chorale, a 50-member a capella singing ensemble. Under Louvinia's leadership the four-part ensemble performed nationally and internationally in New Orleans and Barbados.

Louvinia is survived by daughter Olive Pointer Harney, son, Rev. William D. Pointer Jr., Associate Pastor of Christian Cultural Center Brooklyn, N.Y., daughter-in-laws Elder Lillie Pointer of Long Island, NY and Chinita Pointer of Orange, N.J., fourteen grandchildren, seven great grandchildren, nieces, nephews and cousins.

## EARMARK DECLARATION

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. YOUNG of Alaska. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding constituent projects of interest I received as part of the FY 2009 Omnibus.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Galena City School District

Address of Requesting Entity: P.O. Box 299, Galena, AK 99741

Description of Request: I have secured $485,000 for the Galena School District. Funding will be used for Galena's boarding school operations and provide a safe and educationally enriching environment for 120 students, many of whom are Native Alaskans from outlying villages where, in some cases, they may be exposed to a physically and emotionally challenging village environment. Due to a 2001 Department of Education formula change, Galena loses $1 million annually in Federal Impact Aid Funding. It is my understanding that these funds will be used along with state funding to provide educational services and operate the boarding school. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Literacy Council of Alaska, Fairbanks

Address of Requesting Entity: 517 Gaffney Road, Fairbanks, AK 99701

Description of Request: I have secured $81,000 for the Literacy Council of Alaska, Fairbanks. The funding will be used for a school-age tutoring program focusing on reading, writing and math. It is my understanding that the funds will be used for salaries, supplies and tutor trainings. There is an in-kind volunteer tutor contribution of $30,600 annually. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Health and Human Services, Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: AK Addictions Rehabilitation Services, Inc./Nugen's Ranch

Address of Requesting Entity: P.O. Box 871545, Wasilla, AK 99687

Description of Request: I have secured $490,000 for Addictions Rehabilitation Services, Inc./Nugen's Ranch. The funds will be used for the construction of a new residential substance abuse treatment facility. This will allow the recipient to increase the number of individuals treated which will decrease the number of people being sent out of state for treatment. It is my understanding that the funds will be spent for engineering and architecture fees, site preparation and actual construction of the facility. Other funds being used for this project are coming from the Denali Commission, Foundation Grants, AK Mental Health Trust Authority, the State of AK, and funds from the organization itself. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Health and Human Services, Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Providence Health System

Address of Requesting Entity: 3200 Providence Drive, Anchorage, AK 99508

Description of Request: I have secured $951,000 for Providence Health Services in Anchorage, AK. These funds will be used for the Alaska Family Medicine Residency Program which recruits and trains doctors to address the critical physician recruitment and retention problem in Alaska. It is my understanding that the funds will be used to pay for faculty salaries ($835,000) and resident recruitment ($116,000) and that Providence Health Services will provide supplemental funds to this program. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Education, School Improvement

Legal Name of Requesting Entity: Department of Education

Address of Requesting Entity: 400 Maryland Avenue, SW, Washington, DC 20202

Description of Request: I have secured $33,315,000 for the AK Native Education Equity Program. It is my understanding that these funds will be used to meet the unique education needs and to support supplemental education programs to benefit Alaska Natives. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Education, Elementary and Secondary Education

Legal Name of Requesting Entity: Alaska PTA

Address of Requesting Entity: P.O. Box 210496, Anchorage, AK 99503

Description of Request: I have secured $238,000 for the Alaska PTA. These funds will be used to train parents in their roles and responsibilities under the No Child Left Behind Act. It is my understanding that the funds will be used in conjunction with Alaska PTA funds totaling $160,000. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Dept of Health and Human Services, Health Resources and Services Administration, Health Facilities and Services

Legal Name of Requesting Entity: Yukon-Kuskokwim Health Corporation

Address of Requesting Entity: P.O. Box 528, Bethel, AK 99559

Description of Request: I have secured $1,475,000 for the Yukon-Kuskokwim Health Corporation. These funds will be used for capital equipment upgrades that will improve productivity, improve health care delivery and reduce the number of patients that are now required to be transferred out of the region. It is my understanding that no additional funds will be used for this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Commerce, NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: Gulf of Alaska Coastal Communities Coalition

Address of Requesting Entity: PO Box 201236, Anchorage, AK 99520

Description of Request: I have secured $150,000 for the Gulf of Alaska Coastal Communities Coalition (GOAC3) which is an incorporated 501(c)6 non-profit membership driven organization primarily serving as an advocate for small boat community based fisheries in the protection and creation of fair and sustainable fisheries related economic opportunities. The GOAC3 has representation from over 45 fisheries communities in the Gulf of Alaska. The GOAC3 allows these communities to participate and be effective in North Pacific Fishery Management Council meetings, allowing them to help mitigate negative impacts and increase opportunities to create economically viable and sustainable marine related communities. It is my understanding that these funds will be spent as on Personnel: $45,000, Travel: $22,000, Supplies: $12,000 and Support Contracts: $62,000.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Commerce, NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: Cook Inlet Beluga Whale Research/Kenai Peninsula Borough

Address of Requesting Entity: 144 N. Binkley St., Soldotna, AK 99669

Description of Request: I have secured $700,000 for the Kenai Peninsula Borough. This project will study the population of the Cook Inlet Beluga Whale so that it is fully understood and counted. The listing of the Cook Inlet Beluga Whale on the Endangered Species List affects over 70% of Alaska's population and knowledge of the Cook Inlet Beluga Whale's population size and migration habits is sorely lacking. This project fulfills the mandates of the Marine Mammal Protection Act and the Endangered Species Act. It is my understanding that the funds will be used for tagging devices and equipment and to support tagging expeditions to place the tracking devices on the Cook Inlet Beluga Whale. Funds will also be used for data collecting and analyzing.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Justice, OJP—Byrne Discretionary Grants

Legal Name of Requesting Entity: Northwest Arctic Borough

Address of Requesting Entity: P.O. Box 1110, Kotzebue, AK 99752

Description of Request: I have secured $500,000 for the Northwest Arctic Borough's Public Safety Planning and Village Public Safety Officer Hiring and Training. This project provides for the creation of a comprehensive planning process for law enforcement in the Borough and to implement immediate improvements to the Village Public Safety Officer program by recruiting and training new officers. This will help to bring up the level of law enforcement and public safety in the Borough, which is currently completely inadequate and provide Borough citizens with the same protections afforded those Americans throughout the country. The State of Alaska provides contract funds for the Village Public Safety Officer program. It is my understanding that $250,000 will be used for public safety planning process and $250,000 for Village Public Safety Officer Hiring and Training.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Commerce, NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: The Alaska Sea Otter and Steller Sea Lion Commission

Address of Requesting Entity: 6239 B Street, Suite 204, Anchorage, AK 99518

Description of Request: I have secured $300,000 for a Steller Sea Lion Comanagement, Biosampling and Outreach/Education program. This project will feature two approaches to bio-sampling. The first will be to work with two high harvest communities to fund local monitors (residents that help facilitate sea lion bio-sampling and monitor and document the local environment). The second approach will consist of training approximately 25 coastal Alaskans on proper sample collection and technique and protocols from those sea lions harvested for subsistence. This will help fulfill the mandates created by the Marine Mammal Protection Act and help promote responsible and sustainable subsistence harvesting. It is my understanding that the money will be spent on: Personnel: $130,000, Travel: $64,000, Supplies: $15,000, Community Monitoring Contracts: $50,000, Biosamplers: $10,000 and Administrative Support: $31,000.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Department of Justice, Office on Violence Against Women

Legal Name of Requesting Entity: State of Alaska / Victims for Justice

Address of Requesting Entity: 1057 Fireweed Lane, Suite 101, Anchorage, AK 99503

Description of Request: I have secured $400,000 to be used for sexual assault/domestic violence education, victim assistance and prosecution. This project will support victims of violent crimes. It is my understanding that funding will be split between programs on Sexual Assault/Domestic Violence Education, programs to provide Victim Assistance and prosecution of those who commit the violence.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: USDA, NRCS

Legal Name of Requesting Entity: Alaska Association of Conservation Districts

Address of Requesting Entity: 1700 E. Bogard Road, Suite 203A, Wasilla, AK, 99654

Description of Request: I have secured $864,000 to support the work of 12 Soil and Water Conservation Districts in Alaska. Specifically, this program would allow the Alaska Association of Conservation Districts to manage statewide natural resource concerns such as invasive plants, water quality and soil erosion due to global climate change. Assuming percentages remain the same, funding would include 53.5% for salaries and personnel, 9.3% for fringe funding, 6.7% for travel funding, 4.3% for equipment, 4% for supply funding, and 16.7% for contractual funding. The matching funds for this project, which will be augmented from local and private contributors, are unknown at this time. Additionally, this project will be enhanced by projects that are funded by USDA, State and Private Forestry, U.S. Fish and Wildlife Service and other federal agencies. A funding request to the State of Alaska is pending.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: EPA, STAG Water and Wastewater Infrastructure

Legal Name of Requesting Entity: City of Craig

Address of Requesting Entity: P.O. Box 725, Craig, AK 99921

Description of Request: I have secured $250,000 for Water and Wastewater Infrastructure Projects in the City of Craig. The City has previously received funds form the State of Alaska's Village Safe Water Program, but because of delays in funding distribution and escalating project costs the funding received has not been able to fulfill the requirements for the approved projects. All funds appropriated will be used for the construction or replacement of waterlines, wastewater lines, lift stations, and other utilities. The total project will cost $1.2 million. However, the grantee has received $973,000 from the State of Alaska's Village Safe Water Program. The $250,000 included in this appropriation will complete the project. Additionally, the City has provided additional in-kind contributions in the form of labor and equipment.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Federal Transit Administration, Bus and Bus Facilities

Legal Name of Requesting Entity: Fairbanks North Star Borough

Address of Requesting Entity: 809 Pioneer Road, Fairbanks, AK 99707–1267

Description of Request: Provide an earmark of $798,000 for bus acquisition to add a route from Eielson AFB to Ft. Wainwright. The local

share of the project will be provided by the Borough.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: FHWA, Federal Lands Highways

Legal Name of Requesting Entity: Fairbanks North Star Borough

Address of Requesting Entity: 809 Pioneer Road, Fairbanks, AK 99707–1267

Description of Request: Provide an earmark of $950,000 for rural and road service area transportation upgrades. Funds will be used to upgrade roads to federal lands, military installations, university research farms, and evacuation. Funds will be matched 50 percent by the Borough.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Federal Transit Administration, Bus and Bus Facilities

Legal Name of Requesting Entity: Mat Su Community Transit

Address of Requesting Entity: P.O. Box 8971590, Wasilla, AK 99687

Description of Request: Funding will be used for bus facility and property enhancements, 20 percent local match will be provided by Mat-Su Borough.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Army Corps of Engineers,

Address of Requesting Entity: Elmendorf Air Force Base, AK

Description of Request: Provide an earmark of $263,000 for Alaska District to continue the feasibility study of the Alaska Regional Ports and Harbors Comprehensive Plan.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Construction

Legal Name of Requesting Entity: Army Corps of Engineers,

Address of Requesting Entity: Elmendorf Air Force Base, AK

Description of Request: Provide an earmark of $3,328,000 to be used for Alaska coastal erosion. Native Villages on the coast of Alaska are eroding and this funding will help the Corps address the most pressing needs.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Army Corps of Engineers, General Construction

Legal Name of Requesting Entity: City and Borough of Sitka

Address of Requesting Entity: 100 Lincoln St., Sitka, AK 99835

Description of Request: Provide $478,000 for upgrades to the harbor breakwater due to design deficiency. Upgrades are needed to protect fishing boats within harbor of Sitka Channel. Local match will be met by the state or borough.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Port of Anchorage

Address of Requesting Entity: 2000 Anchorage Port Rd, Anchorage, AK 99501

Description of Request: Provide an earmark of $16 million will be used for transitional dredging for the Port of Anchorage Expansion Project.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: EERE, Biomass and Biorefinery Systems R&D

Legal Name of Requesting Entity: Municipality of Anchorage

Address of Requesting Entity: P.O. Box 19660, Anchorage, AK 99519

Description of Request: Provide an earmark of $713,625 to be used for converting methane gas to electrical power generation. Municipality will match all federal funds.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: EERE, Geothermal Technology

Legal Name of Requesting Entity: City of Unalaska

Address of Requesting Entity: 43 Ravens Way, Unalaska, AK 99685

Description of Request: Provide an earmark of $951,500 for the development of a potential geothermal well in Unalaska. This could be a crucial source of energy for people on the Aleutian Chain.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: Elmendorf AFB, AK

Description of Request: Provide an earmark for $740,000 for City of Dillingham in support of President's Budget for dredging Dillingham Harbor.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: Elmendorf AFB, AK

Description of Request: Provide an earmark for $575,000 for City of Homer in support of President's budget for dredging Homer Harbor.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 1105

Account: Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: City of Nome

Address of Requesting Entity: P.O. Box 281, Nome, AK 99762

Description of Request: Provide an earmark for $724,000 for City of Nome in support of President's budget for dredging the Nome Port.

## PERSONAL EXPLANATION

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. LARSON of Connecticut. Madam Speaker, on February 25, 2009, I missed two votes regarding H. Res. 184, a resolution setting forth the rule for consideration of H.R. 1105 to consider making omnibus appropriations for the fiscal year ending September 30, 2009. Had I been present, I would have voted "yes" for both H. Res. 184, Ordering the previous question (Roll call vote 84), and H. Res. 184, On Agreeing to the Resolution (Roll call vote 85).

## A COMMEMORATION OF HOUSE SPEAKER TERRANCE CARROLL AND SENATE PRESIDENT PETER GROFF

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Ms. DEGETTE. Madam Speaker, I rise to honor two distinguished gentlemen and mark a historic occasion for the State of Colorado and our legislature. For the first time in United States history, two African-Americans will hold the top leadership position in both chambers of a State legislature.

The election of Colorado State Representative Terrance Carroll as Speaker of the Colorado House of Representatives and Colorado State Senator Peter Groff as President of the Colorado Senate puts our State's past injustices into perspective. It opens our eyes once again to a time only eighty years ago when a majority of the State House members were associated with the Ku Klux Klan members. It reminds us when the 1924 election ushered in numerous KKK-endorsed candidates, including the Governor of Colorado, Clarence Morley. These were the days when legislation was introduced without shame by people who sought to use the law to restrict the rights of African Americans and to remove them from boards and commissions. The struggle for harmony and freedom from inequity continues for all of us, but today Colorado makes progress toward that end.

The story of House Speaker Terrance Carroll began several blocks away from this chamber, where Carroll grew up in the Anacostia neighborhood of Washington, D.C. He was the only child of a single mother who was the daughter of a sharecropper. He attended Morehouse College in Atlanta. He eventually earned a master's degree from the University of Colorado and a law degree from the University of Denver, and he graduated from seminary to become an ordained minister. During his career, he has served as a police officer and a practicing lawyer. In his seven years in the Colorado state legislature, Speaker Carroll has championed issues ranging from educational reform, housing, homeland security, and civil and criminal justice issues.

Senate President Peter Groff, the son of former Colorado lawmaker Regis Groff, is a graduate of Denver's East High School. He started his political career working for former

Governor Roy Romer and former City of Denver Mayor Wellington Webb. He helped found the Center for New Politics and Policy at the University of Denver. He has served as the center's executive director since its founding, in addition to working as an attorney in private practice, college lecturer, and satellite radio talk show host. Peter Groff was first elected to the House in 2000 and later was appointed and reelected to the Colorado Senate. He is the highest-ranking African-American elected official in Colorado history and has been called the "Conscience of the Senate."

In a year when America inaugurated its first African-American President, the ascension of Speaker Carroll and President Groff is also a significant tribute to the innumerable individuals who have come before us who strived and sacrificed for civil rights, equal opportunity, and equality for all. It gives me great pleasure as the Senior Member of the Colorado Congressional Delegation to congratulate these two men and recognize their accomplishments, not only in the context of Colorado's history, but the nation's as a whole.

## HONORING THE LIFE AND SERVICE OF MERVIN WILLIAMS

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. McCOTTER. Madam Speaker, I rise today to honor and acknowledge the life of Mervin Williams upon his passing on February 7, 2009.

A highly decorated veteran of World War II, Mervin served in the 10th Mountain Division's 85th regiment alongside Senator Robert Dole. For his selfless service to America, Mervin received a Bronze Star for his heroism and two Purple Hearts.

After Mr. Williams' return to the United States to recover from shrapnel wounds he received defending our nation, he dedicated himself to improving the lives of his fellow veterans and our entire community. Mervin became engaged in many significant organizations including Veterans of Foreign Wars, Disabled American Veterans, Eagles, the Moose Lodge, and The Knights of Columbus.

Madam Speaker, Mervin Williams is remembered as an American hero who loved and served our country and community in war and peace. Today, as we bid him farewell, I ask my colleagues to join me in mourning his passing and honoring his life. In league with his comrades who wore America's colors, Mervin Williams was a good man who did great things for the cause of human freedom. We are all diminished by his loss; and inspired by his life.

## ACTION IN COMMUNITY THROUGH SERVICE

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Mary Ta, a student at Lake Braddock Secondary School in Burke, VA and recipient of the In Hope Freedom Rings Foundation Scholarship. Mary sets a strong example as a leader among her peers, and is committed to making the most of her gifts and passions.

Mary exhibits a maturity beyond her years. Her father passed away when she was eight years old, forcing her family to relocate. Later, as her older siblings left home, she assumed responsibility for her younger sister. She has learned the flexibility and presence of mind needed to excel under demanding circumstances, coupled with a natural compassion and intellectual curiosity.

Mary has distinguished herself as a leader in the school community, in large part through her commitment to public service. She is the past Secretary and Vice-President of the Lake Braddock Key Club and a member of Key Club International. She serves in the Key Club as the Capital District's Lieutenant Governor, working on a board of trustees from all over the Washington Metro Area and Delaware. Her responsibilities include overseeing 15 high schools in the Capital District and acting as liaison between them.

In addition, Mary has organized and coordinated various service projects with the Leukemia and Lymphoma Society, the American Red Cross, Women's Domestic Shelter, United Nations Children's Fund, and many more.

Mary's strong orientation towards volunteerism has helped make her a leader in the student community. In 2005 she co-founded and is the current Vice-President of the Bruin ESOL Tutoring Association, a tutoring program for middle school students with English as their second language. In addition she has been an officer of the National Honor Society and the Student Government Association, and last year she attended Girls State at Longwood University and was elected to serve as a state Delegate.

Balancing her work in the greater community with more artistic activities, Mary is a serious musician, having played the violin for nine years. She has been a member of the Lake Braddock Orchestra since 2003, and is also a member of the Symphonic Orchestra and Tri-M music Honor Society.

Mary intends to continue challenging herself on many levels. Following college, she hopes to join the Peace Corps and ultimately to become a professor of history.

Madam Speaker, I ask that my colleagues join me in commending Mary Ta for her commitment to service and for the vital role she continues to play in her student community.

## IN HONOR OF BLACK HISTORY MONTH

### HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. RAHALL. Madam Speaker, in his Inaugural Address, President John F. Kennedy asked the people to ask not what their country could do for them but what they could do for their country.

Last month, as I again stood witness to history, President Barack Obama spoke a similar message, asking the people he had been elected to serve to remember the legacy that came before and with which many of us are intimately familiar: hard work, faith, and understanding in the face of economic insecurity, international conflict and personal differences.

No one understands this legacy better than African Americans, and it is with that in mind that we come together again this February to celebrate Black History Month.

The theme of Black History Month this year is "The Quest for Black Citizenship in the Americas." It is a theme we in West Virginia understand to our core. Making our homes in a state born out of the Civil War, we are intimately familiar with the struggle for equality.

It is no surprise that we've seen significant moments in history celebrated right here in our hills and hollows. Carter G. Woodson, the "father of Black History" hailed from Huntington, a son of slaves who worked in the coal mines to earn money for an education at West Virginia State College and then Howard University in Washington, DC.

Booker T. Washington, perhaps our most famous African American, walked from Virginia to Kanawha County, 'free at last,' to have a better life for his family. He also worked hard to obtain the education he felt in his heart was his right to pursue, working in the coal mines until he was 16. He walked 200 miles on foot to study at the Hampton Institute in Virginia and then came right back to West Virginia to teach the children of Appalachia.

Minnie Buckingham Harper of Keystone, the first African American woman to become a member of a legislative body in the United States, broke ground for countless women in 1928 when she was appointed to fill the term of her late husband.

Leon Sullivan, born in Charleston, was brought up in a dirty alley in one of the city's most poverty-stricken sections, worked in a steel mill to pay his tuition at West Virginia State College, and rose from poverty to found the Opportunity Industrialization Center, a job-training organization with branches around the world.

Helen Dobson was from Raleigh County, well-known throughout West Virginia for her beautiful voice, performed at the inauguration of two of West Virginia's governors and served as public school teacher for many years. Her spirit is still strong in southern West Virginia and it was with Ms. Dobson in mind that I signed on as a cosponsor of a bill that designates the African American spiritual as a national treasure. This bill passed the House of Representatives earlier this month.

Countless men and women have worked long hours for less pay to provide for a better future for their children. They have fought, and continue to fight, for our liberties in the armed forces. Through their compassion and quiet strength, these men and women are role models by which we all can live.

With change and the spirit of unity sweeping the Nation, we have come together again to celebrate Black History month. I can think of no more fitting honorees this month than the African American men and women of West Virginia who have done so much to serve our Nation.

Today, southern West Virginians remain deeply indebted to our African American educators who work hard to make sure the children of the Mountain State are ready to take part in an ever more challenging and modern economy. Folks like Bluefield State President

Albert Walker; Maurice Cooley, Director of African American Programs at Marshall University; Dr. Shari Williams-Clarke, Vice President for Marshall University Multicultural Affairs; Loretta Young, Vice President for Development at Concord University; and Roslyn Clark-Artis, Executive Vice President at Mountain State University, are an inspiration to us all.

Too often, the history of black Americans is not fully taught or remembered. With the indomitable spirit of Dr. Carter G. Woodson and new leaders such as President Barack Obama, African Americans in southern West Virginia and across the country are making great progress. Let us take this Black History Month to celebrate the African American contributions to the greatness of West Virginia and to commend those carrying on this proud tradition of service today.

## HONORING MR. ERNIE CHAMBERS

### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. TERRY. Madam Speaker, I rise today in order to honor a great constituent in my district, Mr. Ernie Chambers.

Ernie Chambers is a former Nebraska State Senator and current member of the Omaha Learning Community.

As a member of the Nebraska legislature, he served longer than any other member had and up until this year, he was the Legislature's lone African-American member. As a State Senator, he was a voice for the residents of north Omaha and he always asked the tough questions. While some of his colleagues might have disagreed with him from time to time, he earned their respect and demonstrated a great passion in his work.

Mr. Chambers is a graduate of Omaha Central High School and Creighton University School of Law. It is my pleasure to recognize State Senator Ernie Chambers and thank him for his years of service to the great city of Omaha.

## TRIBUTE TO COACH JIM CALHOUN

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. COURTNEY. Madam Speaker, I rise today to honor the most recent achievement of one of college basketball's premier coaches. On February 25, 2009, the University of Connecticut's Men's Basketball program celebrated a 93–82 win over Marquette University. Not just a typical victory in another impressive season for the Huskies, this victory was also the 800th in the career of Coach Jim Calhoun. Coach Calhoun is just the seventh coach in men's college basketball to reach this historic milestone, joining legends such as Bobby Knight, Dean Smith and Adolph Rupp.

Coach Calhoun's' career as a basketball coach began in 1966 when he served as an assistant at his alma mater, American International College in Springfield, MA. Calhoun stayed at AIC until 1968 when he became a high school basketball coach in Old Lyme, Connecticut. He stayed in the high school ranks for a brief period until 1972, when he assumed the role of head coach at Northeastern University in Boston, Massachusetts. Calhoun's squad came to dominate the Eastern College Athletic Conference, leading those Huskies to a 248–137 record in 14 seasons that included 5 league tournament championships and 4 outright regular season championships.

In May of 1986, Coach Calhoun assumed the role of head basketball coach at the University of Connecticut. Since that time, UConn has become the Big East Conference's premier basketball program. Just two years later, Coach Calhoun won his first national title when UConn defeated Ohio State in the 1988 National Invitational Tournament with Phil Gamble and future NBA all star Clifford Robinson leading the way.

During his 22+ seasons at the University of Connecticut, Coach Calhoun has led the Huskies to ten Big East regular season titles, six Big East tournament titles, an NIT title and 2 NCAA titles in 1999 and 2004. During his tenure, Calhoun has coached more than two dozen players who have moved onto the NBA, including perennial stars such as Ray Allen, Richard Hamilton and Emeka Okafor.

Coach Calhoun has received countless awards and has been consistently recognized for his remarkable career. In 2005, Coach Calhoun's career came full circle as he returned to Springfield, Massachusetts, where he started his basketball career. There, Coach Calhoun joined the ranks of basketball's greats when he was enshrined in the Dr. James Naismith Basketball Hall of Fame. Coach Calhoun is also a member of the American International College and Northeastern University Hall of Fame and has been awarded the John Wooden ''Legends of Coaching Award'' for his lifetime of service.

Coach Calhoun's positive contributions to Connecticut are not limited to the basketball court. He has contributed huge sums of personal wealth to hospitals, charities and civic causes—often times with little fanfare. He is a strong voice for ''Coaches Against Cancer'', advocating for a stronger national effort to cure cancer and raising private funds for research and treatment.

The most impressive contribution I believe was his willingness to publicly share his personal battle against three bouts of cancer—educating and inspiring patients and families all across America to fight this illness and continue with their regular lives.

For more than two decades, Coach Calhoun's coaching prowess has been well known to the people of eastern Connecticut. For those of us who have the honor of calling him our friend, and for the scores of Husky hoops fans across the state and the country, we congratulate Coach Jim Calhoun on this historic achievement and wish him well as he continues his leadership of our beloved Huskies.

## TRIBUTE TO MRS. JERIS LAMPKIN SMITH

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to Mrs. Jeris Lampkin Smith on the occasion of her retirement from the United States District Court, Southern District of Florida's Probation Office after 32 years of service and dedication. Mrs. Lampkin Smith will retire from the position of Supervising United States Probation Officer in the State of Florida, and can look back on a proud career of service and distinction in community leadership.

A native Floridian, Mrs. Lampkin Smith graduated from Middleton High School in Tampa, and in order to further her education, she attended Florida Agricultural & Mechanical University and received a Bachelor of Science degree. On April 25, 1977, Mrs. Lampkin Smith was appointed the first African-American female probation officer by Chief United States District Judge C. Clyde Atkins. Ultimately, Mrs. Lampkin Smith became the first person of color to be promoted to the position of Supervising United States Probation Office in the State of Florida. She was not joined by any other African-American officer until 1983.

Mrs. Lampkin Smith had a distinguished 32 year career working for the Southern District of Florida Probation Office. The United States Probation Office in the Southern District of Florida is one of 94 federal judicial districts nationwide. U.S. Probation officers play an integral role in the administration of justice by protecting our communities by monitoring offenders and enforcing Court Orders, as well as promoting positive individual change by addressing offenders' needs through effective use of community resources.

In an effort to compliment her professional achievements, Mrs. Lampkin Smith is involved with various organizations such as a charter member and former president of the Dade County Chapter of The Links, Incorporated; life member and Regional Foundational Member at Large for Jack & Jill of America, Foundation, Washington, DC; member of Alpha Kappa Alpha Sorority, Incorporated; and life member of the Black United States Probation and Pretrial Services Association and NAACP.

This public servant is married to Herbert B. Smith and has one daughter, Courtney Smith. In retirement, Mrs. Lampkin Smith plans to continue to develop her new career as an event planner, travel the world and play golf with her husband.

Mrs. Lampkin Smith is an outstanding American worthy of our collective honor and appreciation. It is with deep respect and admiration that I commend Mrs. Jeris Lampkin for her 32 years of service to the South Florida area, and wish her and her family the very best in retirement.

## THE STUDENT PROTECTION ACT

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. PUTNAM. Madam Speaker, on January 28, 2009, I reintroduced the Student Protection Act, a measure aimed at protecting our Nation's classrooms from repeat sexual predators within our school systems.

The Student Protection Act requires uniform reporting requirements for eligible school system employees accused of sexual misconduct against a student, consistent with established guidelines for reporting child abuse; it requires

a central body in each state to be responsible for receiving and investigating allegations of sexual misconduct by school employees; and it creates a nationwide database of school employees sanctioned by the state for sexual misconduct—thus enabling state, local, and private school officials to ensure offenders remain out of the classroom.

Accounts of teacher sexual misconduct have inundated headlines across our country. In 2004, a study required by the No Child Left Behind Act of 2001 reported that an estimated 4.5 million children are subject to sexual misconduct by a school employee sometime between kindergarten and 12th grade—that's nearly 1 in 10 students that are targets of sexual misconduct during their school career. As far as I'm concerned, that's one too many.

Further, a 2007 seven-month Associated Press investigation found a total of 2,570 educators across the nation were punished for sexual misconduct from 2001–2005, representing about a quarter of all educator misconduct cases in that time period.

More than a dozen states have considered legislation to strengthen laws for screening and reporting of sexual misconduct by educators last year—many of which became law. However, without adopting systematic policies and procedures at the national level all states remain vulnerable when hiring school employees from states with mediocre reporting procedures and lackluster ethical standards. Our classrooms deserve much more than a piecemeal effort that leaves our nation's schools exposed to predators moving from state to state.

Ernie Allen, President and CEO of the National Center for Missing and Exploited Children said, "This Act brings long-overdue recognition to the problem of child sexual exploitation in the school system."

It is abundantly clear that the system we have in place has failed our students—repeatedly. Before we read about another teacher assaulting yet another student or another classroom shaken by another breach of trust, now—not later—let us give schools the tools they need to keep repeat sexual offenders from preying on students within the very institutions that should be a safe-haven for our children.

We have a unique opportunity before us to empower educators and parents nationwide and make it crystal clear we will not allow those who would prey on young, vulnerable minds to compromise the integrity of our school system and tarnish an honorable profession. I urge my colleagues to join me in supporting this legislation, ensuring the safety of our children.

## PEACE CORPS WEEK

### HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. ROYCE. Madam Speaker, I rise to commemorate National Peace Corps Week and the 48th anniversary of the Peace Corps.

While much has changed in the world since the Peace Corps was created in 1961, its goals and ideals of promoting goodwill remain. Volunteers continue to provide invaluable services in over 70 countries, serving as educators, technology consultants, environmental specialists, and business advisors.

At a time when extremism is sweeping through much of the globe, more than ever, we need these dedicated individuals.

As the former chairman of the House Subcommittee on Africa, I have had the opportunity to meet with several Peace Corps Volunteers around the continent. The commitment these men and women have shown is extremely impressive and is to be commended.

These Americans, approximately 7,800 of them, are serving their country in often extremely difficult conditions. They live at the same level of the people they serve, and uniquely connect with them. Since its inception, over 195,000 Volunteers have worked in over 139 countries.

In my district, I'm proud to say that I have thirteen Peace Corps Volunteers, stationed around the world. Christina Balch in Lesotho, Joan Bash in Bulgaria, Joseph Flores in Macedonia, Mamie Florin in Gambia, Wendy Jones in Kenya, Olenka Langen in Nicaragua, Justin Lee in the Dominican Republic, Dulce Martinez in China, Lacey Monson in Thailand, Carmen Munoz in Guatemala, Joan Ngo in Paraguay, Stacey Ngo in the Dominican Republic, and Leala Ruangtragool in Honduras, are each to be commended for their service.

Madam Speaker, I have seen the valuable work the Peace Corps is doing in Africa, and throughout the world. It deserves our recognition and support.

## A TRIBUTE TO ABISHEK JAIN

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Abishek Jain, a student at Falls Church High School in Falls Church, VA and recipient of this year's In Hope Freedom Rings Foundation Scholarship.

AJ has earned a reputation as a mindful and mature leader in his community. He is president of the Falls Church High School Science Club, which he founded in the 10th grade, and through which he founded, planned, and operated the school's first successful school recycling program. Today this program is staffed by 30 volunteers and has 200 collection locations.

He is a devoted scholar. His current overall grade point average is 3.86 and this semester he is enrolled in four Advanced Placement courses. He further contributes to the intellectual life of his school as President of the National Math Honor Society and Treasurer of the National Spanish Honor Society. In furthering his studies as an undergraduate AJ plans to pursue a degree in engineering.

AJ's studies are balanced by his athletic and artistic endeavors. He is a member of the Varsity Tennis and Indoor Track Teams and is a former member of the Varsity Swim and Dive Team and Junior Varsity Golf Team. In addition, he has a genuine passion for the violin, which he has played for the past nine years. In this capacity he is a member and former vice-president of the Chamber Orchestra.

AJ still finds time to volunteer in the community beyond his school. He has spent many hours over the past four years working at the Bailey's Crossroads' Homeless Shelter where he is a coordinator charged with gathering food and volunteers to feed the area's homeless.

His school counselor notes, "What impresses me most about AJ is how grounded he is. He pushes himself to achieve, yet is also aware of his limitations. Since elementary school he has been involved with a cultural organization, the Chinmaya Mission. It is here where AJ has developed a spiritual sense and wisdom beyond his years."

Madam Speaker, I ask that my colleagues join me in commending AJ for setting such a strong example in his community.

## EARMARK DECLARATION

### HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I secured as part of H.R. 1105, Omnibus Appropriations Act, 2009.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Justice—Byrne Discretionary Grants

Legal Name of Requesting Entity: Buffalo Trace/Gateway Narcotics Task Force

Address of Requesting Entity: 908 Kenton Station Drive, Maysville, KY 41056

Description of Request: Appropriate $280,000 to continue the operations of the Buffalo Trace/Gateway Narcotics Task Force to collect, analyze and process information through an organized, coordinated investigation, with the assistance of local, State, and federal agencies, to discourage and eliminate the use and sale of illegal narcotics.

The Task Force will benefit law enforcement in the investigation of all types of crimes related to drug trafficking and drug abuse which may include thefts, robberies and homicides. Local law enforcement does not have the funds to strengthen and investigate drug related crimes in some of our communities.

The Task Force will impact the drug abuse and drug related deaths in the ten county area in which it covers, as well as provide the offender's with treatment and recovery. Local governments and law enforcement agencies provide matching funds to support operations of the task force.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Justice—Byrne Discretionary Grants

Legal Name of Requesting Entity: Oldham County Sheriff's Office

Address of Requesting Entity: 100 W. Jefferson Street, La Grange, KY 40031

Description of Request: Appropriate $90,000 to acquire upgraded equipment to assist the Sheriff's Department in responding to a variety of law enforcement situations within the community. Needed equipment includes: dual antenna radar units, handheld radar units, Mobile Data Terminals, tazers, four wheel drive police vehicle, GPS positioning units, PD6500 security scanner, and other appropriate equipment

to assist the agency in responding to a variety of law enforcement situations within the community. The Oldham County Sheriff's Office is a twenty-four hour law enforcement agency that provides immediate assistance to the residents of Oldham County and surrounding counties as requested. In addition, the Sheriff's office is responsible for courtroom security, prisoner transport throughout Kentucky, protection of government employees, officials and government property.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Alexandria Police Department

Address of Requesting Entity: 8236 W. Main St., Alexandria, KY 41001

Description of Request: Appropriate $30,000 to digitize police records and make them available in real time to officers throughout a three county region. The City of Alexandria Police Department on behalf of the Northern Kentucky Police Chief's Association is working collaboratively with local law enforcement agencies throughout our region to share police records. These records are considered public record, but are not readily available to local law enforcement as a means of data intelligence or for viewing by patrol officers in the field. This project uses state of the art software in a web interface that enables officers in real time to check master name files and previous contacts, as well as print warnings and other citations from the car using broadband internet connectivity. This project will allow local law enforcement to become more responsive to the community from a crime reduction standpoint.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: City of Flemingsburg Police Department

Address of Requesting Entity: 140 W. Electric Avenue, Flemingsburg, KY 41041

Description of Request: Appropriate $45,000 for the acquisition of four Mobile Data Terminals (MDTs) for installation and use in the police cruisers used by the City of Flemingsburg Police Department. This will allow the department to connect to the Kentucky State Police LINK/NCIC terminal directly from the police vehicle. MDTs increase both officer and public safety by empowering law enforcement with critical information prior to exiting their vehicle. MDTs will let the officers know if a vehicle is stolen, the person driving is wanted and if the person is licensed to carry a concealed weapon.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Owen County Sheriff Office, Owenton, KY

Address of Requesting Entity: 102 North Madison Street, Owenton, KY 40359

Description of Request: Appropriate $55,000 for the acquisition of six Mobile Data Terminals (MDTs) for installation and use in the police cruisers used by both the Owen County Sheriff's Office and the City of Owenton Police Department. The topography of Owen County limits the effectiveness of cell phones and two-way radios. However, experience has shown that MDTs are responsive throughout the county. MDTs will allow the department to connect to the Kentucky State Police LINK/NCIC terminal directly from the police vehicle. MDTs increase both officer and public safety by empowering law enforcement with critical information prior to exiting their vehicle. MDTs will let the officers know if a vehicle is stolen, the person driving is wanted and if the person is licensed to carry a concealed weapon.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Interior, EPA, STAG

Legal Name of Requesting Entity: City of Warsaw, KY

Address of Requesting Entity: 303 East Main Street, Warsaw, Kentucky 41095

Description of Request: Appropriate $500,000 for the extension of a public water main to service area of the county not currently served by potable water supply. The project benefits include the delivery of safe drinking water to area residents not currently served by potable water supply and improved fire protection. The existing 0.21 MGD WWTP will be upgraded to a 1.0 MGD treatment facility.

Expansion and upgrading the existing facilities is vital for the area to continue its residential and economic growth. The proposed project would bring the Warsaw WWTP into compliance with KY EPA regulations and prevent the imposition of a consent decree or ''agreed order.'' Furthermore, the project would ensure that water quality and environment would be protected.

The recipient has certified that the matching funds required by the STAG program (45% non-federal) can and will be met.

Adequate water and sewer service are essential infrastructure foundations that are required for residential and commercial growth. In addition, this funding will assist the community in complying with federal environmental regulations.

Budget allocation: Construction—81%; Administrative—1%; Engineering—7%; Resident Inspection—6%; Financing—1%; Project Contingencies—4%. Note: these percentages represent the allocation based on the total cost of the project as determined through the certified financing plan.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Energy & Water, Department of Energy—Fossil Energy

Legal Name of Requesting Entity: University of Kentucky

Address of Requesting Entity: 243 Bowman Hall, Lexington, KY 40506–0059

Description of Request: Appropriate $951,500.00 to the University of Kentucky's Center for Applied Energy Research for the Coal-Derived Low Energy Materials for Sustainable Construction Project. The project and product development needs for the concrete, ready-mix, and masonry product industries that produce construction materials from coal combustion by-products and will provide data for using these materials in LEEDs certified green construction projects.

New products including low energy, low $CO_2$ producing cement and concrete can be fabricated almost entirely from coal combustion products. Portland cement is an energy intensive product that represents the third highest anthropologic source of $CO_2$. A high performance substitute for Portland cement, based on calcium sulfoaluminate (or CAS cement) can be made from fluidized bed combustion ash, synthetic gypsum and bauxite.

These new materials are not only low energy but also recycled and can play a major role in sustainable, energy-efficient construction. Kentucky and many other states have made a commitment to LEEDs certified green building and architecture. These new materials will require documented performance and certification for their use that can only be provided by a cross cutting research effort as is proposed for the Center.

Budget allocation: 100% of the funds will be spent on research, including equipment and support for two senior engineers.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Energy & Water, Department of Energy—Fossil Energy

Legal Name of Requesting Entity: University of Kentucky

Address of Requesting Entity: 243 Bowman Hall, Lexington, KY 40506–0059

Description of Request: Appropriate $1,379,675 for the University of Kentucky Strategic Liquid Transportation Fuels Derived from Coal Project at the Center for Applied Energy Research. The funding will continue the expansion of capabilities at the University of Kentucky directed toward research and labor force development and training related to the production of liquid transportation fuels (diesel, aviation fuel, etc.) derived from coal.

The use of coal for transportation fuels can provide additional independence from oil imports, safeguard the nation's security, allow for the development of new industries, and provide new incentives for coal mining. The Department of Defense has a keen interest in securing alternatives to petroleum for reliable supplies of battlefield fuels. Moreover, there are certain applications where coal-derived fuels are environmentally superior for the production of ultra-clean diesel and jet fuel of interest to the aviation, heavy equipment and trucking industries. Eastern and western Kentucky coals are suitable feed stocks for these purposes.

Budget allocation: 60% for construction; 15% for utilities and infrastructure; 25% for integration of the existing slurry column reactor.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Energy & Water, USACE, PED

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Huntington District

Address of Requesting Entity: 502 Eighth Street, Huntington, WV 25701

Description of Request: Appropriate $335,000 for the Greenup Lock and Extension, KY & OH. Greenup Lock and Dam is the eighth busiest of the Corps of Engineers' 230 locks and dam projects. Closure of the lock, for maintenance or in the event of an accident, generates massive delays and associated costs to industry. Traffic delays are increasing in frequency and duration due to the dilapidated state of the infrastructure. Budget Allocation: 100% of the funds will be used to complete the preconstruction engineering and design (PED) phase.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Energy & Water, USACE, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Louisville District

Address of Requesting Entity: P.O. Box 59, Louisville, KY 40201–0059

Description of Request: Appropriate $10,144,000 to continue the construction and rehabilitation of the Markland Locks and Dam. This funding is for construction and installation of miter gate assembly area and pier, new miter gates for the main chamber and new culvert valves for the main chamber.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Energy & Water, USACE, General Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Louisville District

Address of Requesting Entity: P.O. Box 59, Louisville, KY 40201–0059

Description of Request: Appropriate $96,000 for the Northern Kentucky Riverfront Commons. The Army Corps of Engineers has completed a Master Plan and Reconnaissance Report for the Northern Kentucky Riverfront Commons Project. This request for funding is intended for preliminary design and engineering for the entire length of the project area.

The Riverfront Commons project coordinates riverbank stabilization strategies and public access enhancements along the Phase I 2.75 mile corridor of the south bank of the Ohio River in the communities of Covington, Newport, and Bellevue, Kentucky.

Implementation of the Riverfront Commons Project will improve quality of life for Northern Kentucky residents and residents of the Greater Cincinnati, Ohio-Kentucky-Indiana metropolitan area.

Riverfront tourism and festivals along the riverfront make a large contribution to the Northern Kentucky economy. Currently, an estimated 5,647,928 visitors, including 1,000,000 festival attendees, visit the Northern Kentucky riverfront area each year.

Budget allocation: 100% of the funding will be used for preliminary energy and design. Note, however, that the bill does not fund the original request completely. As a result, progress will be limited by the limited appropriation.

The affected local communities plan to provide a fifty-fifty local match of case and in kind services.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Financial Services, SBA, Salaries & Expenses

Legal Name of Requesting Entity: Northern Kentucky University

Address of Requesting Entity: Administrative Center 616, Nunn Drive, Highland Heights, KY 41099

Description of Request: Appropriate $1,900,000 for equipment, faculty development and start-up costs for the College of Informatics to develop and apply informatic-based solutions to the real world, as well as train students for new jobs in various professions that could benefit from the application of informatics, including health.

Informatics is the science of gathering, processing and manipulating information. Employment potential in health informatics careers is skyrocketing, a result of the growing number of public and private stakeholders, increased health care technology applications, and the desire to positively impact health care evolution and programs.

The U.S. Department of Labor projects the healthcare industry to hold twelve of the twenty fastest growing occupations, five of the remaining eight in the computer technology industry. The Labor Department also identifies ''medical records and health information technology'' as the sixth largest field for growth, with a forty-seven percent employment increase over the ten years ending in 2012.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Financial Services, SBA, Salaries & Expenses

Legal Name of Requesting Entity: Thomas More College

Address of Requesting Entity: 333 Thomas More Parkway, Crestview Hills, KY 41017

Description of Request: Appropriate $100,000 for Thomas More College's Center for Regional Health Sciences and Health Care Management. The Center will use the funds to expand upon current programs to address both immediate and projected future needs of businesses in health care and health care related fields, both at the advanced skills and at the management level. The College is a leader in both nursing and business in the region and has a unique affiliation with St. Elizabeth Hospital Medical Center. Federal funds will be used for continued faculty development and operating costs of programs at the Center.

The Center serves to stimulate job creation in the region. The health care industry is expected to grow by 25% by 2010 out pacing the ability of post-secondary institutions to fill the void. The center will produce a greater volume of highly skilled workers. Employment opportunities in the health care field are expected to increase by more than 25% by the year 2010, creating 1.3 million jobs on a national level.

The total project cost estimate is $3,180,000. The College (through tuition revenue, foundation support and alumni giving) will provide 61% of the required funds.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration

Legal Name of Requesting Entity: Harrison Memorial Hospital

Address of Requesting Entity: 1210 KY Highway 36 E, Cynthiana, Kentucky 41031

Description of Request: Appropriate $285,000 to upgrade the technology and enhance the capabilities of Harrison Memorial Hospital's Amicus PACS Imaging System in order to improve efficiency, health care delivery and cost savings. This appropriation would enable Harrison Memorial Hospital to enhance PACS to include critical services and provide same-day testing for patients.

The current system is currently able to capture and distribute images of general radiology, CT, and general ultrasound. At present, bone density and stereotactic biopsy services are only available through a mobile service one day per month. Digital mammography is also currently not available at the hospital. Federal funds will enable HMH to enhance the PACS system to include these critical services and provide same-day testing for patients. This increases access to critical health care resources in the community, as well as reduces multiple trips to the facility and multiple billings.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Health and Human Services, Health Resources and Services Administration

Legal Name of Requesting Entity: HealthPoint Family Care

Address of Requesting Entity: 601 Washington St., Suite 300, Newport, Kentucky 41071

Description of Request: Appropriate $238,000 to replace the current paper records system with electronic medical records to reduce errors, save money and improve the quality of care. HealthPoint Family Care is a federally qualified health center providing primary care medical and dental services to 35,800 mainly low-income, uninsured patients. Funding will cover hardware, software and training to convert medical records from paper to electronic.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Education, Elementary & Secondary Education (FIE)

Legal Name of Requesting Entity: Grant County Board of Education

Address of Requesting Entity: 820 Arnie Risen Boulevard, Williamstown, Kentucky 41097

Description of Request: Appropriate $190,000 for equipment for the Grant County Board of Education's new Grant County/Williamstown Area Career and Technical Education Center. The new Center will provide closer career and technical training opportunities for high school students in Grant County. The flagship program will be the Aviation Maintenance Technician (AMT) Program. This field is an attractive and in demand area of expertise with Grant County's strategic location between three major airports. Federal funding will go towards technical equipment needed for the AMT Program.

The proposed Grant County/Williamstown Area Career and Technical Education Center will dramatically improve opportunities for students. The improved labor force will attract much needed industry to Grant County and the region.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Education, Higher Education (FIPSE)

Legal Name of Requesting Entity: Ashland Community and Technical College

Address of Requesting Entity: 1400 College Drive, Ashland, KY 41101

Description of Request: Appropriate $143,000 for the purchase of necessary equipment for the allied health laboratories and classrooms located in the Parsons Building. The Parsons Building is a new building gifted to the College in the downtown district of Ashland. The new location will be used for college classes in Health Sciences, the Business and Job Testing Center and a conference center. Federal funds will be used for equipment, including computers and related computer

equipment, laboratory equipment; training aids; and curriculum development tools for the allied health laboratories and classrooms in the new building.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Department of Education, Higher Education (FIPSE)

Legal Name of Requesting Entity: Gateway Community and Technical College

Address of Requesting Entity: 300 Buttermilk Pike, Suite 334, Fort Mitchell, Kentucky 41017

Description of Request: Appropriate $95,000 for the Gateway Community and Technical College's Center for Advanced Manufacturing. The new Center's goal is to prepare, train and retrain a skilled workforce in Northern Kentucky that will create a pipeline of young workers for new and expanded manufacturing jobs, train and retrain 10,000 workers in 200 companies annually to boost productivity, and provide just-in-time training for new manufacturing firms in the region. Federal funds will be used to purchase equipment for the training programs, including training modules and equipment for specific manufacturing careers.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Federal Highway Administration, Transportation & Community & System Preservation

Legal Name of Requesting Entity: Carroll County Fiscal Court

Address of Requesting Entity: 4400 Main Street, Second Floor, Carrollton, Kentucky 41008

Description of Request: Appropriate $95,000 to begin replacement of the Highway 36 West Bridge over Locust Creek in Carrollton, Kentucky. This bridge is on a main thoroughfare for commercial road traffic. A number of fatalities have occurred on the existing bridge. Replacement of the bridge will improve the flow of traffic and be safer for those traveling the bridge.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Federal Highway Administration, Interstate Maintenance Discretionary (IMD)

Legal Name of Requesting Entity: Kentucky Transportation Cabinet

Address of Requesting Entity: 200 Mero St., Frankfort, KY 40622

Description of Request: Appropriate $380,000 to rehabilitate the section of I–471 between I–275 and the Ohio River in Campbell County, Kentucky. The project is listed in Kentucky's six year highway plan. This section of I–471 is an essential thoroughfare, serving residents of Kentucky, Ohio, and other States. It provides a link that is critical to the economic growth and safety of Northern Kentucky. This section will serve as an alternate route when work begins on replacement of the Brent Spence Bridge on I–71/75. The pavement has deteriorated to the extent that grinding and repairing is no longer feasible. Federal funds will be used for pavement rehabilitation in the form of structural overlay to restore this deficient thoroughfare.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Federal Transit Administration, Buses & Bus Facilities

Legal Name of Requesting Entity: Transportation Authority of Northern Kentucky (TANK)

Address of Requesting Entity: 3375 Madison Pike, Fort Wright, KY 41017

Description of Request: Appropriate $1,900,000 for the Transit Authority of Northern Kentucky (TANK). Federal funds will be used to purchase replacement buses needed to address safety and capacity issues with the aging fleet. Newer buses will also help to achieve better fuel economy and have cleaner emissions than the buses currently in use and in need of replacement.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: Federal Transit Administration, Buses & Bus Facilities

Legal Name of Requesting Entity: Tri-County Community Action Agency

Address of Requesting Entity: 1015 Dispatchers Way, LaGrange, KY 40031

Description of Request: Appropriate $76,950 for Tri-County Community Action Agency for the Non-Emergency Medical and Independent Living Activities Transportation for Older Adults program. Federal funds will be used to purchase new vehicles and GPS systems in order to better serve senior citizens and veterans who need transportation to medical appointments, adult day care and independent living activities. The purchases will also be available to Emergency Management and First Responder Personnel in each county to help with evacuation of special needs residents should an emergency situation occur.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: HUD, Economic Development Initiatives

Legal Name of Requesting Entity: City of Maysville

Address of Requesting Entity: 216 Bridge Street, Maysville, Kentucky 41056

Description of Request: Appropriate $2,565,000 for the renovation and restoration of the Cox Building in the downtown area of the City of Maysville. The Cox Building is a historic keystone building for the City. Federal funding will be used for masonry, repairs, fire alarm, sprinkler, plumbing, HVAC, elevator, plaster, painting and other construction needs. The goal of the project is to renovate the building to become an income producing and economically stimulating entity for the historic business district. The restoration of the building will also provide space for the community's new "Entrepreneurial—Incubator Program" and provide local art organizations with affordable space and an opportunity to be located downtown.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 1105

Account: HUD, Economic Development Initiatives

Legal Name of Requesting Entity: Mason County Fiscal Court

Address of Requesting Entity: 221 Stanley Reed Court, Maysville, Kentucky 41056

Description of Request: Appropriate $95,000 to complete the construction of the multi-use Mays Lick Community Center. Federal funds will be used to finish the community center, including drywall, flooring, ceiling and insulation. The Mays Lick Community Center will provide a place for community events, Boys and Girls club activities, Boy Scouts of America and other community meetings. The community does not currently have any type of facility to meet these needs.

## TRIBUTE TO PEACE CORPS WORKERS

### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. PAULSEN. Madam Speaker, I rise to pay special tribute to the 35 residents of the Third Congressional District of Minnesota who are currently serving as Peace Corps Volunteers around the world.

I also want to thank the Peace Corps itself for the important work it has done since its founding in 1961 to promote understanding with other countries.

As we approach the 48th anniversary of the Peace Corps on March 1, 2009 and celebrate National Peace Corps Week this week, we are all very grateful for the work of this wonderful organization and the many volunteers who do so much for so many people.

I am especially proud of my dedicated constituents who are currently serving our country and the people of the world as Peace Corps volunteers: Joseph Adams in Surinam; Melissa Cuddy in Guatemala; Kristina Denison in Zambia; Bradley Engelsma in El Salvador; David Garfunkel in the Dominican Republic; Patricia Godchaux in Moldova; Alyson Hatchett in Costa Rica; Laura Hoffman in Bulgaria; Sarah Horns in South Africa; Ledor Igboh in Ghana; Franklin Jadwin in Peru; Andrew Jondahl in Senegal; Briana Juster in Guatemala; Jennifer Katchmark in Botswana; Jessica Kolb in Kazakhstan; Sarah Litchy in Ethiopia; Erin Luhmann in Kyrgzstan; Michael Luke in Romania; Kari Nelson in Senegal; Molly Nicholls in Macedonia; Mary O'Brien in Senegal; Derek Olson in Uganda; Martha Pakan in Mexico; Nichol Perkins in Nicaragua; Charles Powell in Honduras; Claire Reuning in Benin; Nicholas Rossi in Burkina Faso; Charles Seltzer in Dominican Republic; Braden Shannon in El Salvador; Gabriel Sidman in Honduras; Melanie Siler in Kazakhstan; Illyria Turk in Bulgaria; Janet Utecht in Mexico; Maria VanOsdale in Senegal; and Laura Van't Land in the Philippines.

Madam Speaker, I applaud each of these individuals for their service to our country and to the people of the countries in which they are working. And thank you to the Peace Corps for 48 years of critical service to the world.

## EARMARK DECLARATION

### HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 1105, the "Omnibus Appropriations Act, 2009."

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Cooperative State Research Education and Extension Service—SRG

Project Amount: $700,000.

Legal Name of Requesting Entity: University of Tennessee, 114 Morgan Hall, 2621 Morgan Circle, Knoxville, TN 37996.

Description of Request: This funding will be used for producing crops that can be used directly as early-warning sentinels for the detection of plant diseases.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Agricultural Research Service—Salaries and expenses

Project Amount: $254,000.

Legal Name of Requesting Entity: University of Tennessee, 114 Morgan Hall, 2621 Morgan Circle, Knoxville, TN 37996.

Description of Request: This funding will be used to support developing new varieties and cropping systems that will improve disease resistance, enhance value of the crop and protect the regional soil and water resources.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: OJP—Juvenile Justice

Project Amount: $400,000.

Legal Name of Requesting Entity: Childhelp of East Tennessee, 2505 Kingston Pike, Knoxville, TN 37919.

Description of Request: This funding will be used to assist Childhelp in expanding its important services to more children in Knox County and the surrounding region who have suffered abuse. Specifically, the Children's Center of East Tennessee will expand its forensic interview capacity and related services to East Tennessee children who have, in the past, been turned away, as well as its community based forensic interview and medical examination services.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Corps of Engineers—Investigations

Project Amount: $96,000.

Legal Name of Requesting Entity: Maryville College, Fayerweather Hall 309, 502 E. Lamar Alexander Parkway, Maryville, TN 37804.

Description of Request: This funding will be used to conduct a watershed study on the Little Tennessee River in East Tennessee.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: SBA

Project Amount: $670,000.

Legal Name of Requesting Entity: City of Alcoa, 223 Associates Boulevard, Alcoa, Tennessee 37701.

Description of Request: The funding will be used to develop infrastructure servicing the new Pellissippi Research Centre on the Oak Ridge Corridor.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: EPA—STAG Water and Wastewater Infrastructure Project

Project Amount: $300,000.

Legal Name of Requesting Entity: West Knox Utility District, 2328 Lovell Road, Knoxville, TN 37932.

Description of Request: The funding would be used to provide sanitary sewer service to the Ball Camp Community to remove existing health and environmental issues resulting from failed septic systems.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: EPA—Environmental Programs and Management

Project Amount: $2,500,000.

Legal Name of Requesting Entity: Rural Community Assistance Partnership, 1522 K St, NW Suite 400, Washington, DC 20005.

Description of Request: The funding would be used to assist small communities with drinking water and waste water concerns.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: HRSA Health Facilities and Services

Project Amount: $476,000.

Legal Name of Requesting Entity: Blount Memorial Hospital, 907 East Lamar Alexander Parkway, Maryville, TN 37804.

Description of Request: The funding would be used to help implement an Electronic Medical Record System, which would help improving the accuracy of documentation, as well as improving the communication among the interdisciplinary caregivers.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: HRSA—Health Facilities and Services

Project Amount: $285,000.

Legal Name of Requesting Entity: Sertoma Center, 1400 East Fifth Avenue, Knoxville, TN 37917.

Description of Request: The funding would be used to provide improvement and technology upgrades at facilities which administer day and residential programs for adults with cognitive disabilities.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Substance Abuse and Mental Health Services Administration (SAMSHA)—Mental Health

Project Amount: $238,000.

Legal Name of Requesting Entity: ChildNet of East Tennessee, 201 West Springdale Avenue, Knoxville, TN 37917.

Description of Request: The funding would be used to expand ChildNet services in the Second Congressional District of Tennessee. Services offered by ChildNet include psychiatric assessment, medication evaluation, individual and family counseling, case management, classroom observation, and consultation from trained mental health professional(s).

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Buses and Bus Facilities

Project Amount: $1,425,000.

Legal Name of Requesting Entity: East Tennessee Human Resources Agency, 9111 Cross Park Drive, Suite D–100, Knoxville, TN 37923.

Description of Request: The funding would be used to replace high mileage, handicapped accessible vehicles used to daily transport citizens to life sustaining activities such as trips to medical appointments.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation Project Amount: $570,000.

Legal Name of Requesting Entity: City of Knoxville, 400 Main Street, Knoxville, TN 37902.

Description of Request: The funding would be used to construct a new pedestrian bridge with a free span of 800 feet, providing a safe pedestrian passageway between the South Knoxville Waterfront and the University of Tennessee in Knoxville, Tennessee.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Buses and Bus Facilities

Project Amount: $237,500.

Legal Name of Requesting Entity: City of Alcoa, 223 Associates Boulevard, Alcoa, Tennessee 37701.

Description of Request: The funding will be used to develop infrastructure servicing the new Pellissippi Research Centre on the Oak Ridge Corridor.

Requesting Member: Congressman JOHN DUNCAN

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Project Amount: $142,500.

Legal Name of Requesting Entity: City of Knoxville, 400 Main Street, Knoxville, TN 37902.

Description of Request: The funding will be used to purchase an Automated Vehicle Locater system and passenger variable message signs in an effort to prevent idling times at the transfer center which will help improve air quality.

## HONORING BILL AND FAITH COLLINS

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. GINGREY of Georgia. Madam Speaker, in celebration of Black History Month, I want to continue recognizing African Americans from throughout Georgia's 11th Congressional District who have a major impact on their community.

Today, I rise to honor a family who has dedicated their lives to public service and the improvement of the community they call home. Bill and Faith Collins of Rome, Georgia are the perfect example of how one family can have a positive impact on the lives of countless others around them.

Bill Collins has served his community on the Rome City Commission for the past 11 years. As a Commissioner, Bill currently chairs the Public Works Committee and serves on the Transportation and Downtown Development Authority—working to improve his community's infrastructure.

Bill's wife, Faith, has committed much of her life to ensuring that the children of Rome receive the best education possible. As a longtime member of the Rome City School Board, Faith has made improving the quality of education for Georgia students her mission.

I ask that my colleagues join me in thanking Bill and Faith Collins—a true public service family—for their commitment to improving their community.

## COMMEMORATION OF TAIWAN'S 2–28 MASSACRE

### HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to recognize the 62nd commemoration of Taiwan's "2–28 Massacre."

On February 28, 1947, the brutal arrest of a female civilian in Taipei led to large-scale protests by the native Taiwanese against the repression of Chiang Kai-shek's Chinese Nationalists, who occupied Taiwan on behalf of the Allied Forces after Japan's defeat in 1945.

During the following days, Chiang's government sent troops from mainland China to the island. The Chinese soldiers began capturing and executing leading Taiwanese lawyers, doctors, students, and other citizens.

It is estimated that at least 18,000 people lost their lives during the turmoil. During the following four decades, the Chinese Nationalists continued to rule Taiwan under a martial law system that lasted until 1987.

The 2–28 event had far-reaching implications. Over the next half-century, the Taiwanese democracy movement that grew out of the incident helped pave the way for Taiwan's momentous transformation from a dictatorship under the Chinese Nationalists to a thriving and pluralistic democracy.

In some ways, the 2–28 incident was similar to the "Boston Massacre" that occurred in the Massachusetts colony in 1770. Both events launched a movement toward full democracy and helped galvanize a struggle for independence.

I urge other Members to join me in commemorating this important historical event.

## TRIBUTE TO CAPTAIN BRAD CONNORS, USN

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. GALLEGLY. Madam Speaker, I rise in tribute to Captain Brad Connors, USN, who will be retiring after turning over command of Naval Base Ventura County on Friday.

I have worked closely on a number of endeavors with Captain Connors over the past three years. He is the consummate professional military officer and gentleman.

Since he graduated the United States Naval Academy in 1982 and earned his wings in 1984, Captain Connors has logged more than 4,500 flight hours and 900 carrier landings in several different aircraft. He has served as squadron executive officer and commander and flew missions over Iraq in support of Operation Southern Watch. During this tour, his squadron was awarded the Navy's "Battle E" in recognition of superior squadron readiness and mission performance.

Following a Korean Peninsula deployment onboard USS Kittyhawk, Captain Connors led a multi-squadron maintenance detachment in support of TopGun's transition to F/A18s and the very first Strike Fighter Instructor Course.

In December 1995, Captain Connors became an instructor at the Naval Strike Warfare Center in Nevada. His first official duty was to serve on the integration team that facilitated the merger of "TopGun," "Strike," and "TopDome" into the newly formed Naval Strike and Air Warfare Center (NSAWC). Following NSAWC's commissioning, Captain Connors became its first Air Wing Training Officer. Under his direction, integrated air warfare training and standardization went through a complete renaissance, including development of the Air Interdiction Mission Commander's Course the very first Strike Leader flying syllabus.

Captain Connors also served as Cruiser Destroyer Group ONE's Air Operations and Operations Officer onboard the *USS Constellation* following graduation from the Naval War College. During this tour, Captain Connors contributed to Iraqi Freedom operational planning, flew combat missions, and oversaw the integration of more than 140 coalition combatants in support of the operation's maritime objectives.

At Naval Base Ventura County, Captain Connors commands its more than 90 tenants, 6,000 military personnel, 9,000 civilian employees and 3,000 contractors at Point Mugu, the Naval Construction Battalion Center at Port Hueneme, the Channel Islands Air National Guard, 146th Airlift Wing, and the base's 36,000-square-mile sea test range—the largest in the world. He has done an exemplary job.

Madam Speaker, I know my colleagues will join me in thanking Captain Brad Connors for his decades of service to his country and the U.S. Navy and in wishing him great success in his retirement.

## 'MR. AMIGO 2008' JOSÉ SULAIMÁN

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. ORTIZ. Madam Speaker, I rise today to commend the 2008 "Mr. Amigo," José Sulaimán, chosen recently by the Mr. Amigo Association of Brownsville, TX, and Matamoros, Tamaulipas, in Mexico. Sulaimán has spent his life in the sport of boxing, best known as the president of the World Boxing Council for more than three decades.

The Mr. Amigo Award began in 1964 as an annual tribute to an outstanding Mexican citizen who has made a lasting contribution during the previous year to international solidarity and goodwill. "Mr. Amigo" acts as an ambassador between our two countries and presides over the annual Charro Days festival.

The Charro Days festival, held in Brownsville and Matamoros, is an opportunity to enjoy the unique border culture of the Rio Grande Valley area. A Lenten event, much like Mardi Gras in New Orleans, the festival was organized in 1937 by the Brownsville Chamber of Commerce to recognize Mexican culture and was named in honor of the charros, "dashing Mexican gentlemen cowboys." The festival includes parades complete with floats, as well as street dances, a carnival, mariachi and marimba concerts, and ballet folklorico performances by school students.

In 1968, Sulaimán joined the World Boxing Council (WBC) and quickly moved through the ranks. In 1975, Sulaimán was unanimously elected president of the WBC and has served in that capacity ever since. Under his leadership, the WBC has instituted many new rules and regulations regarding boxers' safety and welfare, and has funded brain injury research programs at UCLA. Outside of boxing, Sulaimán, who speaks Spanish, English, Arabic, Italian, Portuguese and French, successfully operates a medical supply company in Mexico.

The United States-Mexico border has a unique, blended history of cowboys, bandits, lawmen, farmers, fishermen, oil riggers, soldiers, scientists, entrepreneurs, and teachers. The Charro Days festival reflects that deep sense of shared history and experiences, which is needed now more than ever. It is a time for all of us to not only remember our past, but to celebrate our future.

The Charro Days festival and the Mr. Amigo Award unite sister cities on both sides of the border and send a message that we are neighbors, and friends that trust, understand, and respect each other. We share a language, customs, and experiences unique to our communities, and during Charro Days we take time to celebrate our distinctive culture.

I urge my colleagues to join me in commending José Sulaimán, the 2008 Mr. Amigo, as well as the cities of Brownsville and Matamoros, for their dedication to international goodwill between the United States and Mexico.

## PERSONAL EXPLANATION

### HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. PUTNAM. Madam Speaker, on Monday, February 23, 2009, I incorrectly recorded two votes. Please let the record show that I intended to vote the following way: roll No. 72—"nay," roll No. 73—"nay."

## SAFE DRUG DISPOSAL ACT OF 2009

### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. MORAN of Virginia. Madam Speaker, I rise today to join my colleague, Congressman INSLEE, to support the "Safe Drug Disposal Act of 2009," legislation that will address the risks to our families, our communities, and the environment from unwanted or unused drugs that are left in the home or that are disposed of improperly.

Drug waste is a problem at every juncture of the health care system. Medications can accumulate in numerous settings—in nursing homes, hospitals, and hospice care facilities, and in home-based care settings and private residences. To encourage safe disposal of these drugs, many communities have developed take-back programs or sponsored collection events that allow consumers to properly

dispose of unwanted or unused drugs. These programs reduce the quantity of unused pharmaceuticals entering the environment and reduce the amount of drugs available for diversion, theft, abuse, or accidental poisoning.

While these programs are clearly of benefit to the consumer, they can be difficult to administer because, under current law, a representative of law enforcement must be present to take custody of medications that are classified as controlled substances. This bill will amend the Controlled Substances Act to allow end users, or caretakers of an end user, to safely dispose of unused prescription drugs and over-the-counter drugs through Drug Enforcement Administration (DEA) approved state-run drug take-back programs. This bill also prohibits pharmaceutical companies from recommending flushing as a safe means of disposal on prescription drug labels.

PHARMACEUTICALS IN SURFACE WATERS AND IN DRINKING WATER SUPPLIES

For many years, consumers were advised to dispose of their unwanted medications down the toilet. However, we now know that chemicals from over-the-counter and prescription medications are not always screened in water treatment systems, and can be discharged into rivers and lakes and enter our drinking water supplies. In 2002, the U.S. Geological Survey reported that some traces of common medicines such as acetaminophen, hormones, blood pressure medications, codeine, and antibiotics were detected in very low concentrations in 80 percent of samples taken from 139 streams across 30 states.

Little was known about people's exposure to such compounds from drinking water, so scientists at the Southern Nevada Water Authority in Las Vegas screened tap water from 19 U.S. water utilities for 51 different compounds. The surveys were carried out between 2006 and 2007. Of the eleven most frequently detected compounds, nine were pharmaceuticals:

Atenolol, a beta-blocker used to treat cardiovascular disease.

Carbamazepine, a mood-stabilizing drug used to treat bipolar disorder.

Estrone, an estrogen.

Gemfibrozil, an anti-cholesterol drug.

Meprobamate, a tranquilizer widely used in psychiatric treatment.

Naproxen, a painkiller and anti-inflammatory.

Phenytoin, an anticonvulsant that has been used to treat epilepsy.

Sulfamethoxazole, an antibiotic used against the Streptococcus bacteria, which is responsible for tonsillitis and other diseases.

Trimethoprim, another antibiotic.

Further testing of drinking water supplies has shown that at least 46 million people are exposed to trace amounts of pharmaceuticals through this route, while the overwhelming majority of U.S. communities have yet to test.

The Environmental Protection Agency and other federal agencies are working to evaluate exposure and potential effects on humans and aquatic life. While we know that pharmaceuticals have health effects at the therapeutic dose, EPA is working to better understand and evaluate the potential risk to humans associated with long-term exposure to low concentrations of the same chemicals.

Aquatic organisms may experience more pronounced effects than humans because they are continually exposed. Researchers are finding evidence that even extremely diluted concentrations of pharmaceutical residues harm fish, frogs, and other aquatic species in the wild. Pharmaceuticals are seen as a source of the endocrine disrupting compounds in wastewater effluent that are suspected of causing the high rate of intersex characteristics detected in certain species of smallmouth bass found in the Potomac River. In addition, even small amounts of antibiotics that are not captured by wastewater treatment systems can kill off natural bacteria in waterways, encourage microbes to become drug-resistant, and poison fish. EPA is monitoring fish tissue and water samples in developed and urban areas across the country to produce a statistically representative estimate of the occurrence of pharmaceuticals in fish tissue and waterways.

EPA is also researching whether higher-level water treatment strategies can remove pharmaceuticals from wastewater and drinking water. EPA advises that while most pharmaceuticals from human sources are entering water through natural biological functions, it is important for the public to understand that they can help prevent pollution of our waterways by not using the toilet as a trash can for unused medications.

ABUSE OF PRESCRIPTION DRUGS

This legislation will address not only the risks to our water supply, but will have public health benefits. Several studies of drug abuse patterns indicate that nonmedical use of prescription drugs is increasing. Last fall, the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services released the results of the nation's largest substance use assessment, the National Survey on Drug Use and Health. For 2007, the study showed that cocaine and methamphetamine use among young adults dropped significantly, but that abuse of prescription drugs increased. Among young adults ages 18 to 25, the level of current nonmedical use of prescription pain relievers has risen 12 percent.

Results of a separate study of seventh through twelfth grade students were released in 2005 by the Partnership for a Drug-Free America. The Partnership Attitude Tracking Study tracks consumers' exposure to and attitudes about drugs. The study focuses on perceived risk and social attitudes. For the first time in its seventeen-year history, the study found that teenagers are more likely to have abused a prescription pain medication to get high than they are to have experimented with a variety of illicit drugs including Ecstasy, cocaine, crack, and LSD. The study reported that nearly one in five teenagers, or 4.3 million teenagers nationally, reported using the controlled substance Vicodin without a prescription; approximately ten percent, or 2.3 million teens nationally, reported using the controlled substance OxyContin without a prescription; and ten percent, or 2.3 million teenagers nationally, reported having used prescription stimulants, Ritalin and/or Adderall, without a prescription. Fifty percent of the teenagers surveyed indicated that prescription drugs are widely available; a third indicated that they were easy to purchase over the Internet; and 63 percent said they could easily obtain prescription opiates and painkillers from their own home.

The 2006 National Institute of Drug Abuse survey of drug use by teens in the eighth, tenth, and twelfth grades, ''Monitoring the Future: National Results on Adolescent Drug Use'', found that past-year nonmedical use of Vicodin remained high among all three grades, with nearly one in ten high school seniors using it in the past year. Despite a drop from 2005 to 2006 in past-year abuse of OxyContin among twelfth graders (from 5.5 percent to 4.3 percent), there had been no such decline among the eighth and tenth grade students, and the rate of use among the youngest students had increased significantly since it was included in the survey in 2002.

The consequences of prescription drug abuse are seen in the data collected by the Substance Abuse and Mental Health Services Administration on emergency room visits. In the latest data, ''Drug Abuse Warning Network (DAWN), 2005: National Estimates of Drug-Related Emergency Department Visits,'' SAMHSA estimates that about 599,000 emergency department visits involved nonmedical use of prescription or over-the-counter drugs or dietary supplements, a 21 percent increase over 2004. Of the 599,000 visits, 172,000 involved benzodiazepines and 196,000 involved opiates. Overall, controlled substances represented 66 percent of the estimated emergency department visits. Between 2004 and 2005, the number of visits involving opiates increased 24 percent and the number involving benzodiazepines increased 19 percent. About a third (200,000) of all visits involving nonmedical use of pharmaceuticals resulted in admission to the hospital; about 66,000 of those individuals were admitted to critical care units; 1,365 of the visits ended with the death of the patient.

The most recent data available in the National Poison Data Base compiled by the American Association of Poison Control Centers show that in 2006 there were 21 pharmaceutical-associated fatalities in children under age 6, and 47 such fatalities in children 13 to 19 years. We may never know how many of these incidents affecting our children and youth are due to access to unused medications found in the home. Even so, it is important to look for opportunities to reduce the frequency of these incidents.

LOCAL AND STATE PROGRAMS OPERATED UNDER EXISTING LAW

The Drug Enforcement Administration administers the Controlled Substances Act and its implementing regulations to ensure an adequate supply of controlled substances for legitimate medical, scientific, research, and industrial purposes, and to deter the diversion of controlled substances to illegal purposes. Controlled substances are drugs that have a potential for abuse and psychological and physical dependence; these include opiates, stimulants, depressants, hallucinogens, anabolic steroids, and drugs that are immediate precursors of these classes of substances. The substances are divided into five schedules. Schedule I substances have a high potential for abuse and have no accepted medical use in treatment in the United States. These substances may only be used for research, chemical analysis, or manufacture of other drugs. Schedule II–V substances have accepted medical uses and also have potential for abuse and psychological and physical dependence. Virtually all Schedule II–V controlled substances are available only under a prescription written by a practitioner licensed by the State

and registered with DEA to dispense the substances. Overall, controlled substances constitute about 10 percent of all prescriptions written in the United States.

In enacting the Controlled Substances Act, Congress sought to control the diversion of pharmaceutical controlled substances into illicit markets by establishing a ''closed system'' of drug distribution governing the legitimate handlers of controlled substances. Under this closed system, all legitimate manufacturers, distributors, and dispensers of controlled substances must register with DEA and maintain strict accounting for all controlled substance transactions. DEA advises that current law does not allow a DEA registrant, such as a retail pharmacy, to acquire a controlled substance from a non-registrant, such as an individual patient, even for purposes of disposal. The individual determines whether or when to dispose of unneeded medications, although DEA recommends that controlled substances be disposed of in a way that does not allow them to be easily retrieved.

Communities have responded to the public health and environmental problems posed by unused pharmaceuticals by developing several different models of take-back and collection programs at the State or local level, including:

Collecting unwanted pharmaceuticals at pharmacies, grocery stores, or other retail settings.

Having citizens turn over unwanted medications to law enforcement officers.

Accepting unwanted pharmaceuticals at periodic household hazardous waste collection events, often with law enforcement personnel present to take custody of controlled substances.

Collecting unwanted pharmaceuticals through caregivers in residential care settings (i.e. hospices, nursing homes, assisted living facilities, boarding homes, adult family homes, child care programs, schools, correctional facilities, and animal boarding facilities).

Using the U.S. Postal Service for mailing unwanted pharmaceuticals to a secure consolidation location for disposal.

Collecting pharmaceuticals lost or abandoned by residents or visitors from hotels, campgrounds, cruise ships, homeless shelters, and other temporary housing or recreational sites.

The volume of medications these programs have collected is stunning. In 2006, a one-day drug return program at 25 locations in Chicago netted 1,600 pounds of medications. Separate one-day take-back programs in Michigan and Milwaukee the same year each yielded more than a ton of medicine. In one day in November 2008, a community-based effort at the Detroit Medical Center Surgery Center in Madison Heights collected 300 pounds of prescription and over-the-counter medicines and sent them to an incinerator. In one week in April 2008, EPA's Great Lakes Earth Day Challenge collected nearly 4.5 million pills from throughout the Great Lakes region. Macomb County, Michigan's hazardous waste recycling program collects more than 1,000 pounds of drugs a year.

NATIONAL GUIDELINES

At the national level, both the public and private sectors have taken steps to address the problem of disposal of unused pharmaceuticals. In 2007, The White House Office of National Drug Control Policy, the Department of Health and Human Services, and EPA jointly released new guidelines for the proper disposal of unused, unneeded, or expired prescription drugs. The guidelines are designed to reduce the diversion of prescription drugs, while also protecting the environment. The new guidelines urge Americans to:

Take unused, unneeded, or expired prescription drugs out of their original containers.

Mix the prescription drugs with an undesirable substance, like used coffee grounds or kitty litter, and put them in impermeable, nondescript containers, such as empty cans or sealable bags, further ensuring that the drugs are not diverted or accidentally ingested by children or pets.

Throw these containers in the trash.

Flush prescription drugs down the toilet only if the accompanying patient information specifically instructs it is safe to do so.

Return unused, unneeded, or expired prescription drugs to pharmaceutical take-back locations that allow the public to bring unused drugs to a central location for safe disposal.

In addition, the pharmacy profession through the American Pharmacists Association has partnered with the Pharmaceutical Research and Manufacturers of America and the U.S. Fish and Wildlife Service in establishing the SMARxT DISPOSAL program to help protect the country's fish and aquatic resources. SMARxT DISPOSAL is a consumer awareness-heightening program that highlights the environmental threat posed by medications that are disposed of improperly, with the key message being ''crush, don't flush.'' It encourages consumers to dispose of most unused medications in household trash rather than through the wastewater system, to take advantage of state and local medication collection programs, and to consult with a pharmacist should any questions arise.

INTERNATIONAL PROGRAMS

Under British Columbia's Medications Return Program, the public can return expired or unused medications at participating community pharmacies across British Columbia. The pharmaceutical industry voluntarily established the program in November 1996. In 1997, provincial legislation made all brand-owners of pharmaceutical products responsible for the collection and management of their left-over products. This program allows consumers to return unused or expired medications at no charge to over 90 percent of participating pharmacies in the province.

Spain's Integrated Waste Management System (SIGRE) allows citizens to return packaging and leftover medicines to pharmacies across the country free of charge. The program has been in place since 2002 and is funded by the pharmaceutical industry. Collected wastes are taken to a central processing facility for recycling or destruction.

France's medicine take-back program, established in 1995, is an industry-funded system that is run collaboratively among manufacturers, wholesalers, and community pharmacies. Households are invited to return all unused medicines and packaging. Bags and leaflets are handed out at the time of dispensing; window stickers and posters reinforce the message of safe disposal.

HAZARDOUS PHARMACEUTICAL WASTE

EPA has offered its support of pharmaceutical take-back programs by proposing to revise its rules for managing hazardous pharmaceutical waste. A small proportion of pharmaceutical waste meets EPA's definition of hazardous waste. The proposed amendment to EPA's universal waste rule would improve the management of hazardous pharmaceutical waste by providing a more streamlined waste management system, while ensuring that the waste is sent to hazardous waste management facilities, rather than municipal landfills, for final disposal. The streamlined standards include modified requirements for storage, labeling and marking, preparing the waste for shipment offsite, employee training, response to releases, and notification. In addition, no manifest would be required to transport the waste. This management system could also be used for safely collecting, transporting, and disposing of unwanted non-hazardous pharmaceuticals as part of a take-back program. Should these proposed rules be finalized, states operating EPA-authorized hazardous waste programs could adopt them to support their take-back programs.

WHAT THIS BILL WOULD DO

The Safe Drug Disposal Act of 2009 amends the Controlled Substances Act to allow end users, or caretakers of an end user, to safely dispose of unused prescription drugs and over-the-counter drugs through DEA-approved, state-run, drug take-back programs.

Accumulation of dispensed controlled substances in the hands of individual or institutional care takers, including those caring for animals, can be a serious concern. Long-term care facilities, nursing homes, hospitals, jails, schools, and veterinary clinics may act in a custodial capacity, holding controlled substances that are prescribed for an individual and belong to that individual. The care taker dispenses these medications as directed by a medical practitioner. As a result of these dispensing practices, when a patient dies, leaves the facility or their medication is discontinued or changed, the care taker may be left with excess controlled substances that must be disposed. Under present law, these care takers may dispose of controlled substances directly, but, unless they are registered with DEA, they may not transfer controlled substances that have been dispensed to an individual to a DEA-registered entity for disposal.

Specifically, this bill directs DEA, within one year, to create five approved drug take-back program models from which states may choose. Should a state seek to implement a model not listed among those five DEA approved models, a state must seek approval from DEA for the modified version. In creating the five specific drug take back program models, DEA must comply with a specific set of criteria:

Protecting the public safety.

Allowing the ultimate user to dispose of their unused drugs though persons other than law enforcement.

Respecting environmentally sound practices for disposal (take-back programs may not include the disposal of drugs through public waterways or municipal solid waste landfills).

Being cost-effective for the state.

Including take-back program options for both rural and urban locations.

Successful take-back programs are likely to receive substantial volumes of medications, most of which will not be controlled substances. Under the Controlled Substances Act, Congress established a ''closed system'' of distribution designed to prevent the diversion of controlled substances. As part of this closed system, all persons who lawfully handle controlled substances must be either registered

with DEA or exempt from registration by the Act or by DEA regulations. Another central element of this closed system is that DEA registrants must maintain strict records of all transactions in controlled substances. Consistent with the Controlled Substances Act, current DEA regulations employ a system to account for all controlled substances received, stored, distributed, dispensed, or otherwise disposed of.

Take-back programs are unlikely to have the resources to separate controlled substances from other medications or to provide a detailed accounting of the kind contemplated in the Controlled Substances Act. Take-back programs currently in operation have demonstrated that it is possible nonetheless to protect against diversion. It will be particularly important for DEA model programs to provide methods for tracking collected medications that are cost-effective for the state to implement and operate.

Finally, the Safe Drug Disposal Act prohibits pharmaceutical companies from recommending flushing as a means of disposal on prescription drug labels. Guidelines issued by the White House Office of National Drug Control Policy recommend that the general public dispose of their waste pharmaceuticals in household trash, except for thirteen substances which should be flushed down the toilet. The federal guidelines recommend the flushing of these thirteen substances because their drug labels (required of all pharmaceutical products and resulting from the Food and Drug Administration's approval process) recommend flushing.

This bill provides that, in approving an application for a medication, FDA shall ensure that the labeling not include any recommendation or direction to dispose of the medication by means of a public or private wastewater treatment system, such as by flushing down the toilet. The bill also directs FDA to conduct a review of the labeling of medications already on the market, and to order any labeling that includes a recommendation or direction to dispose of the medication by means of a public or private wastewater treatment system, such as by flushing down the toilet, to be revised to exclude that recommendation or direction. This order would be required to be issued within one year of enactment of the bill.

CONCLUSION

Madam Speaker, it is clear that the lack of an effective disposal mechanism for excess controlled substances and other pharmaceuticals, including over-the-counter medications, is contributing to contamination of our drinking water supply and putting aquatic wildlife at risk. It is also associated with a dangerous increase in nonmedical use of pharmaceuticals, especially among our young people. While it is easy to identify the problem, it is more difficult to devise a solution that consumers and law enforcement professionals will both accept. This bill will allow States to adopt take-back programs suited to the needs of their communities, and as such will help our nation to move toward a comprehensive solution.

## RESOLUTION CALLING ON THE EGYPTIAN GOVERNMENT TO RESPECT HUMAN RIGHTS AND RELIGIOUS FREEDOM

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. WOLF. Madam Speaker, I rise today to ask my colleagues to join me in calling on the Egyptian government to respect human rights and religious freedom by supporting the res which I have just introduced.

Each year the United States gives Egypt approximately $1.5 billion in foreign military assistance—with no strings attached. No strings attached.

The United States gives Egypt $1.5 billion a year and the Egyptian government continues to arbitrarily detain and brutally torture human rights and democracy activists, bloggers, and members of opposition political parties in its attempt to suppress dissent.

The United States gives Egypt $1.5 billion a year and the government of Egypt continues to show utter and blatant disregard for human rights and religious freedom.

The United States gives Egypt $1.5 billion a year and Egypt continues to allow weapons to be smuggled to Hamas through elaborate networks of underground tunnels.

The United States gives Egypt $1.5 billion a year and Egyptian government deploys an arsenal of Washington's heavy hitter lobbyists to peddle excuses for the deplorable conduct of the Egyptian government.

If you speak to the Egyptian on the street, you will find that they long for freedom. They long to speak without censure, assemble in absence of fear and worship in peace. So I call on the Egyptian government to respect these fundamental rights.

We too often forget how we are blessed to live in the United States of America. But to whom much is given, much is required. America has a responsibility to the world.

President Ronald Reagan once said that the Constitution is "a kind of covenant. It is a covenant we've made not only with ourselves but with all of mankind."

We have a rare opportunity before us. The fact is that we not only have the opportunity, we have the obligation to stand up for freedom where it is stifled, and to seek out justice where there is tyranny.

This nation was founded upon the principle that every man is endowed with certain inalienable rights. These are the principles which led this nation to rise to greatness. Let us not turn our backs on these principles now.

This resolution will put Congress on the right side of history. I urge its passage.

## IN RECOGNITION OF THE 50TH ANNIVERSARY OF MR. AND MRS. ROY JOHNSON

### HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to an important day in the lives of two constituents of mine, Mr. and Mrs. Roy Johnson.

On March 7, 2009, the Johnsons will celebrate their 50th wedding anniversary. Both Roy and Sybil Johnson were born in the Alexandria/Saks area of Alabama. In fact, they were high school sweethearts. Over the years, Roy and Sybil have been blessed with two daughters, Delane O'Kelley and Ginger Gardner; and 4 grandchildren, Grant, Gray, Bradley and Brock. The Johnsons now also have one great grandchild, Katlyn Grace.

I would like to congratulate Roy and Sybil Johnson for reaching this important milestone in their lives. They are shining examples of love and dedication for us all, and I wish them and their family all the best at this important occasion.

## ON RECOGNIZING NATIONAL PEACE CORPS WEEK AND THE 48TH ANNIVERSARY OF THE PEACE CORPS

### HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Ms. HIRONO. Madam Speaker, I rise today to celebrate National Peace Corps Week (February 23–March 2) and recognize the 48 years of commitment to peace made by our nation's Peace Corps volunteers.

Following a call to service by President John F. Kennedy, more than 195,000 Americans have served our country in the cause of peace by living and working in 139 developing nations.

Currently, 7,876 Peace Corp volunteers are making significant and lasting contributions to improve the lives of individuals and communities in 76 countries. This selfless group includes the following volunteers from Hawaii: Claire Albrecht in Zambia; Kristel Balbarino and Holly Horcajo in Nicaragua; Jack Chow and Noa Thomas in Vanuatu, Theresa Duddy in Madagascar; Rachel Grossman in Ukraine; Ashley Jones in Micronesia; Kevin Kalhoefer in Cambodia; Serette Kaminski in Niger; Nicole Nakama in Botswana; Kevin Schmitz in Dominican Republic; Mai Shintani in Gambia; and Theodore Varns in Guatemala.

I also want to recognize and thank the many Peace Corps alumni who reside in Hawaii. I have many friends who are former Peace Corps members. To a person, each has told me that their time of service had a major impact on their lives.

Aloha and mahalo to all Peace Crops volunteers past and present for your work in strengthening the ties of friendship and understanding between the people of the United States and others around the world.

## RECOGNIZING THE PEACE CORPS VOLUNTEERS FROM OREGON'S 3RD DISTRICT

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. BLUMENAUER. Madam Speaker, President Kennedy, speaking 48 years ago at the

establishment of the Peace Corps, remarked that, "The initial reactions to the Peace Corps proposal are convincing proof that we have, in this country, an immense reservoir of such men and women—anxious to sacrifice their energies and time and toil to the cause of world peace and human progress." As the proud father of a Peace Corps volunteer, I know what was true in 1961 is true today; Peace Corps Volunteers are an outstanding group of men and women serving the cause of humanity across the globe.

During this National Peace Corps Week, I want to honor the service and commitment of the Peace Corps Volunteers from Oregon's 3rd Congressional district and express my pride in my fellow Oregonians who have chosen to devote years of their lives in service to others.

In particular, I want to recognize those Peace Corps Volunteers who have begun their service in the past year: Laura Baetscher (Honduras); Laura Bradford (Belize); Meaghan Corwin (Armenia); Paul Council (Moldova); Reianna Darosa (Guatemala); Anna Dinh (Cameroon); Alana Harris (Guatemala); Matthew Jones (Malawi); Daniel Koza (Uganda); Serene Loh (Botswana); Elizabeth Nolan (Nicaragua); David Schilmoeller (Bulgaria); Lacey Sugarman (Uganda); Allison Wells (Jordan); and Erik Wells (Jordan).

Their work to empower people and communities in developing countries is an invaluable contribution to creating a safe and prosperous world, building bridges between America and the world, and establishing a better future for people everywhere.

## THE TAXPAYER'S FREEDOM OF CONSCIENCE ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. PAUL. Madam Speaker, I am pleased to introduce the Taxpayers' Freedom of Conscience Act, which forbids federal funds from being used for population control or "family planning." The recent executive order allowing those who perform and/or promote abortion overseas to receive taxpayer money brings new urgency to the need to protect pro-life Americans from being forced to subsidize abortion.

It is not enough to say that "family planning" groups may not use federal funds to perform or promote abortion. After all, since money is fungible, federal funding of any activities of these organizations forces taxpayers to underwrite the organizations' abortion activities. Thus, the Taxpayers' Freedom of Conscience Act is the only way to protect taxpayers from having to support what they "disbelieve and abhor."

Thomas Jefferson eloquently made the case for Taxpayer's Freedom of Conscience Act when he said that: "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical."

I hope all my colleagues will join me in helping end the "sinful and tyrannical" policy of forcing pro-life Americans to subsidize, either directly or indirectly, abortion by cosponsoring the Taxpayer's Freedom of Conscience Act.

## HONORING MR. BEN GRAY

### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. TERRY. Madam Speaker, Black History Month provides a wonderful opportunity to recognize the many successful and talented African-Americans in my district. Today it is my great honor to recognize one in particular—Mr. Ben Gray.

Ben Gray is an outstanding advocate for the youth of Omaha, Nebraska. After graduating from high school, Gray joined the U.S. Air Force. In 1973, he joined KETV television station located in Omaha. During his time at KETV, he worked his way from photo lab assistant to news photographer and producer and host of "Kaleidoscope", a weekly half-hour public service program. He has received local and nation awards as a reporter and photographer.

Ben is actively involved with at-risk youth volunteering his time with C.W. Boxing Club. He is also Chairman of the Omaha Public Schools African-American Achievement Council, a group that works to close the achievement gap between black and white students. Ben is a familiar face, as he remains active in promoting equal rights and helping students to achieve success. He is active, involved and committed to helping children and bettering our community. Our nation would benefit from more people like Ben.

## RECOGNIZING BOSNIAN INDEPENDENCE DAY

### HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. CARNAHAN. Madam Speaker, I rise today to pay tribute to Bosnian independence. As a founding member and Co-Chairman of the Bosnian Caucus, and having the distinct pleasure of representing a growing, vibrant community of Bosnian-Americans in St. Louis, Missouri—one of the largest Bosnian-American communities in the U.S.—I am pleased to offer these encouraging words to recognize March 1 as Bosnian Independence Day.

Their appreciation for this country and opportunities it affords is reflected in their hard work and determination to make a difference in their communities and nation. Collectively, and as self-reliant individuals they have reinvigorated our St. Louis region, and exemplify the definition of good neighbors and friends.

With an understanding that this nation's greatness was built by those who sought out America and all she has to offer, we can during these hard times take comfort, learn by their example, and see that with a sense of community and purpose there is no challenge too great to overcome.

Today, I join Bosnian-Americans with great pride and hearty congratulations.

## INTRODUCTION OF THE TEACHING GEOGRAPHY IS FUNDAMENTAL ACT

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the Teaching Geography is Fundamental Act, a bill to help ensure that all young people acquire the vital global knowledge they need to compete in today's increasingly-connected world. I thank my colleagues, Representatives BLUNT, WALZ, and EHLERS, for their leadership and hard work on this issue.

Madam Speaker, our nation is facing a crisis in geographic knowledge. Sixty-three percent of young adults cannot locate Iraq on a map of the Middle East. Seventy-five percent cannot find Iran. Half cannot locate New York on a map of the United States.

These statistics are emblematic of a general lack of knowledge about the world that is troubling in a time when the United States must compete in a global marketplace. We need Americans to know and understand the countries and cultures that are or could become our political and economic partners. It is unacceptable that seventy-one percent of young Americans do not know that the United States is the world's largest exporter of goods. It is unacceptable that, despite the fact that it is the world's largest democracy, nearly half of young adults do not know where India is located.

We need to improve our children's understanding of their world both within and beyond our country's borders. The Teaching Geography is Fundamental Act will do just that. It would authorize federal funding to improve student achievement, increase teacher training, encourage education research, and develop effective instructional materials and strategies for geography education. It will leverage and expand support for geography education partnerships. And it will prepare America's students to move forward and succeed in a rapidly-changing, competitive, global economy.

It is time to be sure that American citizens are informed citizens of the world. I ask my colleagues to join Congressmen BLUNT, WALZ, EHLERS, and me and support the Teaching Geography is Fundamental Act.

## PAYDAY LOAN REFORM ACT OF 2009

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. GUTIERREZ. Madam Speaker, I rise today in support of the "Payday Loan Reform Act of 2009." During turbulent economic times like these, many Americans are searching for ways to meet their financial obligations. It is unfortunate that some in the financial services industry have actually profited from the financial pain of hard-working citizens who are doing their very best to provide for their families. This Congress should not and will not sit back and watch that happen.

For more than a decade, I have been concerned about my constituents becoming trapped in the cycle of debt caused by unfair payday loans. Consumers sometimes prefer these loans because the credit history requirement imposed by traditional banks is waived. Unfortunately, those who most need these loans are often the least able to repay them. The consumer is then subjected to exceptionally high interest rates, ranging from 261 percent to 913 percent annually.

The ''Payday Loan Reform Act of 2009,'' which I am introducing today, provides significant new federal protections for payday loan consumers by restricting or prohibiting certain predatory payday loan terms and lending practices. The bill focuses on the two major concerns with regard to payday loans: the fees charged and the ''cycle of debt'' that occurs when consumers are not able to immediately repay their loans.

First, the bill caps payday loan fees and interest rates at a total of 15 cents for every dollar borrowed. This fee and rate cap is lower than the fees allowed in 23 states, and would save consumers roughly $250 million annually through federally mandated lower fee levels. Undoubtedly, many in the payday industry will claim that fee and rate caps this low will drive lenders out of business. However, this fee is high enough to allow lenders to continue making such short-term credit advances, while at the same time providing consumers a credit option that is less expensive than many credit card fees and rates, and substantially less expensive than overdraft protection charges through banks.

The second major concern addressed in this bill relates to the ''cycle of debt'' that too often traps consumers when they cannot repay their payday loan when first due. As a result, many payday lenders force borrowers to rollover their payday loan or obtain a new loan to pay off the initial loan, while piling on additional fees. The ''Payday Loan Reform Act of 2009'' prohibits these rollovers (i.e., extensions of the loan term in exchange for an additional fee).

Under the bill, payday lenders would be banned from rolling over loans, and they would be required to give consumers the option of entering into a repayment plan in the event that they could not repay their loan when due. The repayment plan will allow consumers to repay the loan over an extended period of time without any additional fees or other charges whatsoever. The bill's repayment plan requirements are generally far stronger than those found in the few state laws that mandate such plans.

These three key provisions—capping fees, prohibiting rollovers and requiring extended repayment plans—would supersede state law provisions when such state provisions are less consumer-friendly. In all other areas, the bill's requirements would provide a minimum national standard for consumer protections, with states free to enact tougher payday lending restrictions.

The legislation also mandates that consumers receive special warnings and disclosures, stating that these short-term payday loans are only intended for short-term needs, that credit counseling should be considered, that no criminal prosecution can occur for nonpayment nor may security interest be taken in the consumer's personal property, and that an interest-free, no-cost repayment plan will be available if needed. These disclosure notices must be given both in the loan documents before obtaining a payday loan and in similar disclosures posted in the lender's public business area, Web site and/or printed advertising and solicitation materials. Disclosures must be in English and in Spanish, as well as the language in which the loan was negotiated.

Finally, the legislation guarantees consumers additional protections relating to various potentially abusive terms and practices currently used by payday lenders. For example, I have already explained that the bill prohibits lenders from taking a security interest in a consumer's personal property or seeking to have the consumer prosecuted in criminal court for nonpayment of the loan. However, it would also prohibit unfair mandatory arbitration clauses and grant consumers the right to rescind a loan by notifying the lender in writing and returning the money no later than the end of the second business day after the loan agreement was executed.

Specifically, additional penalties of up to $10,000 per violation could be imposed; and state attorneys general, as well as consumers, will be allowed to enforce the Act. Additionally, states will be free to provide consumers with additional or greater protections than are provided for in the ''Payday Loan Reform Act of 2009.''

I urge my colleagues to support this important consumer protection bill.

## EARMARK DECLARATION

### HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. HOEKSTRA. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding direct funding the Second Congressional District of Michigan received as part of H.R. 1105.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Detroit District of the U.S. Army Corps of Engineers

Address of Requesting Entity: 477 Michigan Avenue, Detroit, Michigan 48226–2550

Description of Request: Provide $75,000 for operations and maintenance of Arcadia Harbor. Provide $275,000 for operations and maintenance of Frankfort Harbor. Provide $82,000 for operations and maintenance of Pentwater Harbor. Provide $325,000 for operations and maintenance of Muskegon Harbor. Provide $410,000 for operations and maintenance of Ludington Harbor. Provide $546,000 for operations and maintenance of Holland Harbor. Provide $1,218,000 for operations and maintenance of Grand Haven Harbor. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Operations and Maintenance account.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: Bus and Bus Facility Program (Section 5309)

Requesting Entities And Addresses: Cadillac/Wexford Transit Authority, 1202 N. Mitchell St., Cadillac, Michigan 49601; Yates Dial-A-Ride, 1987 E. U.S. 10, Idlewild, Michigan 49642; Harbor Transit, 440 North Ferry St., Grand Haven, Michigan 49417; Muskegon Area Transit System, 2624 6th Street, Muskegon, Michigan 49444; Ludington Mass Transit, 5545 West Carr Street, Ludington, Michigan 49431; Macatawa Area Express, 171 Lincoln Ave. Suite 20, Holland, Michigan 49423; Benzie Transportation Authority, 12762 Honor Highway, Honor, Michigan 49640.

Description of Request: Provide $285,000 for Cadillac/Wexford Transit Authority for the purchase of replacement transit buses and improved transit facility; provide $190,000 for Yates Dial-A-Ride for the purchase of replacement transit buses; provide $152,000 for Harbor Transit for the purchase of replacement transit buses; provide $427,500 for Muskegon Area Transit System for the purchase of replacement transit buses, provide $190,000 for Ludington Mass Transit for the purchase of replacement transit buses; provide $256,500 for Macatawa Area Express for the purchase of replacement transit buses; and provide $190,000 for Benzie Transportation Authority for the purchase of replacement transit buses. This request is consistent with the authorized purpose of the Bus and Bus Facility Program in the Safe, Accountable, Flexible, Efficient, Transportation Equity Act.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI, 48824–9190

Description of Request: Provide $346,000 for fire blight research at Michigan State University. Approximately, $148,000 is for the salaries of laboratory and field research personal; and $36,000 is for materials and supplies. Michigan State University has obtained funding from the Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of $52, 500 in FY09.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: USDA/Cooperative State Research, Education and Extension Services Research and Education

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 109 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: Provide $346,000 in funding for Phytophthora research at Michigan State University. Approximately 85 percent of the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for Phytophthora research as well. This funding is consistent with the authorized purpose of the Cooperative State Research, Education and Extension Service.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: Community Development Fund/Economic Development Initiative

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 188 Howard Ave., Holland, Michigan 49424

Description of Request: Provide $142,500 in funding for the conversion of a former pharmaceutical plant into a center for bio-based start-up companies and research. Approximately 95 percent of the funding will go to equipment acquisition and plant re-conditioning. The project has received funding from and will be supported by Lakeshore Advantage, Holland-Zeeland Community Foundation, State of Michigan and U.S. Department of Labor.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 1105

Account: Department of Energy/Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Michigan Alternative and Renewable Energy Center

Address of Requesting Entity: 200 Viridian Drive, Muskegon, Michigan 49440

Description of Request: Provide $1,427,250 in funding for an offshore wind demonstration project at the Michigan Alternative and Renewable Energy Center. Approximately two-thirds of the funding will be used for the purchase and installation of the wind turbine. Approximately 30 percent will be used for technical support and interface, environmental impact, education and economic studies for the use of offshore wind turbines in Lake Michigan. The project will be supported by Grand Valle State University, Muskegon Area First and L–3 Communications.

## TRIBUTE TO MELVIN CAULEY

### HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. MEEKS of New York. Madam Speaker, I am honored to recognize a true hero that has emerged in the New York Congressional Sixth District. Mr. Melvin Cauley, Jr. has served the Far Rockaway community for five years as a United States Postal Service Mail Carrier. He has walked the community's streets to deliver the letters and packages that are vital to the livelihood of many of my constituents. Now, Mr. Cauley walks the community's streets as a hero, as a citizen who went above and beyond his professional duties to save the life of Mrs. Margaret O'Brien, a 70-year-old resident of Rockaway Beach.

On January 29th, Mrs. O'Brien experienced a traumatic fall that rendered her helpless on her kitchen floor. For the next several days, Mr. Cauley delivered Mrs. O'Brien's mail without incident. Finally on February 5, Mr. Cauley took notice of the accumulated mail not collected by Mrs. O'Brien. This concerned him because Mrs. O'Brien often greeted him to receive his daily delivery. Mr. Cauley took action by notifying the 100th Police Precinct of her absence. At his insistence, the Police visited Mrs. O'Brien's home. Upon entering, they found Mrs. O'Brien lying on the floor unconscious, but alive. She was taken to a local medical facility where she was stabilized and has recovered since then. Mrs. O'Brien, who had lain on her floor for seven days, was saved because of the caring and decisive action of Mr. Cauley.

Beyond delivering letters and packages, the United States Postal Service is an important community partner in protecting the wellbeing of my constituents. For three decades, the Postal Service has had a ''Carrier Alert'' program in which Postal Carriers are empowered to alert social service agencies and law enforcement when they suspect a threat to the safety of their customers. The ''Carrier Alert'' program is a natural extension of the care that Postal Carriers have traditionally shown for their customers' wellbeing. Mr. Cauley has demonstrated the great impact that the program can have in protecting the lives of community members.

Mr. Cauley has established himself as a role model amongst his professional colleagues and community members, demonstrating what it is to be a dedicated citizen, on how to care for our neighbors, and the importance of rising to an occasion when circumstances necessitate it. I know that Mrs. O'Brien, her family, and her friends are grateful for his caring actions. On behalf of the Congressional Sixth District, I thank Mr. Melvin Cauley, Jr. for helping to save the life of Mrs. Margaret O'Brien.

## INTRODUCTION OF THE ''SELECT AGENT PROGRAM AND BIOSAFETY IMPROVEMENT ACT OF 2009''

### HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Ms. HARMAN. Madam Speaker, no one can forget the 2001 anthrax letter attacks, which killed five people, paralyzed the Postal Service, and affects the flow of mail to Capitol Hill to this day.

In response, Congress expanded the Select Agent Program, which monitors the possession and use of potentially dangerous biological agents and toxins.

But, the program's authorization expired in 2007, and serious problems persist. Earlier this month, researchers at the Army Medical Research Institute of Infectious Diseases received another wake-up call.

They discovered serious gaps in record-keeping after finding germ samples not listed in their database. Since then, the Army has suspended some research at the lab while an inventory of dangerous agents is conducted.

That is why it is so important to reintroduce today the Select Agent Program and Biosafety Improvement Act with my friend MIKE ROGERS in the House and Senators KENNEDY and BURR in the Senate.

The bill requires an assessment of the government's ability to track and control the dangerous substances that can be used to construct dangerous weapons.

It reauthorizes and updates the Select Agent Program, which limits access to and controls the transfer of dangerous biological agents and toxins.

It requires the National Academy of Sciences to conduct a comprehensive evaluation of the program and recommend ways in which it can be restructured, to enhance biosecurity and international scientific collaboration.

It requires that the program consider newly discovered agents—such as genetically modified organisms, synthetic compounds, and other agents identified in Homeland Security risk assessments—to ensure that its database is current and comprehensive.

It encourages the sharing of information with State emergency planning officials, which is vital to ensuring that first responders have the tools they need to prevent or respond to an attack.

And it ensures minimum biosecurity and biosafety standards for the training of workers in the laboratories that deal with the most dangerous agents.

The threat of biological terrorism on U.S. soil is real and there is still room to improve the way our country tracks and transfers potentially dangerous materials that could be used against us in an attack. This bill will help that effort.

Nearly a decade has passed since weaponized anthrax was anonymously mailed as an attack on Americans. We must act swiftly to improve our capabilities to eliminate these dangers.

## TRIBUTE TO MIKE AND MARIA VASQUEZ

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr CALVERT. Madam Speaker, I rise today to honor and pay tribute to two individuals whose dedication and contributions to the community of Corona, California are exceptional. Corona has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Mike and Maria Vasquez are two of those individuals. On January 17, 2009, Mike and Maria Vasquez were honored at the Corona Chamber of Commerce's 94th Annual Installation and Awards Gala and received the 2008 Citizen of the Year Award.

Mike and Maria Vasquez are wonderful people that have worked their way up from humble beginnings and turned one restaurant into a successful family empire. In 1973, upon receiving a Corona restaurant named Chile Pepper, they entered the restaurant business, renaming the establishment ''Miguel's'' in honor of Mike's grandfather. Maria developed dishes based on recipes from her childhood in Mexico. They focused on exceeding customer service expectations and delivering fresh great-tasting food while offering an inviting ambiance and providing a culture of integrity and self-responsibility. It was Mike and Maria's work ethic and undaunted ambition that has ensured the success of Miguel's.

In 1975, Mike and Maria purchased a fast-food restaurant two miles from the original. Miguel's Jr., as they called it, was immediately embraced by the community. Today, the original Miguel's has two locations in Corona including their newest location at Dos Lagos, and Miguel's Jr. has expanded to include seven locations. Following the same business philosophies and family traditions that founded the business, the Vasquez children are committed to growing Miguel's. Their youngest son, Javier, is the President, Michael oversees Miguel's Jr., and Carol and Sylvia serve in the corporate offices.

In a large effort to honor their parents, Javier worked with Corona City Councilman Eugene Montanez to create a special park in Corona to honor his parents' accomplishments and to be a place they could enjoy with their grandchildren. Their vision materialized this past August when the Citrus Park splash zone opened to throngs of happy families. I'm proud to say that the Citrus-themed playground is Corona's first ever water park and was designed based on Corona's proud citrus history. The water park is yet another successful venture of the Vasquez family and a testament to their continued willingness to give back to the community.

Mike and Maria's tireless passion for community service has contributed immensely to the betterment of Corona, California. Volunteerism is a major part of the Vasquez's life and from their business, they support many non-profit organizations and schools. For more than 35 years, the Vasquez family has achieved success by focusing on the things that matter: community, family, and tradition. I am proud to call Mike and Maria fellow neighbors, Americans and friends. I know that many community members are grateful for their service and we salute them in their recent award.

EARMARK DECLARATION

## HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 1105, the Omnibus Appropriations Act, 2009:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Department of Justice—COPS Law Enforcement Technology

Legal Name of Requesting Entity: Manatee Community College

Address of Requesting Entity: 5840 26th Street West, Bradenton FL 34207

Description of Request: I secured $200,000 for an Emergency Notification System using VOIP at Manatee Community College.

VOIP technology offees many advantages; one of the biggest is the convergence between voice and data, which offers possibilities beyond regular telephone or e-mail services. A good example is using VOIP for mass notifications, in which a user can send an alert message simultaneously to a large audience in multiple ways such as text messaging, voice mail and e-mail. Funds will be used to purchase equipment and the one-time cost of installation and set-up.

Reqesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Economic Development Initiatives

Legal Name of Requesting Entity: Sarasota Housing Authority

Address of Requesting Entity: 1300 Blvd. of the Arts, Sarasota, FL 34236

Description of Request: I secured $237,500 for the Sarasota Housing Authority to build a LEED Certified community center.

Redevelopment is already underway. Plans call for a community center to be built to serve as a property management office as well as a resident services center that will be used to provide training and services to residents to become self sufficient. This center is slated to be a LEED Certified as a green building.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Manatee and Sarasota Counties

Address of Requesting Entity: 1112 Manatee Avenue West, Bradenton, FL 34205 (Manatee County) 1660 Ringling Blvd. Sarasota, FL 34236 (Sarasota County)

Description of Request: I secured $475,000 Intelligent Transportation (ITS) project in Manatee and Sarasota Counties.

The counties are upgrading their signal systems in order to deploy a more advanced traffic management system. This project also complements a programmed State of Florida project to deploy ITS for the purpose of incident management on 1–75. It is expected to reduce vehicular delay by 9.5 million hours per year and reduce fuel consumption by 3.8 million gallons per year.

The counties have been coordinating their efforts. Manatee County will incur a greater cost on this project; as a result funding should be split 60–40 between the counties.

Manatee County's project is called Advanced Traffic management System (ATMS), while Sarasota County has designated theirs ITS.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Transportation, Community, and System Preservation

Legal Name of Requesting Entity: Hardee County

Address of Requesting Entity: 412 West Orange Street, Room 103, Wauchula, Fl. 33873

Description of Request: I secured $332,500 for Bridge costs on US–17.

Funds will be utilized to construct a 500′ by 43′ bridge in the Hardee County Line/CR 634 segment. The project is an important component of the larger project to four-lane US–17 in Hardee County.

This larger project is important for safety and economic reasons. US–17 four laned entirely will be a valuable evacuation route during hurricanes. Also, it would provide an economic boom as many businesses are looking to the area in their future plans.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 1105

Account: Alternative Analysis

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1660 Ringling Blvd. Sarasota, Fl 34236

Description of Request: I secured $1,009,375 Sarasota County Bus Rapid Transit.

Sarasota County is expanding its transit system with the most fuel-efficient vehicles and the latest ITS technology. The Bus Rapid Transit Corridor Project will: connect areas of highest transit ridership access for key employment sites; improve the operating efficiency of transit services, and support regional long-term land use goals.

EARMARK DECLARATION

## HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding the earmarks I received as part of H.R. 1105, the FY09 Omnibus Appropriations Bill:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Special Research Grants

Project Name: Drought Mitigation

Amount: $469,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 202 Agricultural Hall, Lincoln, Nebraska 68583

Description: This funding is for the National Drought Mitigation Center (NDMC) which conducts research and educational programs on drought mitigation and planning for drought. The project has assisted numerous states and municipalities in developing drought plans and implementing drought response action teams. The Center has received national visibility for providing information on the severity of drought throughout the United States. Both print and electronic mass media routinely use Center produced materials in their news stories on the drought.

The NDMC's program is directed at lessening societal vulnerability to drought through a risk-based management approach. The NDMC works with local, state, and tribal governments, federal agencies, and non-governmental organizations. The objectives of the NDMC are: (1) to develop and evaluate existing drought policies and plans in the United States and elsewhere with the goal of improving drought-coping capacity and (2) to develop and evaluate new techniques and methodologies for monitoring drought severity and its impacts, identifying and classifying users in the United States and elsewhere.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Buildings and facilities

Project Name: Systems Biology Research Facility

Amount: $1,088,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 202 Agricultural Hall, Lincoln, Nebraska 68583

Description: This funding will be used toward construction of a University of Nebraska-Lincoln (UNL)/Agricultural Research Service (ARS) Research Facility. This facility would provide critically needed space for UNL and ARS research addressing two areas of national concern: renewable energy and water resource conservation and management. Agriculture is expected to provide almost 40 percent of the nation's liquid fuels within 30 years. This will further intensify demands on our soil and water resources. UNL and ARS scientists have been collaborating at UNL since the 1930s. Very strong collaborative programs continue today, including the ARS program at UNL that has been developing improved switchgrass varieties for 30 years and

is the leading program in the world on the use of switchgrass for cellulosic ethanol. These scientists are scattered across the UNL campus and the proposed building will enable them to share collaborative, cutting-edge research space that will move this important research forward more rapidly. This project would advance major research focused on essential national efforts.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: COPS Law Enforcement Technology

Project Name: Lincoln Police Department Security Upgrades

Amount: $132,000

Name and Address of Requesting Entity: City of Lincoln located at 555 S. 10th Street, Lincoln, Nebraska 68508

Description: The Lincoln Police Department wants to take its first steps into the emerging technology of digital recording systems for police patrol cars. The proposal would equip 20 police patrol vehicles with digital video systems integrated with the Department's existing mobile data computers. These systems will capture video from car-mounted cameras onto flash memory media that can be downloaded for archiving. These systems will replace older analog video tape recorders and cameras. This would integrate digital content into our extensive Intranet resources, so digital video can be used by police and prosecutors. Although many departments are beginning to make the transition to digital recording equipment, this integration is the key component of this project that differentiates it from most. The equipment will allow for greater efficiencies within the Department and accelerate information-sharing with neighboring jurisdictions.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Corps of Engineers—Construction

Project Name: Antelope Creek Flood Damage Reduction Project:

Amount: $400,000

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066.

Description: The Antelope Creek Flood Damage Reduction Project is a critical element of a flood control, transportation and community revitalization project known as the Antelope Valley Project. The project is being constructed in central Lincoln adjacent to the University of Nebraska Lincoln main campus to improve flood control, transportation networks and community well-being in the city's down-town area.

Essential to progress on the entire Antelope Valley Project is the completion of the flood damage reduction component. This multi-purpose project is a partnership of the City of Lincoln, the University of Nebraska Lincoln, and the Lower Platte South Natural Resources District, along with the U.S. Army Corps of Engineers and the federal Departments of Transportation and Housing and Urban Development. The project reduces flooding threats to over 800 dwellings and businesses and 1,200 floodplain residents and removes 100-year floodplain restrictions on 400 acres.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Corps of Engineers—Construction

Project: Sand Creek Environmental Restoration Project

Amount: $400,000

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066.

Description: The Sand Creek Project will restore several types of historic wetlands and add to the national wetlands inventory in support of the Administration's "net gain" national wetlands policy. A quantitative analysis of all environmental outputs by the Corps of Engineers in addition to the Feasibility Study demonstrated a significant level of benefits for this wetland restoration project for the Lower Platte River watershed which serves the North American Central Flyway.

The Sand Creek Project supports the national goal of a net gain in American wetlands. Active pursuit of this goal also provides for improvements in water quality and water supply to achieve watershed improvement. Flooding in Wahoo along the U.S. 77 Expressway corridor occurred twice during 2006. Completion of the wetlands restoration structure will also provide flood damage reduction benefits and the roadway allowing completion of this expressway between Lincoln and Sioux City. This is a key segment of the expressway.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Corps of Engineers—Construction

Project: Western Sarpy-Clear Creek Flood Damage Reduction Project Amount: $2,775,000

Name and Address of Requesting Entity: Papio-Missouri River Natural Resources District located at 8901 S. 154th Street, Omaha, NE 68138.

Description: The Western Sarpy-Clear Creek Flood Damage Reduction Project is vital to the health and well-being of a large number of Nebraskans. It is planned to protect vital drinking water resources that supply up to 50% of Nebraska's population in the eastern part of the state from flooding due to potential ice jams on the Platte River. Elected officials at local, regional and state levels in Nebraska have been long committed to this project's construction because of risk to water supplies and other infrastructure.

Significant construction progress towards completion is vital to Nebraska in the year ahead. The Congress has provided construction funding for the past four years in the Energy and Water Development Appropriations Act.

In 1993, flooding in the Lower Platte severed one-half of the City of Lincoln's water supply and catastrophe was again threatened in 1997 from ice-jam induced flooding. That portion of the new Omaha Metropolitan Utilities District well field on the western side of the Platte River now under development south of U.S. Highway 92 will also receive vital protection from this project. Treatment facilities for water from this well-field will be completed in the months ahead.

Additionally, this project is needed to provide protection to: I–80 and U.S. Highway 6; The Burlington Northern Santa Fe Railroad, an Amtrak line; Military facilities at the National Guard Camp at Ashland; National telecommunication lines; and Other public infrastructure.

Construction of a separate but companion levee at the Nebraska National Guard Camp at Ashland was fully funded by the Congress in the FY '04 Military Construction Appropriations Bill and is completed. Neither of these adjoining levees is effective without the other. Ice jams with the potential for flooding in the area around Camp Ashland and the 1–80 Bridge where it crosses the Lower Platte River occurred again as recently as 2001 and will continue to be a significant threat until both of these projects are completed.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Corps of Engineers—Construction

Project Name: Missouri National Recreational River

Amount: $335,000

Name and Address of Requesting Entity: U.S. Army Corps of Engineers located at 106 S. 15th Street, Omaha, Nebraska 68102

Description: This funding is for the Missouri National Recreational River (MNRR), located on the Missouri River from Gavins Point Dam downstream to Ponca, Nebraska. Federal activities pursued within the MNRR must protect and enhance the values for which it was designated—scenic, recreational, fish and wildlife, historic, and cultural. The U.S. Army Corps of Engineers' FY09 capability of $9 million would be used for bank stabilization, easement acquisition, and fee title purchase.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Section 205

Project Name: Fremont Section § 205 Flood Control Study

Amount: No specific dollar amount

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066

Description: This funding is for the federal share to complete the Fremont South Section 205 Flood Control Study. Funding for this Section 205 project will continue urgent feasibility planning to strengthen an existing flood control levee in order to remove a portion of South Fremont from the threat of flooding in the 100 year flood plain. This Fremont South area will be soon identified by the Federal Emergency Management Agency ("FEMA") as within the designated flood plain. The total cost of the project is $1,086,000 split equally between the Corps of Engineers and the nonfederal sponsor.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Section 205

Project Name: Schuyler Section 205 Flood Control Study

Amount: No specific dollar amount

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066

Description: This funding under the Section 205 authority is for the federal share to continue the Schuyler, Nebraska Flood Control

Study. The amount requested will continue the Schuyler, Nebraska §205 Flood Control Study. The purpose of the study is to plan for mitigation of flooding in 40% of the city which is anticipated to be placed in the flood plain for the first time when designated by FEMA. The total cost of the study is $772,000 split equally between the Corps of Engineers and the non-federal sponsor.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Energy Efficiency and Renewable Energy

Project Name: Bioenergy Demonstration Project: Value-Added Products from Renewable Fuels

Amount: $1,903,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 302 Canfield Administration Building, Lincoln, Nebraska 68588

Description: The funding will be used by the University of Nebraska-Lincoln to establish a pilot-scale corn-ethanol bioenergy facility and research program. Research will focus on developing new fractionation processes for removing value-added components from corn before and after fermentation to biofuel and on exploring new commercial uses for these products. Establishment of a research facility and program will help ensure the economic viability of the rapidly expanding biofuel industry during periods of commodity price uncertainty for grain and ethanol. The ability to test feed formulations with greater amounts of biofuel co-products will be critical to the livestock industry as corn and soybean prices rise in response to expanded biofuel production. This research facility's goals align with the U.S. Department of Energy's goal of displacing 30 percent of 2004 gasoline demand with biofuels, primarily ethanol, by 2030. Achieving this ambitious goal requires a rapid expansion of the fuel ethanol industry and research on the most efficient and cost-effective means of producing ethanol and of utilizing the byproducts of that process.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Energy Efficiency and Renewable Energy

Project Name: Intelligent Controls for Net-Zero Energy Buildings

Amount: $475,750

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 302 Canfield Administration Building, Lincoln, Nebraska 68588

Description: The funding will be used by the University of Nebraska-Lincoln to develop intelligent real-time controls for buildings using distributed electrical generation systems. The U.S. Department of Energy has set a goal of marketable net zero energy buildings buildings with annual net energy consumption of zero by 2025. Because residential and commercial buildings consume almost 70% of U.S. electricity, reducing energy use in existing and new buildings is critical to achieving zero energy buildings. Many large buildings needing an uninterrupted power supply, such as hospitals, schools, manufacturing facilities, hotels, and retail buildings, use distributed generation systems that include diesel generators and steam and gas turbines and could include solar, wind, and fuel cells. The intelligent controls developed by this project will decide in real time which energy source to employ and how much to charge and discharge storage systems to balance energy use and emissions over a year. These controls will enable operators to determine the optimal mix of on-site power generation and utility grid-supplied power needed for large buildings to maximize energy consumption and carbon emission credits. This research will lead to improved distributed generation applications in retrofit and new construction that reduce the energy use and carbon footprint of buildings.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: STAG Water and Wastewater Infrastructure Project

Project Name: City of Lincoln Wastewater Treatment Upgrades

Amount: $550,000

Name and Address of Requesting Entity: City of Lincoln located at 555 S. 10th Street, Lincoln, Nebraska 68508

Description: New and stricter wastewater treatment NPDES effluent discharge permit limits were issued in January 2004 to the City of Lincoln for both the Theresa and Northeast Wastewater Treatment Facilities. Over the last five years, more than $61 million in improvements have been made to these facilities to meet the new NPDES permits. The last of these improvements is nearing completion. The City continues to make improvements to the treatment facilities and collection system pipelines and pumping systems to be more cost efficient; reduce overall energy use; control and reduce odor emissions; reduce greenhouse gas emissions by further utilizing biogas generated by the treatment processes, and minimize the overall carbon footprint of facility operations. The City's six-year Capital Improvement Program (CIP) identifies $17.7 million in treatment facility improvement projects and $84.9 million for maintenance and improvement projects to the collection system. These improvement projects are essential for assuring air and water quality, protection of the environment, public health and safety of the community. The City expects to incur the majority of the costs to make improvements to the collection and treatment facilities through a capital construction program funded by user fees and federal assistance.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Higher Education (includes FIPSE)

Project Name: Northeast Community College

Amount: $761,000

Name and Address of Requesting Entity: Northeast Community College located at 801 E. Benjamin Avenue, Norfolk, Nebraska 68702

Description: This funding is for a new collaborative education center in South Sioux City, Nebraska. Northeast Community College (a comprehensive community college), Wayne State College (a regional comprehensive public state college), and South Sioux City, Nebraska, are partnering in this project. The new College Center will serve the area by creating a "one-stop" consolidated service center offering community and economic development resources in addition to providing educational opportunity for area residents at an affordable price. The primary purposes of the joint center are:

to improve access to higher education in an underserved area of Nebraska with special focus on the large number of minority and first-generation students in the region

to offer comprehensive "start-to-finish" degree programs that will allow place-bound students to earn associate's, bachelor's, and master's degrees in focus areas without having to relocate

to support economic and community development in the region through workforce training and consolidation of services

The vision for the Center is to meet the educational demands of the region, provide a combination of classroom and lab instructional space adapted to the customized needs of regional employers, as well as to collaborate with area high schools to provide academic transfer, career and technical instruction for secondary students. This project will serve regional needs of Northeast Nebraska and the greater Siouxland area, including the southeast portion of South Dakota, and the west central to northwest portion of Iowa.

The new College Center facility will be designed to serve 500 full-time students by providing space for general classrooms, specialized instructional spaces for distance learning, science labs, computer labs, nursing labs, and a multi-purpose conference area that can be used as training classrooms for business and industry and learning community activities. It will also include areas for support services and academic support spaces for testing, tutoring, library services, study commons, and conference spaces. The South Sioux City Community Development Agency has donated 57 acres of centrally located land to Northeast Community College. The College Center will be located at this site.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Centers for Disease Control and Prevention

Project Name: Environmental Health Informatics Database

Amount: $238,000

Name and Address of Requesting Entity: University of Nebraska Medical Center located at 986380 Nebraska Medical Center, Omaha, Nebraska 68198

Description: This funding is for the University of Nebraska Medical Center to create a Midwest Health Informatics database to assess environmental influences on the development of diseases by collecting health information from 50,000 Midwesterners. Currently most information about the relationship between disease and the environment is generated by major databases located in large urban areas on the east and west coasts which tend to be regionally specific and generally not applicable to rural areas. This database would be the first research cohort in the Midwest to study the relationship between rural populations, the environment, and disease development. This project could reveal environmental factors responsible for birth defects or lymphoma, a cancer with high incidence in Nebraska. The data will provide valuable information on the factors influencing development of deadly diseases like cancer and

position UNMC Eppley Cancer Institute to be designated a National Cancer Institute (NCI) Comprehensive Cancer Center. This high distinction will allow for the most advanced patient care and research to be available in Nebraska. UNMC is the ideal institution to spearhead this database with its numerous resources, well-established statewide hospital network to collect data, a state-of-the art cancer research team and facilities, and comprehensive database capabilities to collect and assess acquired data from this project.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Transportation, Community, and System Preservation

Project Name: Antelope Valley Transportation Improvements

Amount: $570,000

Name and Address of Requesting Entity: City of Lincoln located at 555 S. 10th Street, Lincoln, Nebraska 68508

Description: The City of Lincoln is committing significant resources for road and pedestrian improvements associated with Antelope Valley. Some of the important projects that remain in the $125 million transportation component of Antelope Valley Project include: construction of 5 miles of roadway (including the Antelope Valley Parkway from 17th & Y Streets to Capital Parkway) to improve traffic in the City's central core and Northeast Lincoln; reducing through traffic congestion on the University campus and on downtown streets; eliminating two dangerous mainline at-grade rail crossings, and providing a new overpass (16th Street Overpass) to the State Fair Park, Devaney Sports Center, state military areas, and surrounding neighborhoods. The federal assistance would be used in FY 2009 on Construction of P and Q Street bridges and roadways that are over the flood control channel that is to be constructed concurrently by the Corps of Engineers.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Transportation, Community, and System Preservation

Project Name: Nebraska Highway 35

Amount: $380,000

Name and Address of Requesting Entity: Nebraska Department of Roads located at 1500 Highway 2, Lincoln, Nebraska 68502

Description: The intent of this project in northeast Nebraska is to develop the most efficient route from Norfolk to South Sioux City. Currently, the route is comprised of several short segments of highway winding its way to the northeast. This project has significant regional and national importance. It would provide substantial safety and economic development benefits. The Nebraska Department of Roads has classified the Highway 35 project as a planned expressway.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 1105, FY09 Omnibus Appropriations Bill

Account: Transportation, Community, and System Preservation

Project Name: Rulo Bridge Replacement Project

Amount: $95,000

Name and Address of Requesting Entity: Nebraska Department of Roads located at 1500 Highway 2, Lincoln, Nebraska 68502

Description: This funding is for the Rulo Bridge project between Nebraska and Missouri. The funding would be used for the initial planning and design of a replacement bridge. The current Rulo Bridge was built in 1939 and is too narrow to handle modern-day traffic. It also has dangerous curves in both of its approaches, limiting visibility and making it difficult for safe passage of vehicles meeting each other.

## TRIBUTE TO THE UNIVERSITY OF SAN DIEGO ON ITS 60TH ANNIVERSARY

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mrs. DAVIS of California. Madam Speaker, I wish to pay tribute today to the University of San Diego, which celebrates its 60th anniversary this year.

The University of San Diego (USD) can trace its roots back to 1496 and the Spanish town of Alcalá de Henares, home and resting place of Saint Didacus (or San Diego). However, it was in 1949 that the Most Reverend Charles Francis Buddy, first Bishop of the Diocese of San Diego, and Reverend Mother Rosalie Clifton Hill, Vicar Superior of the U.S. Western Vicariate of the Society of the Religious of the Sacred Heart of Jesus, obtained charters from the State of California to establish San Diego University and the San Diego College for Women, respectively.

The San Diego College for Women opened its doors in February 1952 with 33 students, seven faculty members and 16 courses on a campus still under construction. Shortly after, the College for Men welcomed 39 students and the School of Law enrolled a co-ed class of 30. In 1972, the two colleges and the School of Law merged to form a single, Catholic coeducational University of San Diego.

Today, the 180-acre campus enrolls nearly 7,500 undergraduate, graduate and law students and is known for its commitment to teaching, the liberal arts, the formation of values and community service. The addition of the Joan B. Kroc School of Peace Studies now brings the university's total number of schools and colleges to six. Other academic divisions include the College of Arts and Sciences and the schools of Business Administration, Leadership and Education, Law, and Nursing and Health Science.

On May 2, 2009, USD will recognize several of its alumni by bestowing the Mother Rosalie Clifton Hill Service Award on L. Douglas Robert, the Bishop Charles Francis Buddy Humanitarian Award to Sandy M. Cassell Farrell. Zuzana Lesenarova, four-time NCAA All-American and 1999 Division I NCAA National Singles Champion of Women's Tennis, will also enter the Pagni Athletic Hall of Fame. In addition, seven outstanding alumni will receive the Author E. Hughes Career Achievement Awards in recognition of their outstanding humanitarian and professional achievements. These honorees are Heather Raffo (College of Arts & Sciences), Denise M. Boren (Hahn School of Nursing & Health Science), Judy Ann Kamanyi (Kroc School of Peace Studies), John M. Cappetta (School of Business Administration), Richard M. Bartell (School of Law), and Leona Makokis and Patricia A. Makokis (School of Leadership & Education Sciences).

Please join me, Madam Speaker, in wishing these alumni, as well as the students and administration, continued success and academic promise during USD's diamond anniversary and in the decades to come.

## TRIBUTE TO DONALD A. LOWE FOR HIS SERVICE TO THE TOWN OF CLINTON, MASSACHUSETTS

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to a dear friend and dedicated public servant who has made an extraordinary contribution to the quality of life in his beloved hometown of Clinton, Massachusetts. Tomorrow marks the last day Donald A. Lowe will serve as Director of Community and Economic Development for the Town of Clinton. I look forward to attending a celebration in Don's honor tomorrow night at the Old Timer Restaurant so that I can personally thank and congratulate him for his remarkable service. However, I did not want to miss the opportunity to also publicly recognize this rare and special individual on the floor of the U.S. House of Representatives. I readily acknowledge that the tribute paid to him by this esteemed body pales in comparison to the honor he will receive just two short weeks from now as a recipient of the prestigious shillelagh award from Clinton's Leprechaun Society. Nonetheless, I am pleased to offer these remarks just the same.

Affectionately known by many of his friends, colleagues and fellow Clintonians simply as 'Donnie', this man has earned the respect and admiration of an entire community. Don's tireless devotion to improving the educational system, social services and economic vitality of this unique and wonderful town is a powerful testament to the difference one man can make. As a former member and chairman of the Clinton School Committee, Don was a forceful advocate for children insisting on nothing less than the finest facilities, best educational programs and highest academic standards. His tenure on the school committee is widely remembered for the thoughtful manner with which he approached the many challenges facing the school system at that time and the professionalism with which he discharged his duties.

Years later as Director of Community and Economic Development, Don was largely responsible for advancing Clinton's downtown revitalization through his relentless pursuit of competitive grant funding. The growth and expansion of NYPRO, Clinton's largest employer, benefited enormously from his skillful leadership. In fact, all business enterprises—large and small—found an eager and enthusiastic champion in Don Lowe these past seven years. His previous experience in the hi-tech sector brought an invaluable dimension to the role of local government in spurring economic development and job creation. Similarly, low and moderate income homeowners seeking help from the town received compassionate and capable assistance from Don. His volunteer service as a member of the board of directors for the Wachusett Health Education

Action Team (WHEAT) and his long involvement with the Clinton Exchange Club and Polish American Veterans are just a few examples of the breadth of his extraordinary civic engagement.

Madam Speaker, all of us in public life routinely rely on the advice of loyal friends and trusted advisors. I will forever be grateful to Don Lowe for his unfailing friendship and good counsel as a colleague in government throughout my career in congress. However, I am just as grateful that while he is leaving his position with the Town of Clinton, Don will remain in public service as the newly appointed Administrator for the Town of Bolton. Now more than ever, we as a nation and as a commonwealth need professionals like him in municipal government to help steer us through these uncertain economic times. Bolton will soon be in the steady hands of one of the most talented and devoted public servants I have ever known. On behalf of the U.S. House of Representatives, I want to extend to Don and his wife, Liz, our very best wishes for continued good health, happiness and success with heartfelt appreciation for all you have accomplished for the good people of Clinton, Massachusetts. You are a credit to your family and your community and make us all very proud.

## CONGRATULATIONS ON THE 20TH ANNIVERSARY OF THE CONGRESSIONAL BLACK CAUCUS VETERANS BRAINTRUST

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise during this Black History Month to congratulate Hons. SANFORD BISHOP, JR. (D–GA) and CHARLES RANGEL (D–NY) for joining me in convening the highly successful 20th Anniversary of the Congressional Black Caucus Veterans Braintrust during the Congressional Black Caucus Foundation's 38th Annual Legislative Conference (ALC) held in Washington, DC. The 20th anniversary celebration covered three days of activities over September 24–26, 2008, with the collaboration of the African American Civil War Museum, the Vets Group and the National Association for Black Veterans. This was an important social, psychological and political achievement for the sustained work and growth of the Veterans Braintrust over more than twenty years. During that period the Veterans Braintrust has become the institutional memory for the Congressional Black Caucus on American veterans of African descent, much like the U.S. Naval Historical Center is for the Navy, and U.S. Army Center of Military History is for the Army. Thus, can justifiably be called the preeminent forum for debate, or discussion for public policy issues between veterans of African descent and government officials in the country. Second, the Braintrust deserves our special admiration for being the champion of diversity and inclusion for a much broader array of WWII, Korean, Vietnam, Persian Gulf and War on Terrorism constituencies; including our African veteran allies from abroad heretofore unrecognized and unrepresented. For example, the Ethiopian delegation that attended reminded us that Ethiopia fought by our side during the Korean Conflict; was the only African country never colonized, and led the way for the liberation of the rest of Africa. Equally important, the Veterans Braintrust long ago adopted the expanded definition of veteranhood to include: families and friends, in order to recognize the central importance of family and friends, particularly when any veteran goes into the hospital, and second, as an authentic voice for black veterans, their families, and communities nationwide.

Yet, no less important, the 20th Anniversary took place during two of the most challenging moments in American history—America's worse economic crisis since the Great Depression of the 20s and 30s, and the sixth year of the war on terrorism, now the second longest war in American history, in which 4,000 soldiers have been killed, 30,000 wounded, and 14,000 seriously disabled.

Hon. CHARLES RANGEL (D–NY) opened the morning tribute session of the forum, which was dedicated to recognizing the contributions of our nation's African American veterans, by briefly explaining the economic crisis and its impact on us all. He also honored our invited guest speakers Hons. NANCY PELOSI (D–CA), BOB FILNER (D–CA), and JOHN CONYERS, Jr. (D–MI).

Next he shared a small piece of his own story of returning from the Korean War (1952) as an Army Sergeant with a Bronze Star, four Battle Stars and a Purple Heart. But somehow forgot he was a high school drop-out and ended up pushing a clothing cart in New York City's garment district, before finally going to the VA to request assistance.

More importantly, he pledged his undying support for the GI Bill, because, as he put it, "the only difference between being a drop-out on Lenox Avenue and a chairman in Congress was the GI Bill!" before turning over the reins to Ron Armstead, Executive Director of the Veterans Braintrust, who has been with us since the beginning in 1988. Ron promptly began by saying "forums that begin with an invocation and end with a benediction are a blessed occasion," and invited Leon Bryant, Sr., Pastor of Capitol City SDA Church to give the invocation.

Throughout the morning session more than 250 people were on hand as we paid special tribute to the courageous African American men and increasingly women of the military who dedicate their lives to preserving our precious freedom and continuing way of life. Our special guest, Emmy award nominee Actor John Amos, called the honor roll of black military units from the segregated World War II and Korean War eras to the integrated Vietnam, Persian Gulf, Afghanistan and Iraq wars. Remembering their selfless service and sacrifice to national defense throughout the entire 20th century, and returning home to join the fight for equal rights.

Most importantly, we focused on the long legacy of service of those who undertake the armed defense of the scared principles of the Constitution, Declaration of Independence and Bill of Rights that all men (and now women) are created equal, have thus earned the right of every African American full citizenship through honorable military service, and as Dr. W.E.B. DuBois said in 1906, for "all true Americans." Thus Congress, the Executive Branch, states, commonwealths, territories, counties, municipalities and communities across the land ought to be deeply indebted to these all too often forgotten warriors who fought the most bitter of ironies in America's history: for democratic ideals abroad while the practice of racial discrimination persisted at home. But as the historic inauguration of President Barack Obama proves, their hope, faith and loyalty have been vindicated.

Seated on the dais were Anthony Brown, Lt. Governor from the state of Maryland, highest ranking black elected state official to serve in Iraq; Hon. SANFORD BISHOP, JR. (D–GA), Member of the House Appropriations Subcommittee on Military Construction and Veterans Affairs and I, Senior Member of the House Veterans Affairs Committee, Co-Chair of the Congressional Black Caucus Foundation 38th Annual Legislative Conference and Veterans Braintrust Co-Convener; keynote speaker Secretary James Peake, MD, Department of Veterans Affairs; Rev. Dr. James Forbes, Jr., President & Founder of the Healing of the Nations Foundation of New York; special guest of honor Actor John Amos, Honorary Master Chief of the USCG and Navy, and New Jersey National Guardsman (best known for his role as Kunta Kinte on the hit CBS miniseries Roots, and NBC's Emmy award winning hit series, The West Wing, as Admiral Percy Fitzwallace, Chairman, Joint Chiefs of Staff); Hon. Louis Stokes (D-OH) Retired Congressman and Past Chairman of the Appropriations Subcommittee on VA, HUD and Independent Agencies, Past Chairman of the Congressional Black Caucus Health Braintrust and WWII veteran, and Dr. Roscoe Brown, an original Tuskegee Airman and Congressional Gold Medal Recipient.

The afternoon session consisted of a unique Stakeholders Roundtable Discussion on Veterans' Issues supported by the Hon. BOB FILNER (D–CA), Chairman of the House Veterans Affairs Committee and his senior committee staff. The roundtable was moderated by Dr. William King, and featured the following subject matter experts and discussants: Dr. William Lawson, MD, Ph.D., Dr. Shirley Marks, MD, MPH, Dr. Lorraine Blackman, Ph.D., LCSW, Dr. Cedric Bright, MD, Dr. Reginald Wilson, Ph.D., Dr. Beverly Coleman Miller, MD, Dr. Donna Holland Barnes, Ph.D., Dr. Cheryl Royster Branker, Ed.D., Judge Robert Russell, Jr., Haywood Fennel, Sr., Sidney Lee, Maceo May, Amy Fairweather, Col. Ann Wright, USA, Ret., Sgt Natasha McKinnon & Jason Lindsay, disabled Iraqi veterans & students at North Carolina State University; SFC Vontella Fludd, USA, Ret., Two Tour Iraqi veteran and mother of two accompanied by First Sgt. Ronnie Robinson, USA, Ret. and Local Union Vice President, American Federation of Government Employees, along with committee staff members to address a lengthy list of black veterans issues and concerns.

Additionally, special invitations were extended to the major veterans' service organizations to enhance ways of building closer relationships between them and minority veterans. Further, the VA provided us with case workers who were present to respond to questions from individuals in the audience.

The roundtable discussion opened with brief presentations on PTSD and other health related issues such as VA health disparities, disability benefits difficulties, employment concerns and/or discrimination, post secondary education challenges and other issues of particular interest to black veterans. The outcome

product was a video recording of the session, which in turn will be transcribed in order to produce a document, or written report for presentation back to Reps. BISHOP, JR. (D–GA), and RANGEL (D–NY) of the Veterans Braintrust, the House Veterans' Affairs Committee, Democratic leaders in the House, the Department of Veterans Affairs, and others recommending ways to address the unique needs of both Iraqi & Afghanistan returning soldiers, and their families, as well as African American, or black veterans and provide thoughtful proposals for legislation.

Later that evening I hosted the 20th anniversary gala reception and awards ceremony at the Washington Grand Hyatt Hotel. Among those publicly recognized and acknowledged on this special occasion were Judge Robert Russell, Jr. who was presented the Citizens Beneficiary Award by the Mike Handy Foundation and Fund, for his unique Buffalo Veterans Court Treatment Program in the state of New York along with the U.S. Army Freedom Team Salute recognizing Frederick Gray, President of the Black Iwo Jima Veterans Group; Brig. Gen. Robert Cocroft, President and CEO of the Center for Veterans Issues; and Joseph Stevenson, a World War II veteran.

Other 2008 Braintrust awardees included: Actor John Amos, Sgt. Nathaniel Bass, USA, Ret., Asa Gordon, Dr. Richard Danford, Jr., Ph.D., Dr. Edward Brown, Dr. Vincent Patton III, Maj. Gen. Rosetta Burke, NYANG, Ret., Thomas Jones, Sr., Christopher Moore, Dr. Charles Simmons, Howard Wright, Thomas Yarosz, Halley's Comet Foundation, Association for the Study of African American Life and History, Tubman African American Museum, Smithsonian's National Museum for African American History and Culture, Parting Ways Historical Site, Sankofa Restoration Project, Myrl Billings Memorial Veterans Center, and Doubleback Productions.

Finally singled out for special praise was the Association of the 2221 Negro Volunteers of World War II, who served in white Army infantry units during and after the Battle of Bulge. Afterward the private reception and awards ceremony was opened to the general public for a party with entertainment provided by Tori Robinson of Paris and Recording Artist Betty Wright.

My special thanks go to Roslyn Burrough, Anthony Hawkins, Mae Campbell, Forest Farley, Jr., Dr. Frank Smith, Jr., Brigadier General Robert Cocroft, Joe Wynn, Jack Evans, Dr. Vince Patton III, Belinda Foster, Dr. Martel Teasley, Dr. Michael Kane, Dr. Cheryl Royster Branker, Karen Freeman Wilson, Carmen Wilson II, Lucretia McClenney, Thomas Harris, Pastor Leon Bryant, Sr., Maceo May, Jason Young, Clarence Slaughter, Jean Davis, David Thompson, Maj. Myles Caggins, USA, Tonya Collins, Medgar Evers College and Congressional staff members Emile Milne, Kenya Handy, Holly Biglow, Kiwanis Harvey Styles, Roshan Hodge, Lee Footer, Alexandra Ward, Sonya Passi, Jonathan Halpern, Edwin Larkins, Tony Buckles and Malcolm Shorter.

May God continue to Bless America, and thank all veterans for their service.

## 48TH ANNIVERSARY OF THE PEACE CORPS

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. RAHALL. Madam Speaker, I rise today to recognize the 48th Anniversary of the Peace Corps and in doing so, join many others around the nation in celebrating National Peace Corps Week. Their mission is to help the people of interested countries in meeting their need for trained men and women while helping to promote a better understanding of Americans on the part of the peoples served, as well as, a better understanding of other peoples on the part of Americans.

Since the establishment of the Peace Corps by President John F. Kennedy in 1961, more than 195,000 U.S. citizens have served their country in the cause of peace by living and working in 139 countries throughout the world. As of September 30, 2008, 7,876 Peace Corps Volunteers are making significant and lasting contributions to improve the lives of individuals and communities in 76 countries.

I am proud to say that three of those volunteers currently serving their country are from my district in West Virginia. Both Ashley M. Hess (Burkina Faso) and Garrett C. Prendergast (Mongolia) will finish up their two years' of service in August of 2010, while Stephanie D. Zorio will finish up her two years' of service in the Philippines in November of 2010.

Peace Corps volunteers have made significant and lasting contributions around the world in agriculture, business development, information technology, education, health and HIV/AIDS, youth and the environment.

The 195,000 citizens, who have volunteered to serve their country since 1961, came from all walks of life and represent the best of what the United States has to offer. The work they have done over the past 47 years has played an important role in developing nations and continues to provide opportunities for people of different backgrounds to come together to serve the cause of peace.

## SUPPORTING THE MEDAL OF HONOR COMMEMORATIVE COIN ACT OF 2009

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. KIRK. Madam Speaker, I am proud to join my good friend Congressman CHRIS CARNEY as an original cosponsor of the Congressional Medal of Honor Commemorative Coin Act of 2009. This bipartisan legislation will assist the Congressional Medal of Honor Foundation in raising the funds it needs to promote heroism and selflessness among our nation's youth—qualities which the Medal of Honor embodies.

First authorized by Congress in 1861, the Congressional Medal of Honor is our nation's highest award for valor in action against an enemy force. It is a symbol of how ordinary Americans can risk their lives and go above and beyond the call of duty in defense of our great nation.

Since its inception, fewer than 3,500 Medals of Honor have been awarded to members of the United States Armed Forces—approximately half during the Civil War. Today, there are only 111 living recipients. These select few exemplify the values of our great nation through their incredible acts of bravery and commitment to our country.

As the first U.S. Representative-reservist to be deployed to an imminent danger area since World War II, I know first hand the sacrifices and challenges our men and women in armed forces face. It was an honor to serve with uniformed Americans in Afghanistan and it is in their honor that I join Mr. CARNEY in introducing this legislation today.

## EXEMPLARY STUDENT ACHIEVEMENT AWARD

### HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. MEEKS of New York. Madam Speaker, There are wonderful examples of academic achievement and community service taking place in Southeast Queens high schools. Many students throughout the New York Congressional 6th District are performing at such a high level in their academic work and community activities that it deserves public recognition. I have been so inspired that I initiated the Exemplary Student Achievement (ESA) award program to honor these young citizens who are emerging as our community's future leaders.

Since the inception of the ESA program in September 2008, I have partnered with administrators and faculty in various Southeast Queens high schools to identify and honor worthy students. It has been my privilege to award the following students with Congressional Achievement Awards:

Andrew Sargeant of Business, Computer Applications & Entrepreneurship Magnet High School

Brian Herb of Queens High School for the Sciences at York College

Chandraika Niranjan of Math, Science Research & Technology Magnet High School

Clevelyn Murray of Humanities & the Arts High School

Deborah Hector of Humanities & the Arts High School

Dookumarie Persaud of Jamaica High School

Kevin Thom of Humanities & the Arts High School

LeeAnn Anderson of Queens High School

Mariama Donzo of Hillcrest High School

Marquise Moore of Business, Computer Applications & Entrepreneurship Magnet High School

Miriam Gonzalez of Hillcrest High School

Oniyebiyi Hinton of Humanities & the Arts High School

Peter Brown of Math, Science Research & Technology Magnet High School

Philipnary Thuyamany of Jamaica High School

Reaz Khan of Jamaica High School

Robin Singh of Queens High School for the Sciences at York College

Shannon Gordon of Humanities and the Arts High School

Shelly Lekhraj of Business, Computer Applications & Entrepreneurship Magnet High School

Tracy Ganga of Jamaica High School

Tracy Mangal of Hillcrest High School

Zora Jiles of Jamaica High School

Through their strong commitment to academic excellence and community service, these high school students have established themselves as peer role models amongst their classmates. I am proud to have such stellar students emerging within the Southeast Queens community. I encourage them all to continue their academic studies and social development at a higher education institution. I look to them to continue representing the high standards that our district's families, schools, and community organizations promote. The people of Southeast Queens look to these youth to utilize their academic knowledge, practical skills, and social networks to strengthen our community's cultural, civic, business, and political institutions.

It takes a village to raise a child, so it is important that I also recognize the family members, guardians, teachers, administrators, counselors, coaches, and mentors who have provided these students with the guidance and resources making it possible for them to blossom into exemplary young leaders. I thank all of these individuals for their dedication and contributions to our youth and our community's future.

## THE FEDERAL RESERVE TRANSPARENCY ACT

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. PAUL. Madam Speaker, I rise to introduce the Federal Reserve Transparency Act. Throughout its nearly 100-year history, the Federal Reserve has presided over the near-complete destruction of the United States dollar. Since 1913 the dollar has lost over 95% of its purchasing power, aided and abetted by the Federal Reserve's loose monetary policy. How long will we as a Congress stand idly by while hard-working Americans see their savings eaten away by inflation? Only big-spending politicians and politically favored bankers benefit from inflation.

Serious discussion of proposals to oversee the Federal Reserve is long overdue. I have been a longtime proponent of more effective oversight and auditing of the Fed, but I was far from the first Congressman to advocate these types of proposals. Esteemed former members of the Banking Committee such as Chairmen Wright Patman and Henry B. Gonzales were outspoken critics of the Fed and its lack of transparency.

Since its inception, the Federal Reserve has always operated in the shadows, without sufficient scrutiny or oversight of its operations. While the conventional excuse is that this is intended to reduce the Fed's susceptibility to political pressures, the reality is that the Fed acts as a foil for the government. Whenever you question the Fed about the strength of the dollar, they will refer you to the Treasury, and vice versa. The Federal Reserve has, on the one hand, many of the privileges of government agencies, while retaining benefits of private organizations, such as being insulated from Freedom of Information Act requests.

The Federal Reserve can enter into agreements with foreign central banks and foreign governments, and the GAO is prohibited from auditing or even seeing these agreements. Why should a government-established agency, whose police force has federal law enforcement powers, and whose notes have legal tender status in this country, be allowed to enter into agreements with foreign powers and foreign banking institutions with no oversight? Particularly when hundreds of billions of dollars of currency swaps have been announced and implemented, the Fed's negotiations with the European Central Bank, the Bank of International Settlements, and other institutions should face increased scrutiny, most especially because of their significant effect on foreign policy. If the State Department were able to do this, it would be characterized as a rogue agency and brought to heel, and if a private individual did this he might face prosecution under the Logan Act, yet the Fed avoids both fates.

More importantly, the Fed's funding facilities and its agreements with the Treasury should be reviewed. The Treasury's supplementary financing accounts that fund Fed facilities allow the Treasury to funnel money to Wall Street without GAO or Congressional oversight. Additional funding facilities, such as the Primary Dealer Credit Facility and the Term Securities Lending Facility, allow the Fed to keep financial asset prices artificially inflated and subsidize poorly performing financial firms.

The Federal Reserve Transparency Act would eliminate restrictions on GAO audits of the Federal Reserve and open Fed operations to enhanced scrutiny. We hear officials constantly lauding the benefits of transparency and especially bemoaning the opacity of the Fed, its monetary policy, and its funding facilities. By opening all Fed operations to a GAO audit and calling for such an audit to be completed by the end of 2010, the Federal Reserve Transparency Act would achieve much-needed transparency of the Federal Reserve. I urge my colleagues to support this bill.

## HONORING JUDY PEARL-LEE

### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. TERRY. Madam Speaker, today I rise to recognize another of the many successful and talented African-Americans in my district. Today it is my great honor to recognize Judy Pearl-Lee.

Judy Pearl-Lee is President of Frontier Bag Company in Omaha, Nebraska. The company was started in 1946 by Judy's parents, Amos and Alberta. In the early years, the company provided products to the agricultural markets in Nebraska, Iowa and Missouri. Since then it has expanded into a variety of product lines, including duffle bags, briefcases and totes.

As minority business owners, the family faced many challenges including the floods and fires of the 1950's as well as the civil rights riots in the 1960's. The family and the business weathered these setbacks and are now an established part of our Omaha business community.

Judy attended Spelman College in Atlanta and graduated from the University of Nebraska at Lincoln with a degree in Bachelor Science Textile Science.

In 1987 Judy took over the business and today the company can ship top-quality custom bags to anywhere in the country. Judy is also an active member of the Omaha Chamber of Commerce, Great Plains Minority Council, Kiwanis and Girls Inc. just to name a few.

Madam Speaker, I am pleased to share Judy's life and business success with my colleagues and wish her continued success.

## IN TRIBUTE TO PRESTON WILCOX, EDUCATOR AND ACTIVIST

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, February 26, 2009*

Mr. RANGEL. Madam Speaker, I rise today in recognition of the life and achievements of Preston Wilcox and his commitment to community empowerment, education, and public service. In 2006, the passing of Preston Wilcox removed from the world a scholar whose academic stature was as profound as its practical application. Though he is no longer with us we will not forget the contributions he has made to Harlem and to society at large.

Preston Wilcox was born in Youngstown, Ohio in 1923. He moved to New York after World War II. He went on to graduate from the City College of New York in 1949 and in 1957 he earned his Master's degree in social work at Columbia University. Mr. Wilcox utilized his skills to benefit the Harlem community from 1958–1964 where he served as a program consultant to the East Harlem Summer Festival, a United Neighborhood Houses initiative which was designed to prevent juvenile delinquency. He continued in this vein for the Massive Economic Neighborhood Development, and anti-poverty program.

As a teacher, Mr. Wilcox taught courses in social work theory and community organization at Columbia University's School of Social Work, Clark Atlanta University, Medger Evers College, along with other institutions of higher education. As a practitioner, Mr. Wilcox was a strong advocate for parent participation in curriculum development and in the hiring of school supervisors and teachers. He also participated as a social researcher in the Princeton University six week summer studies program for junior high school students for what has now become the Upward Bound Program.

After twenty years of involvement in the black educational movement he developed AFRAM Associates, a public service agency to provide technical assistance to community groups in the areas of education, economic development, and consumer rights. AFRAM operated a parent-implemented program in education funded by the Follow Through Program Division of Compensatory Education of the

U.S. Office of Education. AFRAM also operated a farm experiment, AFRAM Farm, in upstate New York, as a campsite and recreational center for urban-bound families and groups.

After his death, the acquisition of his personal and professional papers, writings, office files, and printed matter documenting his dual career as an educator and community organizer, by the Schomburg Center comprising twenty-one linear feet, add an important name to the roster of black intellectuals who made Harlem their home.

Today, I am proud to pay tribute to the life of Mr. Preston Wilcox.

# *Daily Digest*

## HIGHLIGHTS

**Senate passed S. 160, District of Columbia House Voting Rights Act.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S2507–S2575***

**Measures Introduced:** Seventeen bills and two resolutions were introduced, as follows: S. 485–501, and S. Res. 57–58. **Page S2558**

**Measures Passed:**

***District Of Columbia House Voting Rights Act:*** By 61 yeas to 37 nays (Vote No. 73), Senate passed S. 160, to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives, after agreeing to the committee amendment in the nature of a substitute, as amended, and taking action on the following amendments proposed thereto: **Pages S2507–42**

(A unanimous-consent agreement was reached providing that the bill, having achieved 60 affirmatives votes, pass). **Page S2538**

Adopted:

By 57 yeas to 41 nays (Vote No. 70), Durbin Amendment No. 591, to encourage and promote diversity in communication media ownership, and to ensure that the public airwaves are used in the public interest. **Pages S2517–20, S2522–24**

By 87 yeas to 11 nays (Vote No. 71), DeMint Amendment No. 573, to prevent the Federal Communications Commission from repromulgating the fairness doctrine. **Pages S2524–25**

By 62 yeas to 36 nays (Vote No. 72), Ensign Amendment No. 575, to restore Second Amendment rights in the District of Columbia. **Pages S2507, S2513–16, S2526–38**

Rejected:

By 30 yeas to 67 nays (Vote No. 69), Kyl Amendment No. 585, to provide for the retrocession of the District of Columbia to the State of Maryland. **Pages S2508–12**

Withdrawn:

Thune Amendment No. 579, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State or the District of Columbia in which they reside to carry concealed firearms in another State or the District of Columbia that grants concealed carry permits, if the individual complies with the laws of the State or the District of Columbia. **Pages S2508, S2516–17, S2525–26**

Ensign Amendment No. 587, to reauthorize the DC School Choice Incentive Act of 2003 for fiscal year 2010. **Pages S2512–13, S2520–22**

Coburn Amendment No. 576 (to Amendment No. 575), of a perfecting nature. **Page S2507**

During consideration of this measure today, Senate also took the following action:

A unanimous-consent agreement was reached providing that the previously scheduled vote on the motion to invoke cloture on S. 160, District Of Columbia House Voting Rights Act, be withdrawn. **Page S2525**

***Stanley J. Roszkowski United States Courthouse:*** Committee on Environment and Public Works was discharged from further consideration of S. 387, to designate the United States courthouse located at 211 South Court Street, Rockford, Illinois, as the "Stanley J. Roszkowski United States Courthouse", and the bill was then passed. **Pages S2574–75**

**Appointments:**

***Congressional Advisers on Trade Policy and Negotiations Relating to Trade Agreements:*** The Chair, in accordance with Public Law 93–618, as amended by Public Law 100–418, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appointed the following Members of the Finance Committee as congressional advisers on trade policy and negotiations to International conferences, meetings and negotiation sessions relating to trade agreements: Senators Baucus, Rockefeller, Conrad, Grassley, and Hatch. **Page S2575**

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, the Budget of the United States Government for Fiscal Year 2009; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; which was referred to the Committees on the Budget; and Appropriations. (PM–9) **Pages S2556–58**

**Messages from the House:** **Page S2558**

**Measures Placed on the Calendar:** **Pages S2507, S2558**

**Enrolled Bills Presented:** **Page S2558**

**Executive Reports of Committees:** **Page S2558**

**Additional Cosponsors:** **Pages S2558–59**

**Statements on Introduced Bills/Resolutions:** **Pages S2559–73**

**Amendments Submitted:** **Page S2574**

**Authorities for Committees to Meet:** **Page S2574**

**Record Votes:** Five record votes were taken today. (Total—73) **Pages S2512, S2524–25, S2538**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 5:11 p.m., until 9:30 a.m. on Friday, February 27, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2575.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## AFGHANISTAN AND PAKISTAN

*Committee on Armed Services:* Committee concluded a hearing to examine strategic options for the way ahead in Afghanistan and Pakistan, after receiving testimony from Lieutenant General David W. Barno, USA (Ret.), Director, National Defense University Near East South Asia Center for Strategic Studies, Washington, D.C.; James Dobbins, RAND Corporation International Security and Defense Policy Center, Arlington, Virginia; and Marin J. Strmecki, Smith Richardson Foundation, Westport, Connecticut.

## BUSINESS MEETING

*Committee on Armed Services:* Committee adopted its rules of procedure for the 111th Congress.

## HOMEOWNER AFFORDABILITY AND STABILITY PLAN

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the Administration's Homeowner Affordability and Stability Plan, after receiving testimony from Shaun Donovan, Secretary of Housing and Urban Development.

## CONSUMER PROTECTION AND CREDIT CRISIS

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine consumer protection and the credit crisis, after receiving testimony from Pamela Jones Harbour, Commissioner, Federal Trade Commission; Travis Plunkett, Consumer Federation of America, and Bill Himpler, American Financial Services Association, both of Washington, D.C.; Prentiss Cox, University of Minnesota Law School, Minneapolis; and Nancy Dix, Ansted, West Virginia.

## ENERGY EFFICIENT BUILDINGS

*Committee on Energy and Natural Resources:* Committee concluded hearings to examine recommendations for reducing energy consumption in buildings through improved implementation of authorized Department of Energy (DOE) programs and through other innovative federal energy efficiency policies and programs, after receiving testimony from Arun Majumdar, Director, Environmental Energy Technologies Division, Lawrence Berkeley National Laboratory, Department of Energy; Philip Giudice, Commissioner, Massachusetts Department of Energy Resources, Boston; Edward Mazria, 2030, Inc./Architecture 2030, Santa Fe, New Mexico; Jennifer Amann, American Council for an Energy-Efficient Economy, Washington, D.C.; Ward Hubbell, Green Building Initiative, Portland, Oregon; and Charles Zimmerman, Wal-Mart Stores, Inc., Bentonville, Arkansas.

## ENGAGING WITH MUSLIM COMMUNITIES

*Committee on Foreign Relations:* Committee concluded a hearing to examine engaging with Muslim communities around the world, after receiving testimony from Madeleine K. Albright, former Secretary of State; Admiral William J. Fallon, USN (Ret.), former Commander of United States Central Command, Cambridge, Massachusetts; Dahlia Mogahed, Gallup Center for Muslim Studies, Washington, D.C.; Eboo Patel, Interfaith Youth Core, Chicago, Illinois; and Jim Sciutto, London, United Kingdom.

## PROTECTING ANIMAL AND PUBLIC HEALTH

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine protecting public and animal health, focusing on

homeland security and the federal veterinarian workforce, after receiving testimony from Lisa Shames, Director, Natural Resources and Environment, Government Accountability Office; Nancy H. Kichak, Associate Director for Strategic Human Resources Policy, Office of Personnel Management; Gerald W. Parker, Principal Deputy Assistant Secretary, Office of the Assistant Secretary of Health and Human Services for Preparedness and Response; Jill M. Crumpacker, Director, Office of Human Capital Management, Departmental Administration, Department of Agriculture; Thomas J. McGinn, Chief Veterinarian, Office of Health Affairs, Department of Homeland Security; and W. Ron DeHaven, American Veterinary Medical Association, Michael Gilsdorf, National Association of Federal Veterinarians, and Marguerite Pappaioanou, Association of American Veterinary Medical Colleges, all of Washington, D.C.

### INTEGRATIVE CARE

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine integrative care, focusing on a pathway to a healthier nation, after receiving testimony from Mehmet C. Oz, Columbia University, New York, New York; Mark Hyman, Ultra Wellness Center, Lenox, Massachusetts; Dean Ornish, Preventive Medicine Research Institute, Sausalito, California; and Andrew Weil, Arizona Center for Integrative Medicine, Vail.

### BUSINESS MEETING

*Committee on Health, Education, Labor, and Pensions:* Committee adopted its rules of procedure for the 111th Congress.

### YOUTH SUICIDE IN INDIAN COUNTRY

*Committee on Indian Affairs:* Committee concluded an oversight hearing to examine youth suicide in Indian country, after receiving testimony from Senator Reid; Robert G. McSwain, Director, Indian Health Service, and Eric B. Broderick, Acting Administrator, Substance Abuse and Mental Health Services Administration, both of the Department of Health and Human Services; Robert Moore, Rosebud Sioux Tribe of South Dakota, Rosebud, on behalf of the Greats Plains Tribal Chairman's Association and the Aberdeen Area Tribal Chairman's Health Board; R. Dale Walker, Oregon Health and Science University One Sky Center American Indian/Alaska Native National Resource Center for Substance Abuse and Mental Health Services, Portland; Hayes A. Lewis, Center for Lifelong Education at the Institute of American Indian Arts, Santa Fe, New Mexico; Teresa LaFromboise, Stanford University School of Education, Stanford, California; and Dana Lee Jetty, Fort Totten, North Dakota.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorable reported the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General, of the Department of Justice.

Also, committee adopted its rules of procedure for the 111th Congress.

### VETERANS IN RURAL AREAS

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine caring for veterans in rural areas, after receiving testimony from Kara Hawthorne, Director, Office of Rural Health, and Adam Darkins, Chief Consultant, Care Coordination, Office of Patient Care Services, both of the Veterans Health Administration, Department of Veterans Affairs; Ricardo C. Flippin, CARE–NET: Caring Beyond the Yellow Ribbon, Charleston, West Virginia; Alan Watson, Saint Mary's Medical Center of Campbell County, Lafollette, Tennessee; Thomas Loftus, American Legion Post #45, Clarksville, Virginia; and Matthew Kuntz, National Alliance on Mental Illness, Helena, Montana.

### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 36 public bills, H.R. 1205–1240; and 13 resolutions, H.J. Res. 25; H. Con. Res. 64–68; and H. Res. 194–200 were introduced. **Pages H2872–75**

**Additional Cosponsors:** **Page H2875**

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Salazar to act as Speaker Pro Tempore for today. **Page H2837**

**Chaplain:** The prayer was offered by the guest Chaplain, Reverend Michael E. Askew, Sr., Trinity United Presbyterian Church, Tallahassee, Florida.

**Page H2837**

**Helping Families Save Their Homes Act of 2009:** The House began consideration of H.R. 1106, to prevent mortgage foreclosures and enhance mortgage credit availability. Further proceedings were postponed. **Pages H2839–62**

H. Res. 190, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 224 yeas to 198 nays, Roll No. 89, after agreeing to order the previous question by a yea-and-nay vote of 238 yeas to 183 nays, Roll No. 88. **Pages H2846–48**

**Suspensions:** The House agreed to suspend the rules and agree to the following measure which was debated on Wednesday, February 25th:

***Expressing condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407:*** H. Res. 183, to express condolences to the families, friends, and loved ones of the victims of the crash of Continental Connection Flight 3407, by a ⅔ yea-and-nay vote of 399 yeas with none voting ''nay'', Roll No. 90.

**Page H2862**

**Providing for a recess of the House for a joint meeting to receive the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland:** Agreed by unanimous consent that it may be in order at any time on Wednesday, March 4, 2009, for the Speaker to declare a recess, subject to the call of the chair, for the purpose of receiving in joint meeting the Right Honorable Gordon Brown, Prime Minister of the United Kingdom of Great Britain and Northern Ireland. **Page H2862**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, March 2nd for morning hour debate.

**Page H2862**

**Presidential Message:** Read a message from the President wherein he transmitted to Congress a report entitled A New Era of Responsibility—referred to the Committee on Appropriations and ordered printed (H. Doc. 111–19). **Pages H2864–65**

**Senate Message:** Message received from the Senate today appears on page H2837.

**Senate Referrals:** S. Con. Res. 8 was held at the desk. **Page H2837**

**Quorum Calls—Votes:** Three yea-and-nay votes developed during the proceedings of today and appear on pages H2846, H2847–48 and H2862. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 2:49 p.m.

# *Committee Meetings*

## DEFENSE APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Defense held a hearing on Outsourcing. Testimony was heard from Gordon S. Heddell, Acting Inspector General, Department of Defense.

## HOMELAND SECURITY APPROPRIATIONS

*Committee on Appropriations:* Subcommittee on Homeland Security held a hearing on Disaster Response: Is FEMA up to the Challenge? Testimony was heard from Dave Garrett, Acting Administrator, FEMA, Department of Homeland Security; and Edward Tonini, Adjutant General, State of Kentucky.

## WORKFORCE INVESTMENT INNOVATIONS

*Committee on Education and Labor:* Subcommittee on Higher Education, Lifelong Learning and Competitiveness held a hearing on New Innovations and Best Practices Under the Workforce Investment Act. Testimony was heard from Cheryl Keenan, Director, Division of Adult Literacy, Department of Education, District of Columbia; George Scott, Director, Education, Workforce and Income Security Issues, GAO; Scandi Vita,, Acting Secretary, Department of Labor and Industry, State of Pennsylvania; and public witnesses.

## TOXIC SUBSTANCES CONTROL

*Committee on Energy and Commerce:* Subcommittee on Commerce, Trade and Consumer Protection held a hearing on Revisiting the Toxic Substances Control Act of 1976. Testimony was heard from John Stephenson, Director, Natural Resources and Environment, GAO; former Representative Calvin M. Dooley of California; J. Clarence Davies, former Assistant Administrator for Policy, EPA; and public witnesses.

## CLIMATE LEGISLATION—RENEWABLE ENERGY

*Committee on Energy and Commerce:* Subcommittee on Energy and Environment held a hearing on Renewable Energy: Complimentary Policies for Climate Legislation. Testimony was heard from Howard K. Gruenspecht, Acting Administrator, Energy Information Administration, Department of Energy; Ron Binz, Chairman, Public Utilities Commission, Colorado; Stan Wise, Commissioner, Public Utilities Commission, Georgia; and public witnesses.

### MONETARY POLICY/STATE OF THE ECONOMY

*Committee on Financial Services:* Concluded hearings on monetary policy and the state of the economy. Testimony was heard from public witnesses.

### U.S.-INDIA RELATIONS AFTER MUMBAI

*Committee on Foreign Affairs:* Subcommittee on Middle East and South Asia held a hearing on Building a Strategic Partnership: U.S.-India Relations in the Wake of Mumbai. Testimony was heard from public witnesses.

### TICKETMASTER/LIVE NATIONAL MERGER

*Committee on the Judiciary:* Subcommittee on Courts and Competition Policy held a hearing on Competition in the Ticketing and Promotion Industry. Testimony was heard from Representative Pascrell; and public witnesses.

### HARDROCK MINING AND RECLAMATION ACT OF 2009

*Committee on National Resources:* Subcommittee on Energy and Mineral Resources held a hearing on H.R. 699, Hardrock Mining and Reclamation Act of 2009. Testimony was heard from Representative Heller; Robin M. Nazzaro, Director, Natural Resources and Environment, GAO; and public witnesses.

### NEW FEDERAL CONTRACTS—HOW CONVICTS AND CON ARTISTS RECEIVE THEM

*Committee on Oversight and Government Reform:* Held a hearing on How Convicts and Con Artists Receive New Federal Contracts. Testimony was heard from Gregory Kutz, Managing Director, Forensic Audits and Special Investigations, GAO; the following officials of the GSA: James Williams, Commissioner, Federal Acquisition Service; and David Drabkin, Acting Chief Acquisition Officer and Senior Procurement Executive; BG Edward Harrington, USA (ret.), Deputy Assistant Secretary, Procurement, Department of the Army; and CAPT Michael Jaggard, U.S. Navy (ret.), Chief of Staff/Policy for the Deputy Assistant Secretary of the Navy (DASN) for Acquisition and Logistics Management (A&LM); and public witnesses.

### INFORMAL STEM EDUCATION

*Committee on Science and Technology:* Subcommittee on Research and Science Education held a hearing on Beyond the Classroom: Informal STEM Education. Testimony was heard from Joan Ferrini-Mundy, Division Director, Division of Research on Learning in Formal and Informal Settings, Education and Human Resources Directorate, NSF; and public witnesses.

### VA'S GI BILL IMPLEMENTATION

*Committee on Veterans' Affairs:* Subcommittee on Economic Opportunity held a hearing on VA's Update on Short and Long-Term Strategies for Implementing New G.I. Bill Requirements. Testimony was heard from Keith M. Wilson, Director, Office of Education Service, Veterans Benefits Administration, Department of Veterans Affairs; and CAPT Mark Krause, USN, Chief Staff Officer, Space and Naval Warfare Systems Center, Atlantic, Department of the Navy.

### ECONOMICALLY DISTRESSED TAXPAYER ASSISTANCE

*Committee on Ways and Means:* Subcommittee on Oversight held a hearing on IRS Assistance for Taxpayers Experiencing Economic Difficulties. Testimony was heard from the following officials of the IRS, Department of the Treasury: Linda E. Stiff, Deputy Commissioner, Services and Enforcement; and Nina E. Olson, National Taxpayer Advocate.

## *Joint Meetings*

### RESTORING THE ECONOMY

*Joint Economic Committee:* Committee concluded a hearing to examine restoring the economy, focusing on strategy for short-term and long-term change, after receiving testimony from Paul A. Volcker, Chairman, President's Economic Advisory Board; Roger C. Altman, Evercore Partners, New York, New York; Adam S. Posen, Peterson Institute for International Economics, Washington, D.C.; and Joseph R. Mason, Louisiana State University, Berwyn, Pennsylvania.

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## COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 27, 2009

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings are scheduled.

### House

No committee meetings are scheduled.

*Next Meeting of the* SENATE

9:30 a.m., Friday, February 27

Senate Chamber

**Program for Friday:** Senate will be in a period of morning business.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, March 2

House Chamber

**Program for Monday:** To be announced.

## Extensions of Remarks, as inserted in this issue

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