HOUSE OF REPRESENTATIVES—*Monday, June 28, 2010*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 28, 2010.

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

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

RECESS

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

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

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

Beneath Your creative hand, O Lord, every garden needs more attention.

Education and formation of character is never a finished product for Your people.

Constant care and oversight as well as discerning analysis and fresh energy are required daily for governance of a good society.

Therefore, Lord God, grant Your servants patience, perseverance, and determination to work hard to attain the goals Your Providence sets before us, today and every day as long as life shall last.

Reward the long labor of Senator ROBERT BYRD. Grant him eternal rest.

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 South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

HONORING STATE TROOPER WESLEY BROWN

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

Mr. HOYER. Mr. Speaker, I rise to honor the memory of one of Maryland's finest, a member of our Maryland State Police, Maryland State Trooper Wesley Brown, who was shot to death without warning while working on an off-duty security detail in the early morning of June 11. He was 24 years of age.

Though his life was cut far too short, Trooper Brown filled the years he was given with service to his community, mentoring young men, and love for his family.

It wasn't enough for Wesley to serve as a decorated State Trooper for more than 3 years. He also founded an organization called ''Young Men Enlightening Younger Men,'' a group dedicated to teaching life and leadership skills to boys in Wesley's Seat Pleasant neighborhood, just a couple of miles from where I grew up in District Heights, Maryland.

Many of them came to regard Trooper Brown as a father figure. ''I became a squared-away young man,'' said one of the pupils at his memorial service, ''and I'll never forget that smile.''

Wesley Brown's death was sudden and deeply unfair, but his community is better because he lived, and the seeds he sowed will outlive him. As the pastor said in Wesley's eulogy, ''He showed us how to serve his brother man, and no one had to beg him to do it.''

May all of those whom Trooper Brown left behind—his mother, Patricia Bell; his father, Sylvester Brown, Sr.; his fiancee, Ebony Norris; his seven brothers and sisters; and his grandmother, Rosella Bell—find comfort in the memory of his service and the greatness of his contribution to other young people.

We are protected every day by those who have the courage and commitment and love of country and neighbors to defend us here, our domestic defenders. Wesley Brown was one of those. God bless his soul.

CAROLINA DAY

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

Mr. WILSON of South Carolina. Mr. Speaker, today all across South Carolina, residents are celebrating Carolina Day to commemorate the brave South Carolina patriots who defeated the British fleet on June 28, 1776, promoting American independence.

This victory saved Charleston from British occupation for another 4 years. It occurred at the first fort on Sullivan's Island, later named after its commander, Colonel William Moultrie. The battle at Fort Moultrie is known as the first decisive victory by American Revolutionaries.

This battle is just one example of the direct role South Carolina played in the Revolutionary War. Throughout the War for Independence, more than 200 battles and engagements took place in South Carolina, more than any other province.

One popular symbol of South Carolina's leadership in the Revolution is still seen today throughout the world: the yellow Gadsden Flag that reads, ''Don't Tread on Me.''

In 1775, Colonel Christopher Gadsden was representing South Carolina in the Continental Congress as five companies of Marines were about to join the Navy to intercept British ships. History has recorded that Colonel Gadsden presented his flag to the new commander-in-chief of the Navy, Commodore Esek Hopkins, before this critical mission.

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

Best wishes to the USC Gamecocks in the College World Series tonight at Omaha, Nebraska.

BRING OUR TROOPS HOME

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

Mr. KUCINICH. In a little more than a year, the United States flew $12 billion in cash to Iraq, much of it in hundred dollar bills, shrinkwrapped, loaded onto pallets. Vanity Fair reported in 2004 that at least $9 billion of the cash had gone missing, unaccounted for. Nine billion.

Today, we learned that suitcases of $3 billion in cash have openly moved through the Kabul airport. One U.S. official quoted by the Wall Street Journal said, ''A lot of this looks like our tax dollars being stolen.'' Three billion dollars. Consider this step as the American people sweat out extension of unemployment benefits.

Last week, the BBC reported that the U.S. military has been giving tens of millions of dollars to Afghan security firms who are funneling the money to warlords. Add to that a corrupt Afghan government, underwritten by the lives of our troops. And now reports indicate that Congress is preparing to attach $10 billion in State education funding to a $33 billion spending bill to keep the war going.

Back home millions of Americans are out of work, losing their homes, losing their savings, their pensions, their retirement security. We're losing our Nation to lies about the necessity of war.

Bring our troops home. End the war. Secure our economy.

NORTH KOREA

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

Mr. DJOU. Mr. Speaker, I address the House this afternoon to remind our Nation of what has happened in the last 48 hours: The discussion of the Korean Peninsula has great impact and meaning upon our Nation as a whole.

I represent a congressional district that lies within the flight arc of North Korea's ballistic missiles. I am troubled by the report this morning in the Washington Post that the Korean Workers' Party in North Korea is trying to manage a dynastic transfer of its dictatorship from Kim Jong Il to his son, and I believe the United States must redouble its efforts to change this regime and establish a democratic and united Korea.

But I am also encouraged by the opportunity which has happened this past weekend and compliment President Obama for committing to a free trade agreement between the United States and South Korea.

Now is the time for us to further cement our bonds and our relationships between the United States and South Korea and make sure that we change the dictatorship in North Korea for the benefit of our Nation and the world as a whole.

CONGRATULATING STANLEY CUP CHAMPION CHICAGO BLACKHAWKS

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

Mrs. BIGGERT. Mr. Speaker, I rise to congratulate the 2010 Stanley Cup Champions, the Chicago Blackhawks.

Founded in 1926, the Blackhawks are one of the National Hockey League's organizational six teams. The team has had a remarkable history, but this past season was very, very special.

On April 6, the Hawks won their 50th game of the season setting a new franchise record for wins in a season. During a game the very next night, they scored their 109th point of the season, setting yet another franchise record.

The Hawks made the playoffs for the second season in a row this year with a record of 52–22–8. They went on to defeat the Nashville Predators in the first round of the Stanley Cup, then the Vancouver Canucks, and the San Jose Sharks before facing the Philadelphia Flyers in the final round. In a tense game 6, the Hawks defeated the Flyers when Patrick Kane scored the game-winning Cup-clinching goal in sudden death overtime, marking the team's fourth Stanley Cup Championship—their first since 1961.

As the world saw during the Chicago parade in their honor, the city's sports fans moved past their long-time baseball rivalries and came together in support of the Blackhawks.

Mr. Speaker, I would like to congratulate the Blackhawks for their title and thank them on behalf of sports fans all over the metropolitan Chicago area for their contribution in making Chicago the dynamic sports city that it is.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6 p.m. today.

RECOGNIZING THE NATIONAL COLLEGIATE CYBER DEFENSE COMPETITION

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1244) recognizing the National Collegiate Cyber Defense Competition for its now five-year effort to promote cyber security curriculum in institutions of higher learning, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1244

Whereas, on February 27, 2004, and Februray 28, 2004, a group of educators, students, and government and industry representatives gathered in San Antonio, Texas, to gauge the interest in and support for the establishment of regular cyber security exercises for postsecondary students;

Whereas stakeholders in the cyber security profession sought to create a cyber security exercise template for universities nationwide, and to encourage educational institutions to offer students practical experience in information assurance;

Whereas in an effort to develop a regular, national-level cyber security exercise, the Center for Infrastructure Assurance and Security at the University of Texas at San Antonio agreed to host the first Collegiate Cyber Defense Competition (CCDC) for the Southwestern region in April 2005;

Whereas the mission of the CCDC system is to provide institutions with an information assurance or computer security curriculum in a controlled, competitive environment to assess the student's depth of understanding and operational competency in managing the challenges inherent in protecting corporate network infrastructure and business information systems;

Whereas the CCDC has attracted participation from institutions of higher education from across the United States;

Whereas 2010 regional competition hosts include Southwest host Texas A&M University, North Central host Dakota State University, Northeast host University of Maine, Pacific Rim co-hosts University of Washington and Highline Community College, Midwest co-hosts Inver Hills Community College and Moraine Valley Community College, Mid-Atlantic host Community College of Baltimore County, Southeast host Kennesaw State University, and West Coast host California State Polytechnic University, Pomona;

Whereas 2010 regional competition winners include Towson University, DePaul University, Montana Tech of the University of Montana, Northeastern University, University of Washington, Texas A&M University, University of Louisville, and California State Polytechnic University, Pomona; and

Whereas the furtherance and development of cyber security academic programs in institutions of higher education will help meet the rapidly growing demand for cyber security specialists in the public and private sectors: Now, therefore, be it

Resolved, That the House of Representatives recognizes the National Collegiate Cyber Defense Competition for its now five-year effort to promote cyber security curriculum in institutions of higher learning.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert

extraneous material on House Resolution 1244 into the RECORD.

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

There was no objection.

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

I rise today in support of House Resolution 1244, which recognizes the National Collegiate Cyber Defense Competition for their 5-year effort to promote cyber security curriculum at institutions of higher education. Their dedication and commitment to cyber security instruction serves an important purpose as computer and Internet software continue their vital role in our digital world.

In February of 2004, a group of educators, students, and government and industry representatives in cyber defense gathered in San Antonio, Texas, to address the growing need for cyber security education for post-secondary students. These individuals understood the growing importance of, and the world's increasing reliance, on computer and Internet software, as well as the national security interest in protecting this vital infrastructure. From the gathering in San Antonio, the Collegiate Cyber Defense Competition was born.

The competition provides students the opportunity to improve their understanding and operational competency in protecting corporate network infrastructure and business information systems. For the past 5 years, the competition has offered computer security curriculum to students at institutions of higher education across the United States.

Many teams participated in this year's regional competition with winners including Towson University, DePaul University, Montana Tech, Northeastern University, University of Washington, Texas A&M University, University of Louisville, and California State Polytechnic University at Pomona. Students from these universities learned many skills and their education will help meet the rapidly growing demand for cyber security specialists in the public and private sectors.

□ 1415

Mr. Speaker, I want to thank Representative RODRIGUEZ for introducing this resolution.

Once again, I express my support for House Resolution 1244, which recognizes the importance of the National Collegiate Cyber Defense Competition and its contribution to our Nation's cyber security curriculum.

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

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 1244, recognizing the National Collegiate Cyber Defense Competition for its 5-year effort to promote cyber security curriculum in institutions of higher education.

In April of 2005, the University of Texas at San Antonio held the first Collegiate Cyber Defense Competition, or CCDC, for the Southwestern region. The CCDC focuses on the operational aspects of managing and protecting an existing network's infrastructure. Teams acquire points based on their ability to deduct and respond to outside threats, to maintain availability of existing services such as mail servers and Web servers, to respond to business requests such as the addition or removal of additional services, and to balance security needs against business needs.

The mission of CCDC is to provide a controlled, competitive environment to assess a student's understanding and competency in managing the challenges inherent in protecting a corporate network or business information system. The competition is supported by members of the cyber security industry and by organizations that understand the importance of innovation in the field of cyber security.

The 2010 winner of the Collegiate Cyber Defense Competition was Northeastern University.

I urge my colleagues to join me in applauding this significant achievement, and I reserve the balance of my time.

Ms. HIRONO. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Thank you for allowing me this opportunity to say a few words on cyber security in this particular exercise done by universities.

Mr. Speaker, I rise today in support of H. Res. 1244, recognizing the National Collegiate Cyber Defense Competition for its now 5-year effort to promote cyber security curriculum in institutions of higher education.

The Cyber Collegiate Defense Competition is a 3-day event and is the first competition of its kind that focuses on the operational aspect of managing and protecting an existing commercial network infrastructure. Students get a chance to test their knowledge in an operational environment and network within industry professionals who are always on the lookout for up-and-coming engineers.

On February 27 and 28 of 2004, a group of educators and students, government and industry representatives gathered in San Antonio, Texas, to discuss the feasibility and desirability of establishing such a program—this particular regular cyber security exercise with a uniformed structure for postsecondary-level students.

The Center for Infrastructure Assurance and Security at the University of Texas at San Antonio agreed to host the first Collegiate Cyber Defense Competition for the Southwestern region in April of 2005. The University of Texas at San Antonio is the National Center of Academic Excellence in Information Assurance Education by the National Security Agency and by the Department of Homeland Security.

The University of Texas at San Antonio is in my district, and I have been continually impressed with their pioneering approach to cyber security curricula. They have outstanding faculty and staff, all of whom recognize how critical information assurance is becoming in the 21st century.

This year's regional winners included Towson University, DePaul University, Montana Tech, Northeastern University, the University of Washington, Texas A&M University, the University of Louisville, and the California State Polytechnic University at Pomona.

I am also honored and privileged to have attended this year's competition and previous events and to have personally had the opportunity to congratulate the winners from Northeastern University, the champions of the national competition.

Let me just add that it is exciting to see these young people engage in this competition. We are hoping that, as we move forward, this will grow and allow other universities to participate and get engaged as these are the youngsters, in the words of some of them who describe themselves, who are the geek warriors who defend our infrastructure throughout our country and throughout the world. It was really exciting to see them not only in the competition but to see them participating. We have these unique individuals who are extremely brilliant, who are out there doing a wonderful job, not only for the private sector but for the public sector.

In conclusion, I just want to believe that the National Collegiate Cyber Defense Competition is poised to expand and grow as cyber security becomes increasingly important for the public and the private sectors throughout the country and throughout the world. I hope this body will continue its strong work in supporting the cyber security profession while making sure we are providing the resources to train the next generation of cyber security professionals.

I want to take this opportunity to thank the chairwoman for allowing this particular legislation of recognition to come forward. Thank you very much.

Mrs. BIGGERT. Mr. Speaker, I urge the support of this resolution.

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

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1244, "Recognizing the National Collegiate Cyber Defense Competition for its now five-year effort to promote cyber security curriculum in institutions of higher learning," as introduced by

my fellow member of the Texas delegation, Rep. CIRO RODRIGUEZ.

Our nation's critical infrastructure is composed of public and private institutions in the sectors of agriculture, food, water, public health, emergency services, government, defense industrial base, information and telecommunications, energy, transportation, banking and finance, chemicals and hazardous materials, and postal and shipping. Cyberspace is their nervous system—the control system of our country. Cyberspace is composed of hundreds of thousands of interconnected computers, servers, routers, switches, and fiber optic cables that allow our critical infrastructures to work. Thus, the healthy, secure, and efficient functioning of cyberspace is essential to both our economy and our national security.

One of the most significant security challenges that our Federal government faces today is ensuring that we have an abundance of adequately trained individuals defending our information infrastructure. In the past, I have been proud to sponsor bills that would increase funding for cybersecurity education programs, to ensure that we have a properly trained workforce to protect this vital infrastructure. The National Collegiate Cyber Defense Competition (CCDC) is an important piece of the cybersecurity education puzzle.

Since 2005, the National Collegiate Cyber Defense Competition has given students in the field of cybersecurity the opportunity to showcase their abilities. Rather than having students design an ''ideal'' network, the CCDC requires participants to assume the administrative and protective duties for an existing ''commercial'' network. This allows participants to show their skill at ''real world'' situations, as very few cybersecurity workers will have the luxury of building a perfect system from the ground up. While we obviously want to build the most secure networks possible, our experts must be able to work with the infrastructure that exists, finding and eliminating weaknesses that may already exist, and making imperfect systems secure.

Over the last few years, the contest has grown to include regional competitions in Texas, Maine, Washington, California, and Minnesota, among other locations. This year, there were more than eighty schools that participated, from all parts of the country. The students participating in this contest have not only demonstrated their knowledge and understanding of this important function, but they have also had the opportunity to hone their skills by dealing with actual, real time issues. The National Collegiate Cyber Defense Competition plays an important role in the development of our next generation of cybersecurity professionals, and I am proud to join Mr. RODRIGUEZ in recognizing it.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for H. Res. 1244, sponsored by Representative CIRO RODRIGUEZ of Texas, recognizing the National Collegiate Cyber Defense Competition (CCDC) for their five-year effort in promoting a cyber security curriculum in institutions of higher learning. I believe that because the contestants are tested on their operational and management skills in network infrastructures and keeping defense systems safe from hackers, the CCDC not only benefits the competitors but support educators, students, the community, and the Government.

Cyber defense is important to my constituency in Georgia, as well as to our nation as a whole because as our technology capabilities grow nationally so does the threat to our network operations. I share the concerns of many Americans that information privacy and security is compromised as more and more information becomes electronic. Everyday, Americans fill out doctor's forms, insurance forms, credit card forms, and other documents that are digitized and stored at a data center somewhere. Too often, we find out that this information has been compromised in some way, whether intentionally by a hacker or accidentally through poor data management. Once compromised, one can never know how their personal information could have been accessed and how it may be used in the future. As more and more data becomes electronic, clearly we should invest in a cyber security system that is capable of protecting this data.

I am proud to recognize the National Collegiate Cyber Defense Competition today because it is not only a way to allow talented individuals an opportunity to provide infrastructure assurance and security; it also challenges students to protect corporate network infrastructures and business information systems.

I congratulate the 2010 National Collegiate Cyber Defense Champions on their win and I urge my colleagues to support this important resolution.

Ms. HIRONO. Once again, I would like to encourage all of my colleagues to support H. Res. 1244, the National Collegiate Cyber Defense Competition, and I congratulate all of the participants and the winners of this very important competition.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the resolution, H. Res. 1244, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

RECOGNIZING SPECIAL EDUCATION TEACHERS

Ms. HIRONO. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 284) recognizing the work and importance of special education teachers, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 284

Whereas, in 1972, the United States Supreme Court ruled that children with disabilities have the same right to receive a quality education in the public schools as their nondisabled peers and, in 1975, the United States Congress passed Public Law 94–142 guaranteeing students with disabilities the right to a free appropriate public education;

Whereas, according to the Department of Education, approximately 6,600,000 children (roughly 13 percent of all school-aged children) receive special education services;

Whereas there are over 370,000 highly qualified special education teachers in the United States;

Whereas the work of special education teachers requires them to be able to interact and teach students with specific learning disabilities, hearing impairments, speech or language impairments, orthopedic impairments, visual impairments, autism, combined deafness and blindness, traumatic brain injury, and other health impairments;

Whereas special education teachers are dedicated, possess the ability to understand a diverse group of students' needs, and have the capacity to be innovative in their teaching methods for their unique group of students and understanding of the differences of the children in their care;

Whereas special education teachers must have the ability to interact and coordinate with a child's parents or legal guardians, social workers, school psychologists, occupational and physical therapists, and school administrators, as well as other educators to provide the best quality education for their students;

Whereas special education teachers help to develop an individualized education program for every special education student based on the student's needs and abilities; and

Whereas these unique individuals dedicate themselves so special education students are prepared for daily life after graduation: Now, therefore, be it

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

(1) recognizes the amount of work it requires to be a special education teacher; and

(2) commends special education teachers for their sacrifice and dedication while providing the quality life skills to individuals with special needs.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Hawaii (Ms. HIRONO) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Hawaii.

GENERAL LEAVE

Ms. HIRONO. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Concurrent Resolution 284 into the RECORD.

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

There was no objection.

Ms. HIRONO. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 284, which recognizes the work and importance of special education teachers in our public education system. They serve a unique role in our country's schools, and their hard work equips

students with disabilities with high-quality instruction and important lifelong skills.

The historic ruling in Mills v. Board of Education of the District of Columbia ruled that all students with disabilities must be offered a public education regardless of the cost, and it was critical in setting the stage for our current special education system. Today, the Individuals with Disabilities Education Act upholds this legacy by working to ensure the education of all students with disabilities. It is important for us to continue working towards equal access to education for more than 6.6 million American students.

More than 370,000 dedicated, hard-working, and highly professional special education teachers currently serve our Nation's students. These teachers educate students with many different disabilities, helping those with learning disabilities, autism, combined deafness and blindness, traumatic brain injuries, hearing, visual, speech, language or orthopaedic impairments, and other types of health impairments. Through specific training and teaching practices, special educators can help these students learn regardless of their physical barriers.

Special educators have earned and rightfully deserve our recognition. They dedicate their time and professional careers to serving students who need specific and individual education plans not offered by a traditional education setting. Special education teachers also recognize that these students are no less deserving than any other students of a high-quality public education. For these reasons and many others, special education teachers are particularly special public servants.

Mr. Speaker, I want to thank Representative SESSIONS for introducing this resolution.

Once again, I express support for House Concurrent Resolution 284, which will recognize the immense contributions of America's special education teachers. So I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mrs. BIGGERT. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 284, recognizing the work and importance of special education teachers.

Special education teachers work with children and youth who are facing a variety of disabilities. Some special education teachers work with students with severe cognitive, emotional or physical disabilities, primarily teaching them life skills and basic literacy. Many special education teachers work with children with mild to moderate disabilities, using or modifying the general education curriculum to meet a child's individual needs and providing required remedial instruction.

These gifted educators work with students who are struggling with speech or language impairments, intellectual disabilities, autism, combined deafness and blindness, traumatic brain injury, and many other health impairments.

Special education teachers design and teach appropriate curricula, assign work geared toward each student's needs and abilities, and, of course, grade papers and homework assignments. They are involved in a student's behavioral, social and academic development, helping each student to develop emotionally and to interact effectively in social situations. Preparing special education students for daily life after graduation is also an important aspect of the job.

Special education teachers help general educators adapt curriculum materials and teaching techniques to meet the needs of students with disabilities. They coordinate the work of teachers, teacher assistants and related personnel, such as therapists and social workers, to meet the individualized needs of the student within inclusive special education programs.

Whether teaching a class of special education students or working with individual students in a general classroom, special education teachers ensure that all students have access to a quality education. Today, we salute them for their commitment and dedication.

I support this resolution, and I ask my colleagues to do the same.

I yield back the balance of my time.

Ms. HIRONO. Mr. Speaker, in closing, among the cadre of our educators all across our country who deserve our thanks and recognition, our special education teachers occupy a particularly special place.

I urge my colleagues to support this resolution.

Mr. SESSIONS. Mr. Speaker, it gives me great pleasure to discuss H. Con. Res. 284, legislation to recognize the work and importance of special education teachers in America.

In 1972, the United States Supreme Court ruled that children with disabilities have the right to the same quality public school education as their nondisabled peers. To fulfill this promise, in 1975 the United States Congress passed the Education of all Handicapped Children Act (EHA), which we now know as the Individuals with Disabilities Education Act or IDEA, guaranteeing students with disabilities the right to a quality and appropriate public education.

It has been almost 40 years that children with special needs were granted the right and opportunity to obtain an education equal to every other child's in our country.

IDEA provides these individuals the opportunity to improve their quality of life through education while translating that to job skills in the real world.

Speaking as the parent of a child with special needs, I will always be grateful and indebted to the individuals we are honoring in today's resolution. They have dedicated their lives to improving the education of those students who begin with an intellectual or physical disadvantage than their peers.

According to the Department of Education approximately 6,600,000 children receive special education services; this is about 13 percent of our Pre-K, Elementary & Secondary student population in the United States combined.

In our school systems there are roughly 370,000 highly qualified special education teachers who wake up every day ready to educate children with special needs, while extending a hand to support the parents of these students during difficult times.

Distinct from the rest of their colleagues in the teaching profession, special education teachers work with students who have a range of disabilities that can consist of specific learning disabilities, physical impairments, speech or language impairments, autism, and other health and mental impairments.

While learning to engage and attend to every individual student's needs, special education teachers must also interact and coordinate with a child's parents or legal guardians, social workers, school psychologists, occupational and physical therapists, and school administrators, as well as other educators to provide the best quality education for their students.

In addition, these educators must produce innovative methods to maximize the learning capacity of each student, to make learning as easy as possible.

Recently I received a letter from a special education teacher in Texas,

Her name is Sunni McAsey and it reads . . .

"I pick up my students from the bus stop 15 minutes before other teachers have students arrive in their classrooms. I am responsible for these students from the minute they arrive on campus until the minute they leave. Anything that happens with these kids is my sole responsibility. My students' abilities range from the intellectual capacity of a third grader to that of a 9 month old, all in one classroom, and each lesson that I create must be meaningful to every child in the room. My relationship with each child's parents is very close and I know more about each child than any teacher who teaches non-disabled students alone. I interact daily with parents who have accepted the cards dealt to them and are supportive of my work, but I have parents who are still grieving over their child's disability. My job includes so much more than most people are aware. I am a teacher, a nurse, a counselor, a parent, a disciplinarian, and everything else for these kids 8 hours a day. Why do I do it, you wonder? Because I truly love these kids. Even the slightest little gain is a big deal that we celebrate! Every gain is worth it in these kids' lives as well as their parents . . . Sincerely a teacher who wants to make a difference"

Mr. Speaker, teachers like Sunni McAsey deserve to be recognized for their hard work and dedication to educating our youth.

This resolution is the first of its kind in Congress to recognize the dedication and hard work that these educators put into their jobs, day in and day out.

My colleagues on both sides of the aisle recognize the importance of these teachers and their everyday work.

We are approaching almost 40 years in which children with special needs were given the right to obtain the same quality education as their non-disabled peers, and it's time we honored those providing that education.

I ask all of my colleagues to support this resolution that recognizes the work and importance of special education teachers in America.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H. Con. Res. 284, introduced by Representative SESSIONS, which recognizes the hard work and importance of special education teachers.

In 1972, the U.S Supreme Court ruled that people with special needs or disabilities had the same right to the quality education in public schools as their nondisabled peers. This monumental case changed the way we view children with special needs as well as the increased need for teachers who are certified for educating children with special needs. Actually, today, about 10 percent of all school-aged children receive special education services. This number shows the necessity and importance of special education teachers nationwide.

It takes an exceptional person to educate children with disabilities. Special education teachers have to adapt to a wide variety of needs ranging from children who have autism, hearing and seeing impairments, and even orthopedic impairments. Special education teachers have to come up with individual-specific plans for each child enrolled in their class, tailored to help children reach their full learning potential. Special education teachers must possess unique characteristics including extreme patience, organization capabilities, and the ability to understand each individual's needs. What makes these unique characteristics and hard work of these educators especially significant is the fact that they help improve the lives of the neediest amongst us, the special education students. Therefore, it is evident that these special education teachers' hard work and dedication is truly deserving of the appreciation that Congress offers within H. Con. Res. 284.

DeKalb County School System located in the Fourth District of Georgia has a history of focused care and concern for students with special needs. In fact, DeKalb County School System has an internationally recognized Exceptional Education and Support Services Division that provides a support system for the students with special needs as well as for their parents. I am proud of programs within my district, such as this support division, that help special education teachers by giving them the option to offer this support system to their students. I want to personally thank the special education teachers in my district and across the United States.

I urge my colleagues to support this important resolution.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H. Con. Res. 284, which recognizes the important role that special education teachers play in our Nation's schools. I thank my colleague, Congressman SESSIONS for introducing this resolution.

In 1972, the United States Supreme Court ruled that children with disabilities have the same right to receive a quality education as their nondisabled peers. Today, approximately 10 percent of our student population receives special education services.

It truly takes a special person to work with our special needs students. These teachers often work well beyond the normal school day in designing individualized lesson plans for their students. Special education teachers have a tremendous amount of patience, flexibility, and creativity in dealing with special needs students. These teachers must also be able to adapt their teaching styles to accommodate the unique behavioral, social, emotional, or physical needs of their students.

Mr. Speaker, I would personally like to recognize the approximately 955 special education teachers in Los Angeles County. These individuals work extremely hard to provide a quality education to over 6,500 special education students. These extraordinary individuals work tirelessly and without complaint in trying to achieve successful outcomes for their students.

Lastly, Mr. Speaker, we should pay tribute to the special education aides that assist the teacher in the classroom. These individuals are often overworked and underpaid and are frequently underappreciated for the positive contributions they make to our special needs students.

Mr. Speaker, I urge my colleagues to join me in supporting H. Con. Res. 284 in recognizing the important role that special education teachers play in our schools.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today before you, expressing my strong support for H. Con. Res. 284, appreciating the work and recognizing the special education teachers of our nation.

First, I would like to thank Congressman PETE SESSIONS of Texas and all of the cosponsors, for recognizing these important people in our education system. I would also like to extend my gratitude to Chairman GEORGE MILLER and Ranking Member JOHN KLINE of the Committee on Education & Labor for supporting this resolution. This bill recognizes the profound dedication that these teachers have for their students, and the general community.

I would like to commend our special education teachers for continuing a phenomenal job. Not only do I respect their enduring patience and commitment, I applaud them on how much they have contributed to their local education systems. On a daily basis, these individuals must be able to motivate their students and push them past their limitations, and at the same time help them to mature and become productive members of society.

Not only have these teachers helped the many special needs students to achieve in school, but they have also formed a support system for the many parents and families. They are the warm counsel to the students and their loved ones. They are entrusted to help the students succeed in their education. These teachers continue to encompass a genuine and dedicated work ethic.

In American Samoa's education system, we have implemented a significant amount of special education programs into our schools. Importantly, we have integrated the special needs students in the mainstream education system. I would personally like to commend those teachers, for their enthusiasm and effort with our children. We, as the Congress, must continue to provide the tools and support for the special needs teachers and their students, especially during these times of economic strife.

We are reminded that in 1972 the United States Supreme Court granted children with disabilities with the same right to receive 'quality' education. Without our special education teachers and the efforts of many others to provide for the children with special needs, this clearly would not have been possible.

Even as these individuals are faced with maybe, the most emotional and mentally stressful challenges, their continuous work in fostering and assisting our children is inspiring.

I strongly urge my colleagues to pass this resolution.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise before you today in support of H. Con. Res. 284, ''Recognizing the work and importance of special education teachers.'' I would like to thank my colleague from Texas for shedding light on this very demanding and vital occupation.

Special education teachers teach students with both physical and mental impairments. A physical impairment is defined by the Americans with Disabilities Act (ADA) as: ''Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.''

A mental impairment is defined by the ADA as: ''Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.''

Neither the statute nor the regulations list all diseases or conditions that make up ''physical or mental impairments,'' because it would be impossible to provide a comprehensive list, given the variety of possible impairments. However, the number of disabilities covered by the ADA continues to grow, as has the number of people diagnosed with learning disabilities. For example, it is estimated that between 3 and 5 percent of children have met criteria for diagnosis of Attention Deficit Hyperactivity Disorder (ADHD). This represents approximately 2 million children in the United States, and means that in a classroom of 25 to 30 children, it is likely that at least one will have ADHD. In total, according to the U.S. Department of Education, approximately 6,500,000 children (roughly 10 percent of all school-aged children) receive special education services.

Mr. Speaker, it is said that ''The highest cost of an education is not getting one.'' in 1972, the United States Supreme Court ruled that children with disabilities have the same right to receive a quality education in the public schools as their nondisabled peers. Because of this ruling, special education teachers had to be prepared to handle these students and their individual needs.

Special education teachers work with children and young adults who have a range of disabilities. A small number of special education teachers work with students with severe

cognitive, emotional, or physical disabilities, primarily teaching them life skills and basic literacy. However, the majority of special education teachers work with children with mild to moderate disabilities, modifying the general education curriculum to meet the individual needs of the child and providing required corrective instruction. Today there are over 370,000 highly qualified special education teachers in the United States.

Special education teachers use various techniques to promote learning. Depending on the student, teaching methods can include intensive individualized instruction, problem-solving assignments, and small-group work. Special education teachers ensure that appropriate accommodations are provided, such as having material read orally, or lengthening the time allowed to take the test for students who need special accommodations to learn the general curriculum or to take a test. In some cases, teachers also provide students with career counseling or help them learn life skills, such as balancing a checkbook.

Helping these students can be highly rewarding and gratifying for the teacher, but the work also can be emotionally demanding and physically draining. Teachers are often consumed with paper work and burdened with a heavy workload—not to mention administrative responsibilities. The teacher is responsible for assessing the student's progress toward gaining the knowledge necessary to pass the course as well as consider the students' progress coping with their learning disability.

I applaud the steadfastness of all teachers for their diligence in teaching our youth and preparing them for the future. I am grateful for special educational instructors, who not only must deal with the curriculum of a classroom, but must also manage all of the other factors that may impede learning. Because of this, I strongly support H. Con Res. 284 and I encourage my colleagues to join me.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Hawaii (Ms. HIRONO) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 284, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1430

MAJOR GENERAL DAVID F. WHERLEY, JR. DISTRICT OF COLUMBIA NATIONAL GUARD RETENTION AND COLLEGE ACCESS ACT

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3913) to direct the Mayor of the District of Columbia to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3913

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

SECTION 1. DISTRICT OF COLUMBIA NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM.

The Act entitled ''An Act to provide for the organization of the militia of the District of Columbia'', approved March 1, 1889 (sec. 49—101 et seq., D.C. Official Code) is amended by adding at the end the following new title:

"TITLE II—EDUCATIONAL ASSISTANCE PROGRAM

"SEC. 201. SHORT TITLE; FINDINGS.

''(a) SHORT TITLE.—This title may be cited as the 'Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Act'.

''(b) FINDINGS.—Congress makes the following findings:

''(1) The District of Columbia National Guard is under the exclusive jurisdiction of the President of the United States as Commander-in-Chief and, unlike other National Guards, is permanently federalized.

''(2) The District of Columbia National Guard is unique and differs from the National Guards of the several States in that the District of Columbia National Guard is responsible, not only for residents of the District of Columbia, but also for a special and unique mission and obligation as a result of the extensive presence of the Federal Government in the District of Columbia.

''(3) Consequently, the President of the United States, rather than the chief executive of the District of Columbia, is in command of the District of Columbia National Guard, and only the President can call up the District of Columbia National Guard even for local emergencies.

''(4) The District of Columbia National Guard has been specifically trained to address the unique emergencies that may occur regarding the presence of the Federal Government in the District of Columbia.

''(5) The great majority of the members of the District of Columbia National Guard actually live in Maryland or Virginia, rather than in the District of Columbia.

''(6) The District of Columbia National Guard has been experiencing a disproportionate decline in force in comparison to the National Guards of Maryland and Virginia.

''(7) The States of Maryland and Virginia provide additional recruiting and retention incentives, such as educational benefits, in order to maintain their force, and their National Guards have drawn recruits from the District of Columbia at a rate that puts at risk the maintenance of the necessary force levels for the District of Columbia National Guard.

''(8) Funds for an educational benefit for members of the District of Columbia National Guard would provide an incentive to help reverse the loss of members to nearby National Guards and allow for maintenance and increase of necessary District of Columbia National Guard personnel.

''(9) The loss of members of the District of Columbia National Guard could adversely affect the readiness of the District of Columbia National Guard to respond in the event of a terrorist attack on the capital of the United States.

"SEC. 202. DISTRICT OF COLUMBIA NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM.

''(a) EDUCATIONAL ASSISTANCE PROGRAM AUTHORIZED.—The Mayor of the District of Columbia, in coordination with the commanding general of the District of Columbia National Guard, shall establish a program under which the Mayor may provide financial assistance to an eligible member of the District of Columbia National Guard to assist the member in covering expenses incurred by the member while enrolled in an approved institution of higher education to pursue the member's first undergraduate, masters, vocational, or technical degree or certification.

''(b) ELIGIBILITY.—

''(1) CRITERIA.—A member of the District of Columbia National Guard is eligible to receive assistance under the program established under this title if the commanding general of the District of Columbia National Guard certifies to the Mayor the following:

''(A) The member has satisfactorily completed required initial active duty service.

''(B) The member has executed a written agreement to serve in the District of Columbia National Guard for a period of not less than 6 years.

''(C) The member is not receiving a Reserve Officer Training Corps scholarship.

''(2) MAINTENANCE OF ELIGIBILITY.—To continue to be eligible for financial assistance under the program, a member of the District of Columbia National Guard must—

''(A) be satisfactorily performing duty in the District of Columbia National Guard in accordance with regulations of the National Guard (as certified to the Mayor by the commanding general of the District of Columbia National Guard);

''(B) be enrolled on a full-time or part-time basis in an approved institution of higher education; and

''(C) maintain satisfactory progress in the course of study the member is pursuing, determined in accordance with section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)).

"SEC. 203. TREATMENT OF ASSISTANCE PROVIDED.

''(a) PERMITTED USE OF FUNDS.—Financial assistance received by a member of the District of Columbia National Guard under the program under this title may be used to cover—

''(1) tuition and fees charged by an approved institution of higher education involved;

''(2) the cost of books; and

''(3) laboratory expenses.

''(b) AMOUNT OF ASSISTANCE.—The amount of financial assistance provided to a member of the District of Columbia National Guard under the program may be up to $400 per credit hour, but not to exceed $6,000 per year. If the Mayor determines that the amount available to provide assistance under this title in any year will be insufficient, the Mayor may reduce the maximum amount of the assistance authorized, or set a limit on the number of participants, to ensure that amounts expended do not exceed available amounts.

''(c) RELATION TO OTHER ASSISTANCE.—Except as provided in section 202(b)(1)(C), a member of the District of Columbia National Guard may receive financial assistance under the program in addition to educational assistance provided under any other provision of law.

''(d) REPAYMENT.—A member of the District of Columbia National Guard who receives assistance under the program and who, voluntarily or because of misconduct, fails to serve for the period covered by the agreement required by section 202(b)(1) or fails to comply with the eligibility conditions specified in section 202(b)(2) shall be subject to the repayment provisions of section 373 of title 37, United States Code.

''SEC. 204. ADMINISTRATION AND FUNDING OF PROGRAM.

''(a) ADMINISTRATION.—The Mayor, in coordination with the commanding general of the District of Columbia National Guard and in consultation with approved institutions of higher education, shall develop policies and procedures for the administration of the program under this title. Nothing in this title shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable a member of the District of Columbia National Guard to enroll in the institution.

''(b) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the District of Columbia such sums as may be necessary to enable the Mayor to provide financial assistance under the program. Funds appropriated pursuant to this authorization of appropriations shall remain available until expended.

''(2) TRANSFER OF FUNDS.—The Mayor may accept the transfer of funds from Federal agencies and use any funds so transferred for purposes of providing assistance under the program. There is authorized to be appropriated to the head of any executive branch agency such sums as may be necessary to permit the transfer of funds to the Mayor to provide financial assistance under this section.

''(3) LIMIT.—The aggregate amount authorized to be appropriated under paragraphs (1) and (2) for a fiscal year may not exceed—

''(A) for fiscal year 2011, $370,000; and

''(B) for each succeeding fiscal year, the limit applicable under this paragraph for the previous fiscal year, adjusted by the tuition inflation index used for the year by the Secretary of Veterans Affairs for education benefits under section 3015(h)(1) of title 38, United States Code.

''(c) ACCEPTANCE OF DONATIONS.—The Mayor may accept, use, and dispose of donations of services or property for purposes of providing assistance under the program.

''SEC. 205. DEFINITION.

''In this title, the term 'approved institution of higher education' means an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) that—

''(1) is eligible to participate in the student financial assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); and

''(2) has entered into an agreement with the Mayor containing an assurance that funds made available under this title are used to supplement and not supplant other assistance that may be available for members of the District of Columbia National Guard.

''SEC. 206. EFFECTIVE DATE.

''Financial assistance may be provided under the program under this title to eligible members of the District of Columbia National Guard for periods of instruction that begin on or after January 1, 2010.''.

SEC. 2. PAYGO COMPLIANCE.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, as amended, H.R. 3913 would require the Mayor of the District of Columbia to establish a program to provide financial assistance to members of the District of Columbia National Guard to assist in covering higher education expenses. The Mayor would establish this program in coordination with the commander of the District of Columbia National Guard. Assistance would be capped at $6,000 per year per National Guard member.

H.R. 3913, as amended, authorizes appropriations to the District of Columbia for the assistance program. The bill would also authorize the transfer of funds from Federal agencies for providing assistance under the program. The initial authorization for the program is $370,000 in FY 2011. The bill would permit annual adjustments in succeeding years based on the tuition inflation index used by the Secretary of Veterans Affairs for educational benefits. As amended, H.R. 3913 complies with PAYGO requirements.

Mr. Speaker, in addition, the bill seeks to name the bill after former General David Wherley of the District of Columbia National Guard.

Mr. Speaker, I told the D.C. National Guard's 547th Transportation Company when they were deployed to Iraq about a year ago that I would introduce several D.C. National Guard bills concerning their service. Today, we consider the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Act to permanently authorize funding for a program to provide grants for secondary education tuition to the members of the D.C. National Guard.

The bill authorizes an education incentive program recommended by former Major General David Wherley and his successor, Major General Errol Schwartz, who suggested that education grants would be useful in stemming the troublesome loss of members of the D.C. Guard to units, in part, because surrounding States offer just such educational benefits.

I am grateful that the Appropriations Committee has allotted funds in some years, with smaller contributions from the District, in the Financial Services and General Government Appropriations bill. A permanent authorization is necessary, however, to ensure that D.C. National Guard members receive equal treatment and benefits with other National Guard members on a regular basis, especially with surrounding States that do, in fact, have the higher education benefits we seek for the D.C. National Guard. The Guard for the Nation's Capital is competing for members from the pool of regional residents who find membership in Maryland and Virginia Guards more financially beneficial.

Mr. Speaker, last week, on June 22, we marked the 1-year anniversary of the commemoration of the Metro collision here involving two Red Line trains that took the lives of nine area residents, seven from the District of Columbia, including a local hero, Major General David F. Wherley, Jr., and his wife Ann. This bill is named in honor of General Wherley, who not only served his country all his adult life and never forgot the men and women who served under him at home or at war, but also was particularly attentive to the residents of the District of Columbia, especially the city's most troubled youth. Thereafter, Congressman JOSÉ SERRANO, chair of the Committee on Appropriations Financial Services Subcommittee, was good enough to offer this renaming in his appropriations bill last year and to appropriate the funds without authorization this year or in prior years.

Under General Wherley's command, the D.C. National Guard deployed several of its units to the global war on terrorism. General Wherley himself served courageously in both Iraq and Afghanistan, but at home he spent hours with me figuring out ways to get funds for programs for the District's children. We were successful, because he would show up, not only in my office, but wherever he was needed to get the funds to do the service for his men and for the children of this city.

General Wherley was a full-service leader. He not only commanded the D.C. National Guard; he worked closely with me and with city officials on programs for our city and its disadvantaged youth and for keeping our Guard

competitive as a premier force at home as well as abroad.

The education incentives in this bill serve not only to encourage high-quality recruits, but, when appropriated, have had the important benefit of helping the D.C. National Guard to maintain the force necessary to protect the Federal presence, because this funding helps equalize an important benefit compared with what is offered by Guard units in surrounding jurisdictions which also are open to D.C. National Guard members.

While the appropriators have been good enough to provide funding for the D.C. National Guard by considering it a programmatic request, it is imperative that this important educational initiative be authorized appropriately to ensure its permanent sustainability.

I urge my colleagues to support the bill.

I reserve the balance of my time.

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

Mr. Speaker, it is a privilege to join with my colleague, the Delegate from Washington, D.C. This bill quite appropriately is named in honor of an individual within the Federal District who served the community well and, more importantly, the context and the substance of this bill gives equity to those men and women who serve in the National Guard for the Federal District of Columbia and gives them equity with those States that surround the Federal District.

I think many times Congress is asked to give special attention to our residents in the Federal District, and I think this is one of fairness, equity, one that I think is well within our constitutional, not only our rights, but our responsibilities to represent not just those in our own districts, but to recognize that the Federal District is a district for all Americans.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 3913, as amended.

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

A motion to reconsider was laid on the table.

CONGRATULATING THE CHICAGO BLACKHAWKS

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1439) congratulating the Chicago Blackhawks on winning the 2010 Stanley Cup Championship.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1439

Whereas the historic Chicago Blackhawks, as one of the ''Original Six'', have made countless contributions to sports;

Whereas the Blackhawks and the National Hockey League have demonstrated a commitment to promoting fitness and leadership skills for youth through support for youth hockey programs and community skating facilities;

Whereas with 101 straight home game sellouts, and an NHL leading regular-season average attendance of 21,356, the Blackhawks are the pride of their hometown, Chicago, Illinois;

Whereas in just 3 years, the Blackhawks organization of Rocky Wirtz, Joel Quenneville, John McDonough, Stan Bowman, Scotty Bowman, Jay Blunk, and Dale Tallon have revitalized a franchise and reminded Chicago that it has always been a hockey town;

Whereas the Chicago Blackhawks, through amazing offense, superb defense, and unmatched depth, dominated the regular season and won 52 games;

Whereas the Blackhawks defeated the Nashville Predators in 6 games, the Vancouver Canucks in 6 games, and swept the number 1 seeded San Jose Sharks to become the Western Conference Champions and advance to the Stanley Cup Final;

Whereas in the Stanley Cup Final series, the Blackhawks held off the aggressive play and talent of the Eastern Conference Champion Philadelphia Flyers, who deserve great credit, to win in overtime, and provide one of the most exciting final series in recent history; and

Whereas the innumerable contributions from every player, coach, and the entire Blackhawks family have ended the 49-year-long championship drought and brought the roar back to Madison Street and Lord Stanley's Cup to where it belongs, sweet home Chicago: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Chicago Blackhawks for their long distinguished history, countless contributions to sports, and their many successes as a franchise;

(2) congratulates the Blackhawks on an amazing season and for winning the 2010 Stanley Cup Championship;

(3) recognizes the players, coaches, and leadership of the Blackhawks organization; and

(4) joins with all people in the United States and hockey fans all over the world in celebrating the return of the Stanley Cup to Chicago, Illinois.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present H. Res. 1439 for consideration. The bill congratulates the Chicago Blackhawks for their victory over the Philadelphia Flyers in the National Hockey League Stanley Cup Finals.

H. Res. 1439 was introduced by our colleague, the gentleman from Illinois, Representative MIKE QUIGLEY, on May 25, 2010. It was referred to the Committee on Oversight and Government Reform, which ordered it to be reported by unanimous consent on June 14, 2010. The measure has the support of over 50 Members of the House.

Mr. Speaker, on June 9, 2010, the Chicago Blackhawks defeated the Philadelphia Flyers in Philadelphia to win the NHL's Stanley Cup Final hockey series. With that win, the Chicago Blackhawks ended 49 years of Stanley Cup frustration with a 4–3 overtime victory over the Philadelphia Flyers in a game that was numbered game six and clinched the National Hockey League's best-of-seven championship series. The Philadelphia Flyers were worthy opponents and should be congratulated for a hard-fought Stanley Cup series.

Blackhawks captain Jonathan Toews, who scored seven goals in the playoffs and had 22 assists, including one on Chicago's first goal, was awarded the Conn Smythe Trophy for most valuable player for his team in the NHL playoffs.

The Philadelphia Flyers fought hard, but they were no match for the hard-hitting, exciting brand of hockey of Blackhawks general manager Stan Bowman and head coach Joel Quenneville.

Not since the days of Hall of Famers Bobby Hull, Stan Mikita and goalie Glenn Hall had the Blackhawks hoisted the cup, and Chicago unleashed nearly 50 years of frustration with a euphoric celebration on Philadelphia's home ice.

I join my colleagues in congratulating the National Hockey League champions, the Chicago Blackhawks, on their victory in the 2010 Stanley Cup Finals.

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

□ 1445

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

Mr. Speaker, as somebody that resides in north San Diego County, I spend a lot of time in the water at the Pacific Ocean, but I have never spent very much time on the ice. As a San Diegan, I find it very interesting the entire concept of somebody playing a game on the ice. But I join today in supporting this resolution and congratulating the Blackhawks in their victory.

I still would love to learn more about the game, but I'd like to do it from afar, as long as I can stay warm.

I reserve the balance of my time.

Ms. NORTON Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Illinois, the sponsor of the bill (Mr. QUIGLEY).

Mr. QUIGLEY. To my colleagues, I appreciate their ability to pronounce names they're not necessarily so familiar with so well, and I appreciate those who cosponsored this legislation.

About 3 weeks ago, several hundred brave Chicago Blackhawk hockey fans sat in Philadelphia and wondered why Patrick Kane was flying across the ice in celebration. He scored the goal that no one saw—the goal that has brought an end to 49 years of frustration for Blackhawk fans and exorcised the ghost of the demons of Jacques Lemaire in 1971. He helped make the Chicago Blackhawks the Stanley Cup Champions.

It was a long, extraordinarily tough road for these players. Many of these players competed in over 120 games, when you count the Olympics—an extraordinarily grueling task for them to accomplish this. But that goal set off a celebration that ended with 2 million people in downtown Chicago in a parade. It set off a celebration in Philadelphia among a few fans that were there from Chicago, and among the alumni of Blackhawks, including Bobby Hull, Stan Mikita, Tony Esposito, Denis Savard, and many others. Unfortunately, many alumni are no longer with us—Hawk legends who are forever in our hearts, such as Keith Magnuson and Pit Martin. But it also set off an extraordinary celebration in Chicago, which, for many of us, is still going on.

There are many people to thank, the first of which, as far as I understand, is the only truly popular owner I know in professional sports, Rocky Wirtz, who combined his full efforts with dedication to bring a championship to Chicago; John McDonough, the president of the team; Jay Blunk, Stan Bowman, and Scotty Bowman, who were extraordinary in putting this team together and advising it; along with Dale Tallon, who's no longer with the team but to whom we owe a great deal of gratitude; defenseman Duncan Keith, the James Norris Memorial Trophy winner this year; Captain Jonathan Toews, who won the Conn Smythe Trophy; and a team of all-stars, including Brian Campbell. We had several Olympians who also competed. We have players who won the Stanley Cup and the Gold Medal in 1 year, which doesn't happen all the time.

But my main message today is to all those long-suffering, dedicated Blackhawk fans who have enjoyed this victory ever since; the fans who understood what it was like to cheer for Pierre Pilote and Denis Savard and Tony Esposito in all the years in which we didn't quite make the playoffs, but they loved the ''madhouse on Madison'' as much as I did and look forward to many more years of excitement from this team that Mr. Wirtz has brought us. It was a wonderful night, and we appreciate your cosponsorships.

Ms. NORTON I just want to congratulate my colleague Mr. QUIGLEY, and I understand why he and Chicago are ecstatic. I urge my colleagues to join me in supporting this measure.

I reserve the balance of my time.

Mr. BILBRAY. Mr. Speaker, I congratulate the gentleman again, and Chicago, which has had a pretty good run the last couple of years. Seeing that I know how committed the hockey fans are, I will join with my colleagues in urging the Members to support the passage of H.R. 1439.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 1439.

The question was taken.

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

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

The yeas and nays were ordered.

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

UNITED STATES SECRET SERVICE UNIFORMED DIVISION MODERNIZATION ACT OF 2010

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1510) to transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code, as amended.

The Clerk read the title of the bill.

The text of the amendments is as follows:

Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Secret Service Uniformed Division Modernization Act of 2010''.

TITLE I—PERSONNEL RULES FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION

SEC. 101. PURPOSE.

The purpose of this title is to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code.

SEC. 102. HUMAN RESOURCES FOR UNITED STATES SECRET SERVICE UNIFORMED DIVISION.

(a) PAY FOR MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION.—Subpart I of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 102—UNITED STATES SECRET SERVICE UNIFORMED DIVISION PERSONNEL

''Sec.
''10201. Definitions.
''10202. Authorities.
''10203. Basic pay.
''10204. Rate of pay for original appointments.
''10205. Service step adjustments.
''10206. Technician positions.
''10207. Promotions.
''10208. Demotions.
''10209. Clothing allowances.
''10210. Reporting requirement.

''§ 10201. Definitions

''In this chapter—

''(1) the term 'member' means an employee of the United States Secret Service Uniformed Division having the authorities described under section 3056A(b) of title 18;

''(2) the term 'Secretary' means the Secretary of the Department of Homeland Security; and

''(3) the term 'United States Secret Service Uniformed Division' has the meaning given that term under section 3056A of title 18.

''§ 10202. Authorities

''(a) IN GENERAL.—The Secretary is authorized to—

''(1) fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;

''(2) determine what constitutes an acceptable level of competence for the purposes of section 10205;

''(3) establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and

''(4) determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.

''(b) DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in this chapter.

''(c) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary to administer this chapter.

''§ 10203. Basic pay

''(a) IN GENERAL.—The annual rates of basic pay of members of the United States Secret Service Uniformed Division shall be fixed in accordance with the following schedule of rates, except that the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks is limited to 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

''Rank	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer	$44,000	$46,640	$49,280	$51,920	$54,560	$57,200	$59,840	$62,480	$65,120	$67,760	$70,400	$73,040	$75,680
Sergeant	.....	.....	.....	59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant	.....	.....	.....	.....	69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain	.....	.....	.....	.....	.....	79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector	.....	.....	.....	.....	.....	91,533	95,758	99,983	104,208	108,433	112,658	116,883	121,108
Deputy Chief	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief	The rate of basic pay the Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief	The rate of basic pay the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

''(b) SCHEDULE ADJUSTMENT.—

''(1)(A) Effective at the beginning of the first pay period commencing on or after the first day of the month in which an adjustment in the rates of basic pay under the General Schedule takes effect under section 5303 or other authority, the schedule of annual rates of basic pay of members (except the Deputy Chiefs, Assistant Chief and Chief) shall be adjusted by the Secretary by a percentage amount corresponding to the percentage adjustment made in the rates of pay under the General Schedule.

''(B) The Secretary may establish a methodology of schedule adjustment that—

''(i) results in uniform fixed-dollar step increments within any given rank; and

''(ii) preserves the established percentage differences among rates of different ranks at the same step position.

''(2) Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

''(3) Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which, when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

''§ 10204. Rate of pay for original appointments

''(a) IN GENERAL.—Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.

''(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.—The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual's superior qualifications or a special need of the Government for the individual's services.

''§ 10205. Service step adjustments

''(a) DEFINITION.—In this section, the term 'calendar week of active service' includes all periods of leave with pay or other paid time off, and periods of non-pay status which do not cumulatively equal one 40-hour workweek.

''(b) ADJUSTMENTS.—Each member whose current performance is at an acceptable level of competence shall have a service step adjustment as follows:

''(1) Each member in service step 1, 2, or 3 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 52 calendar weeks of active service in the member's service step.

''(2) Each member in service step 4, 5, 6, 7, 8, 9, 10, or 11 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 104 calendar weeks of active service in the member's service step.

''(3) Each member in service step 12 shall be advanced successively to the next higher service step at the beginning of the first pay period immediately following the completion of 156 calendar weeks of active service in the member's service step.

''§ 10206. Technician positions

''(a) IN GENERAL.—(1) Each member whose position is determined under section 10202(a)(3) to be included as a technician position shall, on or after such date, receive, in addition to the member's scheduled rate of basic pay, an amount equal to 6 percent of the sum of such member's rate of basic pay and the applicable locality-based comparability payment.

''(2) A member described in this subsection shall receive the additional compensation authorized by this subsection until such time as the member's position is determined under section 10202(a)(3) not to be a technician position, or until the member no longer occupies such position, whichever occurs first.

''(3) The additional compensation authorized by this subsection shall be paid to a member in the same manner and at the same time as the member's basic pay is paid.

''(b) EXCEPTIONS.—(1) Except as provided in paragraph (2), the additional compensation authorized by subsection (a)(1) shall be considered as basic pay for all purposes, including section 8401(4).

''(2) The additional compensation authorized by subsection (a)(1) shall not be considered as basic pay for the purposes of—

''(A) section 5304; or

''(B) section 7511(a)(4).

''(3) The loss of the additional compensation authorized by subsection (a)(1) shall not constitute an adverse action for the purposes of section 7512.

''§ 10207. Promotions

''(a) IN GENERAL.—Each member who is promoted to a higher rank shall receive basic pay at the same step at which such member was being compensated prior to the date of the promotion.

''(b) CREDIT FOR SERVICE.—For the purposes of a service step adjustment under section 10205, periods of service at the lower rank shall be credited in the same manner as if it was service at the rank to which the employee is promoted.

''§ 10208. Demotions

''When a member is changed or demoted from any rank to a lower rank, the Secretary may fix the member's rate of basic pay at the rate of pay for any step in the lower rank which does not exceed the lowest step in the lower rank for which the rate of basic pay is equal to or greater than the member's existing rate of basic pay.

''§ 10209. Clothing allowances

''(a) IN GENERAL.—In addition to the benefits provided under section 5901, the Director of the United States Secret Service or the designee of the Director is authorized to provide a clothing allowance to a member assigned to perform duties in normal business or work attire purchased at the discretion of the employee. Such clothing allowance shall not to be treated as part of the member's basic pay for any purpose (including retirement purposes) and shall not be used for the purpose of computing the member's overtime pay, pay during leave or other paid time off, lump-sum payments under section 5551 or section 5552, workers' compensation, or any other benefit. Such allowance for any member may be discontinued at any time upon written notification by the Director of the United States Secret Service or the designee of the Director.

''(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing allowance authorized under this section shall not exceed $500 per annum.

''§ 10210. Reporting requirement

''Not later than 3 years after the date of the enactment of this chapter, the Secretary shall prepare and transmit to Congress a report on the operation of this chapter. The report shall include—

''(1) an assessment of the effectiveness of this chapter with respect to efforts of the Secretary to recruit and retain well-qualified personnel; and

''(2) recommendations for any legislation or administrative action which the Secretary considers appropriate.''.

(b) ANNUAL LEAVE LIMITATION FOR MEMBERS IN THE DEPUTY CHIEF, ASSISTANT CHIEF, AND CHIEF RANKS.—Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking ''or'' after the semicolon;

(2) in subparagraph (G), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(H) a position in the United States Secret Service Uniformed Division at the rank of Deputy Chief, Assistant Chief, or Chief.''.

(c) SICK LEAVE FOR WORK-RELATED INJURIES AND ILLNESSES.—Section 6324 of title 5, United States Code, is amended—

(1) in subsection (a), by striking ''Executive Protective Service force'' and inserting ''United States Secret Service Uniformed Division'';

(2) in subsection (b)(3), by striking ''the Treasury for the Executive Protective Service force'' and inserting ''Homeland Security for the United States Secret Service Uniformed Division''; and

(3) by adding at the end the following:

''(c) This section shall not apply to members of the United States Secret Service Uniformed Division who are covered under chapter 84 for the purpose of retirement benefits.''.

SEC. 103. MISCELLANEOUS PROVISIONS.

(a) CONVERSION TO NEW SALARY SCHEDULE.—

(1) IN GENERAL.—

(A) RATES OF PAY FIXED.—Effective the first day of the first pay period which begins after the date of the enactment of this Act, the Secretary shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division, as defined under section 10201 of title 5, United States Code, (as added by section 102(a)) in accordance with the provisions of this subsection.

(B) RATE BASED ON CREDITABLE SERVICE.—

(i) IN GENERAL.—Each member shall be placed in and receive basic pay at the corresponding scheduled rate under chapter 102 of title 5, United States Code, as added by section 102(a) (after any adjustment under paragraph (3) of this subsection) in accordance with the member's total years of creditable service, as provided in the table in this clause. If the scheduled rate of basic pay for the step to which the member would be assigned in accordance with this paragraph is lower than the member's rate of basic pay immediately before the date of enactment of this paragraph, the member shall be placed in and receive basic pay at the next higher service step, subject to the provisions of clause (iv). If the member's rate of pay exceeds the highest step of the rank, the rate of basic pay shall be determined in accordance with clause (iv).

Full Years of Creditable Service	Step Assigned Upon Conversion
0	1
1	2
2	3
3	4
5	5
7	6
9	7
11	8
13	9
15	10
17	11
19	12
22	13

(ii) CREDITABLE SERVICE.—For the purposes of this subsection, a member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, the United States Park Police, or the District of Columbia Metropolitan Police Department.

(iii) STEP 13 CONVERSION MAXIMUM RATE.—

(I) IN GENERAL.—A member who, at the time of conversion, is in step 13 of any rank below Deputy Chief, is entitled to that rate of basic pay which is the greater of—

(aa) the rate of pay for step 13 under the new salary schedule; or

(bb) the rate of pay for step 14 under the pay schedule in effect immediately before conversion.

(II) STEP 14 RATE.—Clause (iv) shall apply to a member whose pay is set in accordance with subclause (I)(bb).

(iv) ADJUSTMENT BASED ON FORMER RATE OF PAY.—

(I) DEFINITION.—In this clause, the term ''former rate of basic pay'' means the rate of basic pay last received by a member before the conversion.

(II) IN GENERAL.—If, as a result of conversion to the new salary schedule, the member's former rate of basic pay is greater than the maximum rate of basic pay payable for the rank of the member's position immediately after the conversion, the member is entitled to basic pay at a rate equal to the member's former rate of basic pay, and increased at the time of any increase in the maximum rate of basic pay payable for the rank of the member's position by 50 percent of the dollar amount of each such increase.

(III) PROMOTIONS.—For the purpose of applying section 10207 of title 5, United States Code, relating to promotions, (as added by section 102(a)) an employee receiving a rate above the maximum rate as provided under this clause shall be deemed to be at step 13.

(2) CREDIT FOR SERVICE.—Each member whose position is converted to the salary schedule under chapter 102 of title 5, United States Code, (as added by section 102(a)) in accordance with this subsection shall be granted credit for purposes of such member's first service step adjustment made after conversion to the salary schedule under that chapter for all satisfactory service performed by the member since the member's last increase in basic pay before the adjustment under this section.

(3) ADJUSTMENTS DURING TRANSITION.—The schedule of rates of basic pay shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, or any other authority, which takes effect during the period beginning on January 1, 2010, through the last day of the last pay period preceding the first pay period which begins after the date of the enactment of this Act. The Secretary of Homeland Security may establish a methodology of schedule adjustment that results in uniform fixed-dollar step increments within any given rank and preserves the established percentage differences among rates of different ranks at the same step position.

(b) IMPACT ON BENEFITS UNDER THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT AND DISABILITY SYSTEM.—

(1) SALARY INCREASES FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—The conversion of positions and members of the United States Secret Service Uniformed Division to appropriate ranks in the salary schedule set forth in this title and the amendments made by this title, and the initial adjustments of rates of basic pay of those positions and individuals in accordance with this title and the amendments made by this title, shall be treated as an increase of 2.50 percent in the salary of current members for purposes of section 3 of the Act entitled ''An Act to provide increased pensions for widows and children of deceased members of the Police Department and the Fire Department of the District of Columbia'', approved August 4, 1949 (sec. 5–744, D.C. Official Code) and section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (sec. 5–745, D.C. Official Code).

(2) TREATMENT OF RETIREMENT BENEFITS AND PENSIONS OF CURRENT AND FORMER MEMBERS.—Except as otherwise provided in this title, nothing in this title shall affect retirement benefits and pensions of current members and former members who have retired under the District of Columbia Police and Firefighters' Retirement and Disability System.

SEC. 104. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—To the extent that any provision of any law codified in the District of Columbia Official Code that authorizes an entitlement to pay or hours of work for current members of the United States Secret Service Uniformed Division is not expressly revoked by this title, such provision shall not apply to such members after the effective date of this Act.

(b) TECHNICAL AND CONFORMING AMENDMENTS TO LAWS CODIFIED IN DISTRICT OF COLUMBIA OFFICIAL CODE.—The following laws codified in the District of Columbia Official Code are amended as follows:

(1) The Act entitled ''An Act to provide for granting to officers and members of the Metropolitan Police force, the Fire Department of the District of Columbia, and the White House and United States Park Police forces additional compensation for working on holidays'', approved October 24, 1951, is amended—

(A) in the second sentence of section 1 (sec. 5—521.01, D.C. Official Code), by striking ''the Fire Department of the District of Columbia,'' and all that follows through ''and the United States Park Police Force'' and inserting ''the Fire Department of the District of Columbia, and the United States Park Police Force'';

(B) in section 2 (sec. 5—521.02, D.C. Official Code), by striking ''and with respect'' and all that follows through ''United States Park Police force'' and inserting ''and with respect to officers and members of the United States Park Police force''; and

(C) in section 3 (sec. 5—521.03, D.C. Official Code), by striking ''shall be applicable'' and all that follows and inserting the following: ''shall be applicable to the United States Park Police force under regulations promulgated by the Secretary of the Interior.''.

(2) The District of Columbia Police and Firemen's Salary Act of 1958 is amended as follows:

(A) In section 202 (sec. 5—542.02, D.C. Official Code), by striking ''United States Secret Service Uniformed Division,''.

(B) In section 301(b) (sec. 5—543.01(b), D.C. Official Code), by striking ''the United States Secret Service Uniformed Division,''.

(C) In section 302 (sec. 5—543.02, D.C. Official Code)—

(i) in subsection (a), by striking ''the Secretary of Treasury, in the case of the United States Secret Service Uniformed Division,'';

(ii) in subsection (b), by striking ''the United States Secret Service Uniformed Division or''; and

(iii) in subsection (e), by striking ''the United States Secret Service Uniformed Division or''.

(D) In section 303(a)(5) (sec. 5—543.03(a)(5), D.C. Official Code), by striking ''the United States Secret Service Uniformed Division and''.

(E) In section 304(d)(1) (sec. 5—543.04(d)(1)), by striking ''the United States Secret Service Uniformed Division or''.

(F) In section 305 (sec. 5—543.05, D.C. Official Code)—

(i) by striking ''the United States Secret Service Uniformed Division,''; and

(ii) by striking ''or the Secretary of the Treasury,''.

(G) In section 501 (sec. 5—545.01, D.C. Official Code)—

(i) in subsection (a), by striking ''and the United States Secret Service Uniformed Division'';

(ii) in subsection (c)(1)—

(I) by striking ''the United States Secret Service Uniformed Division and'', and

(II) in the schedule set forth in such subsection, by striking ''United States Secret Service Uniformed Division'';

(iii) in subsection (c)(2), by striking ''the annual rates of basic compensation'' and all that follows through ''the Secretary of the Treasury, and'';

(iv) in subsection (c)(5), by striking ''officers and members of the United States Secret Service Uniformed Division or'';

(v) in subsection (c)(6)(A), by striking ''the United States Secret Service Uniformed Division or''; and

(vi) in subsection (c)(7)(A), by striking ''the United States Secret Service Uniformed Division or''.

(H) In section 506 (sec. 5—545.06, D.C. Official Code), by striking '', the Secretary of the Treasury,''.

(3) Section 118 of the Treasury and General Government Appropriations Act, 1998, is amended by striking subsection (b) (sec. 5—561.01, D.C. Official Code).

(4) Section 905(a)(1) of the Law Enforcement Pay Equity Act of 2000 (Public Law 106—554; sec. 5–561.02(a)(1), D.C. Official Code) is amended by striking ''the Secretary of Treasury'' and all that follows through ''United States Secret Service Uniformed Division, and''.

(5) Subsection (k)(2)(B) of the Policemen and Firemen's Retirement and Disability Act (sec. 5—716(b)(2), D.C. Official Code) is amended by inserting '', or, for a member who was an officer or member of the United States Secret Service Uniformed Division, or the United States Secret Service Division, 40 percent of the corresponding salary for step 5 of the Officer rank in section 10203 of title 5, United States Code'' after ''member's death''.

(6) Section 1 of the Act entitled ''An Act to provide a 5-day week for officers and members of the Metropolitan Police force, the United States Park Police force, and the White House Police force, and for other purposes'', approved August 15, 1950 (sec. 5—1304, D.C. Official Code), is amended—

(A) in subsection (a)(1)—

(i) by inserting ''and'' before ''the Secretary of the Interior''; and

(ii) by striking '', and the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division'';

(B) in subsection (a)(9)—

(i) by inserting ''or'' before ''the United States Park Police force''; and

(ii) by striking ''or the United States Secret Service Uniformed Division'';

(C) in subsection (b)—

(i) by inserting ''or'' before ''the Secretary of the Interior''; and

(ii) by striking ''or the Secretary of the Treasury,'';

(D) in subsection (h)(3)(A), by striking ''of the United States Secret Service Uniformed Division or''; and

(E) in subsection (h)(3)(B), by striking ''of the United States Secret Service Uniformed Division or''.

(7) Section 117(a) of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 (sec. 5—1305, D.C. Official Code) is amended—

(A) by striking ''the Fire Department of the District of Columbia,'' and all that follows through ''or the United States Park Police force'' and inserting ''the Fire Department of the District of Columbia, or the United States Park Police force''; and

(B) by striking '', the Secretary of the Treasury,''.

(c) TECHNICAL AND CONFORMING AMENDMENTS TO THE UNITED STATES CODE.—Title 5 of the United States Code is amended—

(1) in section 5102(c)(5), by striking ''the Executive Protective Service'' and inserting ''the United States Secret Service Uniformed Division'';

(2) in section 5541(2)(iv)(II), by striking ''a member of the United States Secret Service Uniformed Division,''; and

(3) in the table of chapters for subpart I of part III by adding at the end the following:

''102. United States Secret Service Uniformed Division Personnel ..... 10201''.

SEC. 105. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the first day of the first pay period which begins after the date of the enactment of this Act.

TITLE II—FEDERAL REAL PROPERTY DISPOSAL ENHANCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Real Property Disposal Enhancement Act of 2010''.

SEC. 202. DUTIES OF THE GENERAL SERVICES ADMINISTRATION AND EXECUTIVE AGENCIES.

(a) IN GENERAL.—Section 524 of title 40, United States Code, is amended to read as follows:

''§ 524. Duties of the General Services Administration and executive agencies

''(a) DUTIES OF THE GENERAL SERVICES ADMINISTRATION.—

''(1) GUIDANCE.—The Administrator shall issue guidance for the development and implementation of agency real property plans. Such guidance shall include recommendations on—

''(A) how to identify excess properties;

''(B) how to evaluate the costs and benefits involved with disposing of real property;

''(C) how to prioritize disposal decisions based on agency missions and anticipated future need for holdings; and

''(D) how best to dispose of those properties identified as excess to the needs of the agency.

''(2) ANNUAL REPORT.—(A) The Administrator shall submit an annual report, for each of the first 5 years after 2010, to the congressional committees listed in subparagraph (C) based on data submitted from all executive agencies, detailing executive agency efforts to reduce their real property assets and the additional information described in subparagraph (B).

''(B) The report shall contain the following information for the year covered by the report:

''(i) The aggregated estimated market value and number of real property assets under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

''(ii) The aggregated estimated market value and number of surplus real property assets under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

''(iii)(I) The aggregated cost for maintaining all surplus real property under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

''(II) For purposes of subclause (I), costs for real properties owned by the Federal Government shall include recurring maintenance and repair costs, utilities, cleaning and janitorial costs, and roads and grounds expenses.

''(III) For purposes of subclause (I), costs for real properties leased by the Federal Government shall include lease costs, including base and operating rent and any other relevant costs listed in subclause (II) not covered in the lease contract.

''(iv) The aggregated estimated deferred maintenance costs of all real property under the custody and control of all executive agencies, set forth government-wide and by agency, and for each at the constructed asset level and at the facility/installation level.

''(v) For each surplus real property facility/installation disposed of, an indication of—

''(I) its geographic location with address and description;

''(II) its size, including square footage and acreage;

''(III) the date and method of disposal; and

''(IV) its estimated market value.

''(vi) Such other information as the Administrator considers appropriate.

''(C) The congressional committees listed in this subparagraph are as follows:

''(i) The Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

''(ii) The Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

''(3) ASSISTANCE.—The Administrator shall assist executive agencies in the identification and disposal of excess real property.

''(b) DUTIES OF EXECUTIVE AGENCIES.—

''(1) IN GENERAL.—Each executive agency shall—

''(A) maintain adequate inventory controls and accountability systems for property under its control;

''(B) continuously survey property under its control to identify excess property;

''(C) promptly report excess property to the Administrator;

''(D) perform the care and handling of excess property; and

''(E) transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.

''(2) SPECIFIC REQUIREMENTS WITH RESPECT TO REAL PROPERTY.—With respect to real property, each executive agency shall—

''(A) develop and implement a real property plan in order to identify properties to declare as excess using the guidance issued under subsection (a)(1);

''(B) identify and categorize all real property owned, leased, or otherwise managed by the agency;

''(C) establish adequate goals and incentives that lead the agency to reduce excess real property in its inventory; and

''(D) when appropriate, use the authorities in section 572(a)(2)(B) of this title in order to identify and prepare real property to be reported as excess.

''(3) ADDITIONAL REQUIREMENTS.—Each executive agency, as far as practicable, shall—

''(A) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;

''(B) transfer excess property under its control to other Federal agencies and to organizations specified in section 321(c)(2) of this title; and

''(C) obtain excess properties from other Federal agencies to meet mission needs before acquiring non-Federal property.''.

(b) CLERICAL AMENDMENT.—The item relating to section 524 in the table of sections at

the beginning of chapter 5 of such title is amended to read as follows:

''524. Duties of the General Services Administration and executive agencies.''.

SEC. 203. ENHANCED AUTHORITIES WITH REGARD TO PREPARING PROPERTIES TO BE REPORTED AS EXCESS.

Section 572(a)(2) of title 40, United States Code, is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following new subparagraph:

''(B) ADDITIONAL AUTHORITY.—(i) From the fund described in paragraph (1), subject to clause (iv), the Administrator may obligate an amount to pay the direct and indirect costs related to identifying and preparing properties to be reported excess by another agency.

''(ii) The General Services Administration shall be reimbursed from the proceeds of the sale of such properties for such costs.

''(iii) Net proceeds shall be dispersed pursuant to section 571 of this title.

''(iv) The authority under clause (i) to obligate funds to prepare properties to be reported excess does not include the authority to convey such properties by use, sale, lease, exchange, or otherwise, including through leaseback arrangements or service agreements.

''(v) Nothing in this subparagraph is intended to affect subparagraph (D).''.

SEC. 204. ENHANCED AUTHORITIES WITH REGARD TO REVERTED REAL PROPERTY.

(a) AUTHORITY TO PAY EXPENSES RELATED TO REVERTED REAL PROPERTY.—Section 572(a)(2)(A) of title 40, United States Code, is amended by adding at the end the following:

''(iv) The direct and indirect costs associated with the reversion, custody, and disposal of reverted real property.''.

(b) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 550.—Section 550(b)(1) of title 40, United States Code, is amended—

(1) by inserting ''(A)'' after ''(1) IN GENERAL.—''; and

(2) by adding at the end the following: ''If the official, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property, and, subject to subparagraph (B), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

''(B) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 553 and 554 of this title.''.

(c) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 553.—Section 553(e) of title 40, United States Code, is amended—

(1) by inserting ''(1)'' after ''THIS SECTION.—''; and

(2) by adding at the end the following: ''If the Administrator determines that reversion of the property is necessary to enforce compliance with the terms of the conveyance, the Administrator shall take control of such property and, subject to paragraph (2), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

''(2) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 554 of this title.''.

(d) REQUIREMENTS RELATED TO SALES OF REVERTED PROPERTY UNDER SECTION 554.—Section 554(f) of title 40, United States Code, is amended—

(1) by inserting ''(1)'' after ''THIS SECTION.—''; and

(2) by adding at the end the following: ''If the Secretary, in consultation with the Administrator, recommends reversion of the property, the Administrator shall take control of such property and, subject to paragraph (2), sell it at or above appraised fair market value for cash and not by lease, exchange, leaseback arrangements, or service agreements.

''(2) Prior to sale, the Administrator shall make such property available to State and local governments and certain non-profit institutions or organizations pursuant to this section and sections 550 and 553 of this title.''.

SEC. 205. AGENCY RETENTION OF PROCEEDS.

The text of section 571 of title 40, United States Code, is amended to read as follows:

''(a) PROCEEDS FROM TRANSFER OR SALE OF REAL PROPERTY.—Net proceeds described in subsection (d) shall be deposited into the appropriate real property account of the agency that had custody and accountability for the real property at the time the real property is determined to be excess. Such funds shall be expended only for activities as described in section 524(b) of this title and disposal activities, including paying costs incurred by the General Services Administration for any disposal-related activity authorized by this title. Such funds may also be expended by the agency for maintenance and repairs of the agency's real property necessary for its disposal or for the repair or alteration of the agency's other real property. Such funds are available only to the extent and in the amounts provided in annual appropriations Acts, except that such funds shall not be authorized for expenditure in an appropriations Act for any repair or alteration project that is subject to the requirements of section 3307 of this title without a prospectus submitted by the General Services Administration and approved by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

''(b) EFFECT ON OTHER SECTIONS.—Nothing in this section is intended to affect section 572(b), 573, or 574 of this title.

''(c) DISPOSAL AGENCY FOR REVERTED PROPERTY.—For the purposes of this section, for any real property that reverts to the United States under sections 550, 553, and 554 of this title, the General Services Administration, as the disposal agency, shall be treated as the agency with custody and accountability for the real property at the time the real property is determined to be excess.

''(d) NET PROCEEDS.—The net proceeds referred to in subsection (a) are proceeds under this chapter, less expenses of the transfer or disposition as provided in section 572(a) of this title, from a—

''(1) transfer of excess real property to a Federal agency for agency use; or

''(2) sale, lease, or other disposition of surplus real property.

''(e) PROCEEDS FROM TRANSFER OR SALE OF PERSONAL PROPERTY.—(1) Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

''(2) The proceeds described in this paragraph are proceeds under this chapter from—

''(A) a transfer of excess personal property to a Federal agency for agency use; or

''(B) a sale, lease, or other disposition of surplus personal property.

''(3) Subject to regulations under this subtitle, the expenses of the sale of personal property may be paid from the proceeds of sale so that only the net proceeds are deposited in the Treasury. This paragraph applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.''.

SEC. 206. DEMONSTRATION AUTHORITY.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 40, United States Code, is amended by adding at the end the following new section:

''§ 530. Demonstration program of inapplicability of certain requirements of law

''(a) AUTHORITY.—Effective for fiscal years 2011 and 2012, the requirements of section 501(a) of the McKinney Vento Homeless Assistance Act (42 U.S.C. 11411(a)) shall not apply to eligible properties.

''(b) ELIGIBLE PROPERTIES.—A property is eligible for purposes of subsection (a) if it meets both of the following requirements:

''(1) The property is selected for demolition by an agency and is a Federal building or other Federal real property located on land not determined to be excess, for which there is an ongoing Federal need, and not to be used in any lease, exchange, leaseback arrangement, or service agreement.

''(2) The property is—

''(A) located in an area to which the general public is denied access in the interest of national security and where alternative access cannot be provided for the public without compromising national security; or

''(B) the property is—

''(i) uninhabitable;

''(ii) not a housing unit; and

''(iii) selected for demolition by an agency because either—

''(I) the demolition is necessary to further an identified Federal need for which funds have been authorized and appropriated; or

''(II) the property poses risk to human health and safety or has become an attractive nuisance.

''(c) LIMITATIONS.—

''(1) No property of the Department of Veterans Affairs may be considered an eligible property for purposes of subsection (a).

''(2) With respect to an eligible property described in subsection (b), the land underlying the property remains subject to all public benefit requirements and notifications for disposal.

''(d) NOTIFICATION TO CONGRESS.—(1) A list of each eligible property described in subsection (b) that is demolished or scheduled for demolition, by date of demolition or projected demolition date, shall be sent to the congressional committees listed in paragraph (2) and published on the Web site of the General Services Administration biannually beginning 6 months after the date of the enactment of this section.

''(2) The congressional committees listed in this paragraph are as follows:

''(A) The Committee on Oversight and Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

''(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Environment and Public Works of the Senate.

''(e) RELATIONSHIP TO OTHER PROVISIONS OF LAW.—Nothing in this section may be construed as interfering with the requirement

for the submission of a prospectus to Congress as established by section 3307 of this title or for all demolitions to be carried out pursuant to section 527 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 529 the following new item:

''530. Demonstration program of inapplicability of certain requirements of law.''.

SEC. 207. PUBLIC BENEFIT CONVEYANCES.

Nothing in this title or the amendments made by this title shall be construed to modify preferences and priorities for public benefit conveyances to State or local governments or other eligible recipients as authorized under section 550 of title 40, United States Code, or other relevant law.

TITLE III—WAIVER OF RECOVERY OF CERTAIN PAYMENTS UNDER DOD CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM

SEC. 301. AUTHORITY FOR WAIVER OF RECOVERY OF CERTAIN PAYMENTS PREVIOUSLY MADE UNDER DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES VOLUNTARY SEPARATION INCENTIVE PROGRAM.

(a) AUTHORITY FOR WAIVER.—Subject to subsection (c), the Secretary of Defense may waive the requirement under subsection (f)(6)(B) of section 9902 of title 5, United States Code, for repayment to the Department of Defense of a voluntary separation incentive payment made under subsection (f)(1) of such section 9902 in the case of an employee or former employee of the Department of Defense described in subsection (b).

(b) PERSONS COVERED.—Subsection (a) applies to any employee or former employee of the Department of Defense—

(1) who during the period beginning on April 1, 2004, and ending on March 1, 2008, received a voluntary separation incentive payment under subsection (f)(1) of section 9902 of title 5, United States Code;

(2) who was reappointed to a position in the Department of Defense during the period beginning on June 1, 2004, and ending on May 1, 2008; and

(3) who, as determined by the Secretary of Defense—

(A) before accepting the reappointment referred to in paragraph (2), received a written representation from an officer or employee of the Department of Defense that recovery of the amount of the payment referred to in paragraph (1) would not be required or would be waived, and

(B) reasonably relied on that representation in accepting reappointment.

(c) REQUIRED DETERMINATION.—The Secretary of Defense may grant a waiver under subsection (a) in the case of any individual only if the Secretary determines that recovery of the amount of the payment referred to in that subsection would be against equity and good conscience or would be contrary to the best interests of the United States.

(d) REFUND.—At the discretion of the Secretary of Defense, a person who has repaid to the United States all or part of the voluntary separation incentive payment for which repayment is waived under this section may receive a refund of the amount previously repaid to the United States. The Secretary may use funds authorized to be appropriated for civilian personnel for fiscal year 2011 or any year thereafter.

TITLE IV—PAYGO COMPLIANCE

SEC. 401. PAYGO COMPLIANCE.

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

Amend the title so as to read: ''An Act to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from California (Mr. BILBRAY) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 1510, the United States Secret Service Uniformed Division Modernization Act of 2010. The bill was introduced by Senator JOSEPH LIEBERMAN. It passed the Senate by unanimous consent on October 13, 2009. S. 1510 makes a long overdue change by transferring the personnel and pay authorities for the Secret Service's Uniformed Division from the District of Columbia Code to the United States Code. The bill creates a new salary table for the Uniformed Division and also provides the Secret Service with enhanced hiring flexibilities.

S. 1510 deals specifically with the Secret Service's Uniformed Division. There are approximately 1,300 Uniformed Division law enforcement officers who help protect the President, the White House, foreign dignitaries, and mission offices. The Uniformed Division helps provide protective arrangements for the President and other foreign dignitaries at venues around the world. The measure in S. 1510 was endorsed by the Bush and Obama administrations to respond to ongoing concerns about recruitment and retention within the UD.

According to the Secret Service, the Uniformed Division is currently operating under a salary schedule that is out of parity with other Federal police forces. It performs similar protective tasks as Federal police forces but has the additional duties and responsibility of frequent travel in support of the Service's protective mission. In addition, the Uniformed Division has stricter suitability requirements. Every officer must hold a top secret clearance and undergo a polygraph exam. The Secret Service tells us that staffing shortfalls have continued to increase, despite new recruitment initiatives, and these shortfalls result in the Division incurring overtime costs that would not be required if it were at full staffing.

This is an important bill that ultimately will build a better, more effective Uniformed Division. However, there are costs associated with these improvements. CBO estimates that this legislation would increase direct spending by $14 million over 10 years. Under House and statutory PAYGO rules, this direct spending must be offset—and this bill is offset. The Oversight Committee has identified an appropriate set of costs associated with the Secret Service bill. The bill we are considering today will actually result in a small amount of net savings for the government. The savings are captured in title II of the suspension amendment, which would add the text of H.R. 2495 to the Secret Service legislation.

H.R. 2495, or the Federal Real Property Disposal Enhancement Act, which is now title II of S. 1510, will make it easier for Federal agencies to sell property that they no longer need. This addresses a longstanding concern of the Government Accountability Office, the Oversight Committee, as well as both the Bush and Obama administrations.

H.R. 2495 was introduced by Representative DENNIS MOORE of Kansas on May 19, 2009. It enjoys bipartisan support, as similar legislation did in the last Congress. The Oversight Committee approved a similar bill in the 110th Congress, and it also passed by voice vote when it reached the House floor.

Lastly, in addition to strengthening the Secret Service and enhancing government efficiency, this legislation would correct an injustice for approximately 40 individuals who returned to government service after September 11. The provisions in title III authorize the Secretary of Defense to retroactively waive repayment of voluntary separation pay for certain individuals who were reemployed in temporary positions by DOD to help respond to terrorist attacks. Before accepting reemployment, these individuals were assured in writing that they would not be required to repay their separation pay. In making these assurances, the DOD components were apparently following guidance from the Office of Personnel Management on filling emergency positions. Unfortunately, this guidance was not applicable to DOD at that time, and DOD lawyers have determined they do not currently have the authority to retroactively waive the repayment requirement. As a result, even though these individuals received written assurances that they would not be required to repay, the Department has

since taken steps to collect the payments for these individuals. This is an injustice created by bureaucratic error and needs to be corrected. This bill provides the Secretary of Defense with the discretionary authority he needs to waive the repayment requirement for these individuals.

I want to thank Representative HANK JOHNSON and the Armed Services Committee for their work and support on title III of this legislation.

I encourage all Members to support the good government efforts in this legislation. These efforts will strengthen the Secret Service, enhance government efficiency, and correct an injustice for civilian DOD employees.

HOUSE OF REPRESENTATIVES,
HOUSE COMMITTEE ON ARMED SERVICES,
Washington, DC, June 28, 2010.

Hon. EDOLPHUS TOWNS,
Chairman, Committee on Oversight and Government, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN TOWNS: I am writing to you concerning S. 1510, the United States Secret Service Uniformed Division Modernization Act. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on Armed Services.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important resolution, I am willing to waive this committee's right to jurisdiction. I do so with the understanding that by waiving consideration of the resolution, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

Please place this letter into the committee report on S. 1510 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, June 28, 2010.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding S. 1510, the United States Secret Service Uniformed Division Modernization Act.

I appreciate your willingness to work cooperatively on this legislation and I recognize that the Oversight Committee's floor amendment to this bill contains provisions that fall within the jurisdiction of the Committee on Armed Services. I agree that your inaction with respect to this bill does not prejudice the House Armed Services Committee's interests and prerogatives regarding this bill or similar legislation.

I will ensure that our exchange of letters is included in the Congressional Record during consideration on the House Floor of S. 1510.

Sincerely,

EDOLPHUS TOWNS,
Chairman.

I reserve the balance of my time.

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

Mr. Speaker, I compliment the author of this bill. It is one where priorities are being made. It may be small in the bigger picture, but at least the priority is being made. Right now, we're talking about that we have a need in this country to help enhance the compensation for some very critical public servants—not just us personally, but for the country at large.

The fact is, this bill will create a $15 million savings by looking at surplus property that the taxpayers not only own but have to maintain at this time. Sadly, Mr. Speaker, that $15 million is a drop in the bucket of what we could be doing. As the Office of Management and Budget estimated, the Federal Government has $18 billion worth of real property it does not need, and rather than selling this property or marketing it, we usually give it away one way or the other to local governments, States, or nonprofits, rather than getting the fair market value.

I know historically we have always taken this attitude of, if the Federal Government can't use it, let's give it to somebody else. But I think we all agree with the budget crisis the way it is, we need to rethink those priorities and make sure that we recognize that the Federal Government is not in the position of giving their largesse out to other governments or nonprofits.

I have to remind all of us that this bill does make that priority decision. Instead of issuing it to other governments or to nonprofits, it says we need the money within the Federal family, and thus we will liquidate this asset and create the revenue so we can spend it at another location which is a higher priority.

I join in supporting this bill. I think that it sets an example that we should all be looking at, and that is: As we take this step, the question will be, If $15 million is a good idea, where do we go when we're looking at the $18 billion that is out there? I think most of us on Government Oversight, especially on the subcommittee that I have the privilege of being the ranking member on, Organization and Procurement, not only have a right, but a responsibility, to take a look at where else do we have resources that are not being tapped for the American people. Where else should we be liquidating our real estate and putting it back into the private market and allowing it to do the magic that the private sector has done for this country for so long? And how much longer will we horde this real estate when we do not have a foreseen or foreseeable use for it?

Mr. Speaker, I join in not only providing the resources to be able to pay our men and women who protect us every day, but I also join in a policy that says we will now look at the resources of the American people as being that of the American people as a general welfare issue and that we will look at how best to be able to pay our bills with the resources we can generate by liquidating unneeded assets.

Mr. Speaker, I think that Mr. CHAFFETZ of Utah just 2 weeks ago brought up a bill that looked a lot like this. I know this body did not support his bill to go after and try to create that $18 billion fund for the American people, but I think this bill gives us something we can work with, following the leadership of the gentleman from Utah, and that is, Let's take a look like any family is doing today—what do we own that we do not think we can use, and how do we liquidate that so we can get the resources and the funds that we desperately need to pay our bills?

So at this time I would again encourage my colleagues to join with us in passing this bill.

I yield back the balance of my time.

□ 1500

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I, first of all, want to thank the gentlewoman from the District of Columbia for yielding.

Mr. Speaker, I rise to support the United States Secret Service Uniform Division Modernization Act, but I also rise today to congratulate the Chicago Blackhawks on their Stanley Cup win over the Philadelphia Flyers. As every sports fan in Chicago knows, the Hawks are proud to share the United Center which is in the heart of my district with that other historic team known as the Bulls. Mr. Speaker, as my daddy used to say: ''Life is 95 percent anticipation.'' Or to use the words of the great American balladeer Bruce Springsteen: ''It's been a long time comin', my dear. It's been a long time comin', but now it's here.''

Hockey doesn't always get its due share of attention in many parts of America, but some of the most memorable moments in sports are found in hockey. Mr. Speaker, who doesn't know of the ''Miracle on Ice'' during the 1980 Winter Olympics at Lake Placid, New York, where Team USA defeated the Soviet team which was considered the best in the world. Well, Mr. Speaker, this year's Stanley Cup winner, the Chicago Blackhawks, were like Team USA, the underdogs, the David to the Goliaths of Philadelphia. We weren't the fastest or the highest-scoring team. But what we had was grit, drive, courage, determination, and vision to go with the fired-up fan base.

This is the first Stanley Cup win for the Blackhawks since 1961. The Blackhawks' recent victory has inspired all of Chicago and aroused fans of the team to a fever pitch. Chicago is red and black all over. The Hawks dominated because of their perseverance, hard work, and dedication to the

sport. Johann Gottfried Herder once said, ''What destiny sends, bear. Whatever perseveres will be crowned.'' The Blackhawks have persevered and have been rightly crowned.

I congratulate the Blackhawks' head coach Joel Quenneville for giving his team direction and instilling the determination necessary to achieve this well-deserved victory. And while handing out congratulations, let us not forget the Blackhawks' team captain Jonathan Toews. The youngest Mr. Toews possesses superior leadership skills and ability and was able to guide his team through to victory.

So I thank, again, the gentlewoman from the District of Columbia for yielding. I was rushing hard to try to get here before this ended because I am, indeed, proud to represent the world-famous, world-known, world-renowned Chicago Blackhawks who make up a part of the heart and the spirit of the congressional district that I have the good fortune to represent.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to express my support for S. 1510, the United States Secret Service Uniformed Division Modernization Act. I support the underlying bill but I want to highlight language that would allow the Department of Defense to waive, on a case by case basis, repayment of Voluntary Separation Pay for certain individuals. I worked on this issue during the National Defense Authorization Act markup and am pleased that the House will approve this important language within this bill.

Many individuals, who had voluntarily retired, responded to their country's call and returned to service at DOD following 9/11, and several more returned following Hurricane Katrina. According to the House Armed Services Committee, an estimated 22 individuals would benefit from this language in my home State of Georgia, and an estimated 40 individuals would benefit across the nation.

Current law allows the Department of Defense to offer voluntary separation incentive pay for individuals to voluntarily retire. If an employee receives this separation pay and returns to federal service within 5 years, the individual must repay the amount received—unless the individual is considered to be the only qualified applicant available for the position. Before being rehired, these individuals were assured that they would not have to repay the VSIP—because their country needed them. This language provides short-term, limited authority to the Secretary of Defense to waive on a case-by-case basis repayment of the separation pay.

This limited, case-by-case waiver authority, meets the objectives of the Civilian Human Resources Strategic Plan to: "provide effective policies and programs related to stability of employment that support management's ability to restructure organizations while retaining needed skills of affected employees and accommodating their needs in an efficient and humane manner."

Passage of this bill, with this language, will ensure that those heroic Americans, who responded to their country's call to duty, are not penalized. I urge my colleagues to support this bill.

Ms. NORTON. Mr. Speaker, in closing, I would like to reiterate my strong support for S. 1510, as amended. The bill is PAYGO-neutral. It makes important improvements that will strengthen the Secret Service. It improves government efficiency and helps a handful of DOD civilian employees who have been wronged. I encourage all Members to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, S. 1510, as amended.

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

A motion to reconsider was laid on the table.

PAULA HAWKINS POST OFFICE BUILDING

Ms. NORTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5395) to designate the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5395

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

SECTION 1. PAULA HAWKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, shall be known and designated as the ''Paula Hawkins Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Paula Hawkins Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Florida (Mr. MICA) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

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

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

There was no objection.

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

On behalf of the Committee on Oversight and Government Reform, I am pleased to present H.R. 5395 for consideration. This measure designates the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the Paula Hawkins Post Office Building. H.R. 5395 was introduced by our colleague, the gentleman from Florida, Representative JOHN MICA, on May 25, 2010. It was referred to the Committee on Oversight and Government Reform which waived consideration of the measure to expedite its consideration on the floor today. It enjoys the support of the entire Florida delegation.

Paula Hawkins was a Republican Member of Congress who served a single term as a Senator from Florida, fighting to protect children and blazing a trail for women. Paula Hawkins was born on January 24, 1927, in Salt Lake City and passed away on December 3, 2009, at the age of 82. Paula Hawkins was the eldest of three children born to Paul, a naval chief warrant officer, and Leone Fickes. In 1934, the family moved to Atlanta, where her father taught at Georgia Tech. Her parents split when Paula was in high school, and Leone and the children returned to Utah. She finished high school at Richmond, Utah, in 1944, then enrolled at Utah State University. On September 5, 1947, Paula Fickes and Walter Eugene Hawkins were married and moved to Atlanta. The couple had three children before moving to Winter Park, Florida, in 1955, where Paula Hawkins became a community activist and Republican volunteer.

Ms. Hawkins was the first woman elected to a full Senate term without being preceded in politics by a husband or father. She was also the first woman to be a Senator from Florida. While in the Senate, she was the leading sponsor of the Missing Children's Act of 1982, which requires the Federal Bureau of Investigation to enter descriptive information on missing children into a national computer database that can be used by law enforcement agencies across the country.

With incredible courage, she shocked her colleagues by disclosing in a congressional hearing that she had been molested as a child by a neighbor. Besides her daughter Genean and her husband, both of Winter Park, her survivors include another daughter, Kelly McCoy, also of Winter Park; a son, Kevin, of Denver; a sister, Carole Fickes of Sacramento; 11 grandchildren; and 10 great grandchildren. Paula Hawkins was truly an inspiration to Members of Congress and to women everywhere. I therefore urge my colleagues to join me in supporting this measure.

I reserve the balance of my time.

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

Mr. Speaker, I am very pleased that Ms. NORTON, the gentlelady from the District of Columbia, is here today. She chairs one of the important subcommittees of Oversight and Government Reform. It's been my honor to

serve on that committee for some 18 years. I think most of that time she has been here and has done a great job in representing the citizens of the District of Columbia.

Paula Hawkins would be very proud that Ms. NORTON is here today; and I have served with the two of those individuals, both Paula Hawkins and ELEANOR NORTON. There are many similarities. They are very determined women, very accomplished women, and women who love the people they represent and do a great service for them.

I had the distinction of being the chief of staff for Senator Hawkins from 1980 to 1985. Before that, I knew her in Florida in the community of Maitland. I lived in Maitland Shores. She lived down the street in the city of Maitland. Paula Hawkins was a wonderful lady, a great human being, a patriot, and she really broke a number of the glass ceilings and barriers for women.

I might say, among her accomplishments, she was the first woman elected statewide in the history of the State of Florida, and she did that on her own. She started, actually, in her community, working on some local issues, and she took those local issues to her fellow citizens at city hall. She had their voices heard. And she wasn't elected to any position, just an active community leader. From that, she ran unsuccessfully for the State legislature. But when people saw her talent, they knew that this individual was a fighter for the people.

In fact, she gained the reputation when she got elected statewide to the first office as the ''fighting housewife,'' ''the Maitland housewife.'' She was known affectionately as ''the Fighting Maitland housewife'' during her entire lifetime, even when she was a Member of the United States Senate because she fought for the people in her community, and she didn't take any hostages. She represented them well. She had her principles, and she had her philosophy. She never wavered. I think her personal morality—she is a member of the Church of Latter-day Saints, a Mormon, strong in her beliefs, strong in her philosophy, and I think that was also a guiding light for Paula Hawkins.

Along her side during that entire journey was a wonderful individual, Gene Hawkins. Gene survived her. She passed away, as Ms. NORTON said, December 3 of last year, but her memory and her achievements do live on. Not only, as you heard Ms. NORTON describe, was she elected statewide in the State of Florida, but also was the first United States female Senator in her own right—no family member preceded her—and that was quite an accomplishment. We think that now, some 30 years ago; but it was an accomplishment even in 1980 when she achieved it.

When she came to Congress, she set her path, and she had her priorities, and one of those priorities were our children and youth. In fact, they committed to her care a committee that was called, I believe, Family, Youth and Drugs because she was interested in family, she was interested in youth, and she was very dedicated to doing away with the scourge of illegal narcotics.

Now, some people who get involved in committee work make their mark. Paula Hawkins set the mark. She passed, as everyone knows in the country, the national missing children's legislation. She knew that missing and exploited children were a national problem, but not a national priority. I remember when she said, It's amazing that an automobile, a refrigerator can be quickly identified by our law enforcement folks but missing children could not. So she set up the mechanism that long survives her in a national missing children's center that President Reagan opened on June 13, 1984.

□ 1515

There are many accomplishments too, and I'm anxious for this legislation to be heard in the other body. Simple things like there wasn't a Senate daycare center, and that daycare center is still operating today. So not just Members of the Senate—and many of them are far beyond the age of having children eligible for daycare—but there are many hundreds of employees and staff who do have young children, and Paula Hawkins saw that their needs were taken care of. Just a small thing.

There's dramatic legislation. Most people would never know today, almost all of the labor legislation—she was on the Labor Committee in the Senate. But it was interesting to watch her because, being a male and, you know, sometimes men think a little bit differently than women. You don't think of all the problems that women have. And at that point in life, she became their champion.

So the labor laws in this country even today reflect her influence, simple things like trying to make certain that a single woman had some way to get to work, some simple way to care for the child, some consideration for the special concerns and needs of women who want to be productive in our society. And even the laws today have the mark of a great United States Senator.

So, today I know many people are focused on the death and loss of Senator BYRD, and many of us who got to know him mourn his loss and his many contributions. Paula Hawkins wasn't here as many terms as Senator BYRD. He was here for nearly half a century. Paula Hawkins was here for only one term, but her deeds and her good works prevail even to this day.

So to her husband, Gene, to her daughters, Genean and to Kelly and to Kevin, her son, we're excited about having in their community, in Paula's community, the Maitland Post Office just down the street from where she lived for many years, a small remembrance. And it is fitting that when we do remember folks like Senator Hawkins, that the public can enjoy their memory. So on the Maitland Post Office will be a plaque dedicating that building and that postal facility to the memory of a great American leader, former United States Senator Paula Hawkins.

I reserve the balance of my time.

Ms. NORTON. I thank the gentleman from Florida for his kind and generous comparison of my service with that of Paula Hawkins. She was much admired for the breakthroughs that her service represented.

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

Mr. MICA. I yield myself the balance of my time.

Again, I am pleased that Ms. NORTON would be here today and honor the memory of my friend. I had the opportunity, as I say, to have worked with Senator Hawkins, both as she built the Florida Republican Party from precinct to the State level, as she built her reputation and service to not only the community of Maitland, of Winter Park, central Florida, Florida, the State, and the Nation, but it is fitting that we do take this step today to name this structure in her honor, a small token of our appreciation for her dedication, her service, her patriotism.

In closing, let me just say that the gentlelady from the District of Columbia probably knows some about my traits. But I have to tell her, in closing, that the one thing I learned from Senator Paula Hawkins is persistence. It beats power. It beats position. It beats wealth. It beats all the cards that may be dealt to you in a positive or negative fashion. But persistence, and I think the gentlelady knows what I mean, that I am a persistent person, and now she knows the rest of the story as to where that persistence came. And it was from the lady we honor here today, Senator Paula Hawkins.

I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, today, I rise in support of legislation to honor Senator Paula Hawkins by designating the facility of the United States Postal Service located at 151 North Maitland Avenue in Maitland, Florida, as the ''Paula Hawkins Post Office Building.''

Senator Hawkins was born in Salt Lake City, Utah on January 24th, 1927 where she attended Utah State University. In 1947 she moved with her husband to Atlanta, Georgia, before finally relocating to Winter Park, Florida, in 1955 where she became active in local politics.

In 1972, she became the first woman elected to statewide office in Florida by winning a seat on the Florida Public Service Commission. After years of hard work and dedication, she ran for the U.S. Senate in 1980 and won,

becoming the first woman to be elected to the U.S. Senate with no previous familial ties to the institution.

Serving a 6-year term in the Senate, Senator Hawkins worked hard to defend abused children, fought drugs, championed stay-at-home mothers and fought for freedom across the globe. Her signature pieces of legislation were the Missing Children's Assistance Act and the creation of the National Center for Missing and Exploited Children.

We lost Senator Paula Hawkins this past December. On behalf of the Florida delegation, I would like to express my condolences to her family and friends. For her contributions as a Senator and her hard work for the State of Florida and the Nation, I rise in remembrance of the late Senator Paula Hawkins and also to express my support for this legislation in her honor.

Ms. NORTON. Mr. Speaker, I can only say that the gentleman from Florida learned all too well the lessons of persistence from Senator Paula Hawkins. And may I say, as well, whenever the gentleman from Florida is right in his persistence, he will find the gentlewoman from the District of Columbia right there beside him and in his corner.

Mr. Speaker, I again urge my colleagues to join me in supporting this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 5395.

The question was taken.

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

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

The yeas and nays were ordered.

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, June 28, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 28, 2010 at 9:26 a.m.:

That the Senate passed S. 3104.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

RECESS

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

Accordingly (at 3 o'clock and 22 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1806

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURPHY of New York) at 6 o'clock and 6 minutes p.m.

HOUR OF MEETING ON TOMORROW

Mr. OBEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9:30 a.m. tomorrow for morning-hour debate and 10:30 a.m. for legislative business.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 28, 2010.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 28, 2010 at 5:50 p.m.:

That the Senate agreed to S. Res. 568.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER.

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.

RECOGNIZING THE SERVICE OF COLONEL ED JACKSON, COMMANDER OF THE LITTLE ROCK DISTRICT OF THE U.S. ARMY CORPS OF ENGINEERS

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

Mr. BOOZMAN. Mr. Speaker, as the ranking member on the Subcommittee on Water Resources, I rise today to thank Colonel Ed Jackson, Commander of the Little Rock District of the U.S. Army Corps of Engineers, for his service, especially his last 3 years in Little Rock.

Colonel Jackson has provided forward-thinking and visionary leadership for an organization with a complex mission. This mission includes the planning and management of civil works projects ranging from navigation, flood control, and hydroelectric power to recreation, water supply, environmental protection, and fish and wildlife mitigation.

Most importantly, during Colonel Jackson's time at Little Rock, his team members have provided vital support to our warfighters deployed on the front lines in Afghanistan and Iraq. Colonel Jackson has firsthand experience with the dangers confronted by our soldiers, sailors, airmen, and marines, because he commanded the 54th Engineer Battalion during a year-long deployment in support of Operation Iraqi Freedom.

Colonel Jackson's time at Little Rock has included several serious challenges. The district has worked to reduce flood damage and repair public infrastructure affected by serious natural disasters and the effects of age. The district has strengthened its partnership with the Tulsa District in the management and improvement of the Arkansas River Navigation System, a vital transportation corridor of national economic significance.

Finally, the district is carrying out an aggressive plan to ensure that numerous projects to provide jobs and encourage economic development are carried out as quickly as possible in partnership with State and local sponsors. All of this is thanks to the steadfast and reliable leadership of Colonel Jackson.

The colonel has also made improved communication with the public a high priority, reflecting his understanding that we must be helpful and available to citizens as well as elected leaders, including State and local officials. Following floods in early 2008, the colonel recognized that the district needed to improve communication and coordination with local first responders, and the colonel implemented regularly scheduled meetings to ensure disaster preparedness will be a higher priority moving forward.

As Colonel Jackson leaves the Little Rock District, he leaves behind a united civilian leadership team, high morale among the district team leaders, a legacy focusing on and responding to the concerns of citizens and stakeholders alike. For the many successes which his team have accomplished, they can be very, very proud.

As Colonel Jackson moves on to his next assignment, I am confident that he will continue to render honorable and exemplary service to our country.

RECLAIMING THE MIDDLE GROUND ON GUN OWNERSHIP

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

Mr. QUIGLEY. Mr. Speaker, today the Supreme Court affirmed sensible restrictions on gun ownership are constitutional. When the Supreme Court struck down Chicago's gun ban earlier today, it reiterated that communities can keep guns away from schools and out of the hands of felons and terrorists. But, today, the gun show loophole makes a mockery of sensible prohibitions like these.

As the recent Pentagon shooting illustrates, terrorists can still easily gain access to firearms. A recent gun show audit conducted revealed that 74 percent of sellers approached by investigators completed sales to people who appeared to be criminals or straw purchasers. This is unacceptable. It is time to close the gun show loophole.

Today's decision puts to rest the tired argument that any sensible gun control restriction is a slippery slope toward the revocation of all gun-owning rights. There has never been a better time for this Congress to reclaim the middle ground and stop giving terrorists unlimited access to unlimited firepower.

□ 1815

TRIBUTE TO LANCE CORPORAL GARRETT GAMBLE

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

Mr. OLSON. Mr. Speaker, I rise today to pay tribute to Marine Lance Corporal Garrett Gamble, who was killed on March 11 while patrolling during combat operations in Helmand Province in Afghanistan. Garrett was a 2008 graduate of Stephen F. Austin High in Sugar Land, Texas. He was assigned to the 2nd Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina.

Garrett was a sportsman and a hockey player—that's right; a hockey player in Sugar Land, Texas—who first considered joining the Marines while a junior in high school. He was known for his big personality, his sense of adventure, and his tender heart. Friends who knew him spoke of his never-ending positive spirit and ability to make the best of a bad situation. He always put others before himself, and did so with a smile on his face and a kind word for those around him.

Garrett's mother, Michelle, shared with me a powerful story she learned about her son after his death. She was told that when he was a freshman in high school, he took it upon himself to call the mother of a student he knew to tell her that he was worried about her son. He was concerned that her son was headed down a bad path, and he wanted her to know. Garrett never told his mom that he did that, but it made a difference in the life of another young man.

How many times have each of us had an opportunity to make a difference? Do we always seize that opportunity? Garrett Gamble not only acted on those opportunities, but touched the lives of everyone around him.

This is posted on a Facebook page dedicated to Garrett and speaks to his character. ''Whether in Sugar Land, Jacksonville, or Helmand, Lance Corporal Garrett W. Gamble approached life with enthusiasm. He was caring, kind, and fun to be around, but he took his job as a U.S. Marine very seriously.

''Garrett spent a lot of time 'outside the wire,' and yesterday, that's where he laid down his life so that we may live in liberty. Thank you, Garrett, for the precious gift of freedom. May you rest in peace with our Lord, and may God's angels surround your family until you are reunited. Sincerely, Pat.''

I'd like to close by reading a poem that Garrett's family and friends say epitomizes who he was. It's called ''Ode to a Marine, Dedicated to all Marines, Past and Present.'' It's by Jeannie Salinski.

In a crowd you're bound to spot him,
He's standing so very tall
Not too much impresses him;
He's seen and done it all.
His hair is short, his eyes are sharp,
But his smile's a little blue.
It's the only indication
Of the hell that he's gone through.
He belongs to a sacred brotherhood,
Always faithful 'til the end.
He has walked right into battle
And walked back out again.
Many people think him foolish
For having no regrets
About having lived through many times
Others would forget.
He's the first to go and last to know,
But never questions why,
On whether it is right or wrong,
But only do or die.
He walks the path most won't take
He's lost much along the way,
But he thinks a lot of freedom,
It's a small price to pay.
Yes, he has chosen to live a life
Off the beaten track,
Knowing well each time he's called,
He might not make it back.
So, next time you see a Devil Dog
Standing proud and true,
Be grateful for all he's given;
He's given it for you.
Don't go and ask him
What's it like to be in a war;
Just thank God that it's your country
He's always fighting for.
And thank him too for all the hell
He's seen in that shade of green,
Thank him for having the guts
To be a United States Marine.

Mr. Speaker, America cannot repay the debt we owe Garrett Gamble. But we can say thank you for his selfless commitment to serve our Nation and thank you to his family for raising such a strong, wonderful Marine. Lance Corporal Garrett Gamble is a true American hero—an ordinary American who did extraordinary things with a short life. A grateful Nation says thank you, Semper Fi, and God bless.

FUTURE OF AMERICAN SPACE EXPLORATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. I appreciate the opportunity of being here this morning on one of the days when obviously our time management skills are not perhaps the greatest, but it still is nonetheless an opportunity to speak on this floor before you, Mr. Speaker, on a couple of issues that are significant. I appreciate also that I will be joined by my good friend from Texas, who just spoke so eloquently about one of those who has given his all for all of us and how grateful we are for this family and this particular individual.

I think we're going to be hitting several different themes this evening as we talk about the future of this country, especially as it deals with space. And here, once again, I'm grateful the gentleman from Texas is here because Mr. OLSON has indeed been a leader in this particular issue in charting the future of America as far as space policy will be.

It is very easy in this environment to try and focus, first of all, on jobs. I think we will. Because, indeed, as this particular administration is going to begin their summer of recovery tour in which they will be touting the kinds of jobs that will be created to try and change the economic future this country is currently in, it seems almost ironic that administrative policies, especially with NASA, are going to create a vast amount of unemployed individuals—up to 30,000 individuals who will receive their pink slips and be unemployed specifically because of policies initiated by this administration and the current leadership in NASA. It's at least ironic, but we will be talking about that. However, we want to go beyond that because if you're dealing with simply jobs, that can be a very parochial issue. We're also dealing with the future of space and the importance of space. And, clearly, if indeed this administration and the leaders of NASA today seem to be de-emphasizing the role of space in our future, other nations are not. The Russians, the Chinese, even the Indian government and

the Japanese government have a unique interest in taking our position in the leadership role of space exploration. That's another issue I think we will be talking about.

I also want to make sure that we illustrate how sometimes there are unintended consequences in our actions. This administration and, once again, NASA's leadership did not take into effect the consequences of their program changes and the consequences that would have specifically related to our military preparedness, for indeed one of the things we have to realize is that the component pieces that go into the missiles that shoot somebody to the Moon are the same component pieces that go into missiles that shoot down rockets from our adversaries Iran or North Korea, and that if you harm the industrial base that creates one program, you harm the industrial base that creates the other program, and that gives us some pause to think what we're doing on the defense side of this country, which is clearly one of the few roles specifically given to Congress in the Constitution. Finally, I think I'd like to talk some about a communique that came out from the administration today as to their future in space, and say that some of the platitudes that are very nicely written in this communique are contradictory to the actions that indeed take place.

So with that, Mr. Speaker, I think if the gentleman from Texas is prepared to lead off, I would like to turn over as much time to Mr. OLSON from Texas, who, as I said, has for quite a while been the organizer and the leader of this effort to try and explore what this administration is doing, and maybe make some corrections, as is the role and responsibility of Congress dealing with space. Then I will be happy to make some remarks after the gentleman from Texas has completed.

Mr. OLSON. I want to thank my colleague from Utah for allowing me to speak a little bit on an incredibly important issue to our Nation's future. Five months ago, the Obama administration proposed NASA's budget for fiscal year 2011. The proposal included surprisingly drastic decisions just out of the blue to cancel the Constellation program, NASA's follow-on to the space shuttle. Constellation will provide a means and a service to utilize the International Space Station for as long as it needs to—plus, to go beyond low Earth orbit, go to the Moon and beyond. I believed at the time that such a dramatic reversal risks ceding American leadership in human space flight for the future. A lot has transpired since those 5 months, but I still believe canceling the Constellation presents more risks than rewards, creates more challenges than solutions, and raises more questions than it provides answers.

The fact that NASA and the administration cannot or will not provide cogent, comprehensive details related to such a radical policy change should alarm every Member of Congress. My colleagues and I are mainly concerned about our ability to maintain and utilize the international space station; the impact on the aerospace industrial base and our highly skilled workforce, as my colleague from Utah alluded to; and the financial, programmatic, and crew-safety risk of reliance on unidentified commercial crew vehicles. These concerns have not been adequately addressed by the administration. And I've long supported a balanced program that combines Constellation with an increasing role for the commercial sector, beginning with cargo flights to the space station and, over time, evolving to crewed missions. And I will continue to do so.

I'm not alone in advocating this balanced approach. As the heralded Augustine Commission report, when it was released, said that over time, within the aerospace community—even they, even the Augustine report, did not advocate canceling the Constellation. I still believe that this balance exists between government and commercial space. It can exist. And within the budget that's been proposed. Both of these sectors have experienced tremendous successes over the past months—notably the Orion pad abort test in May and the Falcon 9 launch just last month. Yet, rather than focus on the vital elements to maintain American leadership in space, the administration and NASA are distracted with programs that seem to spend money on anything but space.

Many of us are astonished by the misplaced priorities within NASA's budget. Instead of building and testing flight hardware, NASA proposes spending $1.9 billion to cancel Constellation contracts. Even now, NASA's selective enforcement of a termination liability provision for Constellation contracts is prematurely triggering layoffs across the country. It's been determined that somewhere between 20,000 and 30,000 jobs could be lost nationwide as a result. And we're not just losing jobs. We're losing American know-how. We're losing capabilities and expertise that will be difficult and costly to get back if and when our Nation decides that it wants to explore again. Our space program does not employ people; it invests in them. And, by doing so, we strengthen our Nation's security and our economic well-being.

As if to add insult to injury, last Friday the administration came forward with a request to transfer $100 million of NASA's already limited resources to the Labor and Commerce Departments to funds an interagency task force to spur ''regional economic growth and job creation.'' Our Nation's best and brightest engineers and technicians don't want or need an interagency task force. They'd much rather be retained and put to use with the critical skills building and flying American-built spacecraft. The administration claims to have focused on jobs, jobs, jobs. Yet it fails to recognize the destructive impact of canceling Constellation and shifting $100 million to the Labor and Commerce Departments.

So as we look forward to the next 6 critical months, there are some things we must do. We must get answers from the administration. We in Congress must recognize the impacts on our workforce and our infrastructure. We must pass an authorization bill. And, perhaps most importantly, we must ensure that the final flights of the space shuttle and the continuous operation of the space station are done safely and successfully.

□ 1830

I am both humbled and inspired that while men and women in our human space flight programs watch us debate and question whether jobs will exist, they continue to excel and drive our Nation towards new achievements in space. Their focus, their sacrifice, their dedication and that of the men and women who came before them have enabled the United States to be the global leader in human space flight. Let us work to keep it that way.

If my colleague from Utah would let me, I would like to read this just to show you how important it is to the American people and some of the people that are opposed to the administration's plan. This is the letter that ran in the Orlando Sentinel prior to the President's speech in Florida on April 15. And I think it's worth reading because our Nation's experts and heroes in human space flight, this is how they feel about this administration's budget proposal:

''Dear President Obama, America is faced with the near simultaneous ending of the shuttle program and your recent budget proposal to cancel the Constellation program. This is wrong for our country for many reasons. We are very concerned about America ceding its hard-earned global leadership in space technology to other nations. We are stunned that, in a time of economic crisis, this move will force as many as 30,000 irreplaceable engineers and managers out of the space industry. We see our human exploration program, one of the most inspirational tools to promote science, technology, engineering and math to our young people, being reduced to mediocrity. NASA's human space program has inspired awe and wonder in all ages by pursuing the American tradition of exploring the unknown.

''We strongly urge you to drop this misguided proposal that forces NASA out of human space operations for the foreseeable future. For those of us who have accepted the risk and dedicated a portion of our lives to the exploration

of outer space, this is a terrible decision. Our experiences were made possible by the efforts of thousands who were similarly dedicated to the exploration of the last frontier. Success in this great national adventure was predicated on well-defined programs, an unwavering national commitment, and an ambitious challenge. We understand there are risks involved in space flight, but they are calculated risks for worthy goals whose benefits greatly exceed those risks.

''America's greatness lies in her people. She will always have men and women willing to ride rockets into the heavens. America's challenge is to match their bravery and acceptance of risk with specific plans and goals worthy of their commitment. NASA must continue at the frontiers of human space exploration in order to develop the technology and set the standards of excellence that will enable commercial space ventures to eventually succeed. Canceling NASA's human space operations after 50 years of unparalleled achievement makes that objective impossible.

''One of the greatest fears of any generation is not leaving things better for the young people of the next. In the area of human space flight, we are about to realize that fear. Your NASA budget proposal raises more questions about our future in space than it answers. Too many men and women have worked too hard and sacrificed too much to achieve America's preeminence in space, only to see that effort needlessly thrown away. We urge you to demonstrate the vision and determination necessary to keep our Nation at the forefront of human space exploration with ambitious goals and the proper resources to see them through. This is not the time to abandon the promise of the space frontier for a lack of will or an unwillingness to pay the price.

''Sincerely, in the hopes of continued American leadership in human space exploration.'' The letter was signed by approximately 37 astronauts who span all of our main human space flight programs, from Mercury, Gemini, Apollo, Skylab, Apollo-Soyuz, shuttle station. This is a powerful argument, my friend, as to what we're doing, and what we're doing here is wrong for our country's future. We need to develop the Constellation. We need to get beyond low Earth orbit; and we need to explore, explore like Americans have been doing ever since our forefathers left their homes to come to this country.

Mr. BISHOP of Utah. I appreciate the gentleman from Texas, the points that he made and especially the poignant letter that came out and illustrating how the overwhelming majority—in fact, I would say almost all but one—of our retired astronaut core feels very strongly that Constellation was the right approach for this country to do and that we should continue on with that particular approach.

I would like to go back to a couple of points. I hope I am not redundant, but I think they are significant enough that even if we say them a second time, it's important. And I would hope the gentleman from Texas would stay here and try to fill in the blanks where I miss those, if we could.

There was quick mention, once again, as I said, on the jobs that we are talking about here. The Vice President recently sent out a press release, announcing that he was going on his summer tour to tout the ''Summer of Recovery.'' Now, amongst the bullet points that they put in that press release was that this administration would be proposing programs to build up to 30,000 miles of new roads, up to 2,000 new water programs, up to 80,000 homes that might be weatherized, 800 jobs here, some there, asking this country to add a nongermane issue to the military supplemental to try to protect government worker jobs.

And I just find that so ironic, as was mentioned, that at the same time we were doing that, the policies of this administration with regard to NASA contract jobs would take between 20,000 and 30,000 people who are part of the private sector, who are doing these jobs well—many of them being scientists and engineers—and they're basically giving them the pink slip at the same time we talk about how we're trying to build jobs in some other way. It simply does not compute that that is the way we're doing it.

I readily admit, some of these jobs that have been threatened and have been lost are personal friends and neighbors of mine. I shared a picture with General Bolden, who is the head of NASA, at one of our committee hearings of a personal friend who has spent 26 years dealing with procurement issues at one of the companies, who is just in his mid-fifties and was just released simply because this is the policy of this particular administration. And I would love to be able to go to him and say, Ray, the reason that your job was terminated was because the government decided to try to save money. The problem is, none of these jobs that are going to be eliminated save the government a dime.

In fact, it is true that this administration is asking for a $6 billion increase in the NASA budget even though they are going to be stopping the manned space program and throwing up to 30,000 high-paying jobs, employees who have proven their worth for years and years, throwing them out. There are some people who said, Well, the new programs would create new jobs within the NASA-private sector relationship. Yet the most they're talking about there is maybe up to 10,000 jobs to be offset by the 30,000 that we're losing? That's a three-to-one loss in the process that is there.

For a fraction of that $6 billion of new additional money above and beyond what we're already spending to be focused directly on Constellation, we could continue this program to a successful conclusion. And once again, jobs, I recognize, are parochial. I am part of that situation. But it seems ironic that in an era in which we're talking about jobs and job creation and more jobs and job creation and realizing that we're never going to get out of these economic doldrums that we're in until we actually do have jobs, we, as a government, are having a policy to try to throw out 30,000 workers who have proven their net, who have proven their worth and are moving this country forward. It just flat out does not make sense.

Mr. OLSON. If my colleague would yield, you're right: it absolutely doesn't make sense. And these just aren't some engineers who have just been doing it for a passing amount of time. These are the best in the world at what they do. These are the rocket scientists of America who led our dominance in human space flight. They have been the best for 50 years. Having been a naval officer, one thing I can tell you, in government agencies like NASA, like the military, you depend on your people to pass down their information to the young people coming up, the new generations who take that information, take that knowledge and exploit it and develop even better vehicles, better space exploration. We're going to lose that. These people are going to walk out the door and take that expertise with them.

If we try to decide as a Nation that we want to rebuild that at some point in the future, we're not going to be able to do it. Those people are going to be gone, and we are going to have to start over from scratch and teach a new generation of young Americans the lessons we learned from going to the Moon and spending 6 months in orbit at the space station. We've learned those things.

And I agree with you on the terms of the priority of the budget. This is the second largest cut in the entire budget, the Constellation program. I mean, that is the largest cut. So you figure, okay, if we're going to cut this money out of the budget, we're cutting the funding to the agency. No, as my colleague alluded to, we're actually giving $6 billion over a 5-year period to develop global warming research, to transition to these commercial launch vehicles. And I think our priorities are just wrong here. They're wrong for, certainly, our workforce; but they're wrong for America.

One thing I would like to mention too that's hard to put a dollar value on, but the ability of human space flight to inspire youth, to get these jobs, to become astronauts and to pursue the

American Dream. I mean, I can tell you as a kid who grew up about a mile and a half from the Johnson Space Center, whose Little League football coach was Joe Engle, the pilot of the second space shuttle, and just growing up in that environment, how much those men and women inspired us, my schoolmates, to want to be astronauts, to want to be part of that. And that still exists today. I see it all around my district.

The administration doesn't seem to realize all the implications of killing this budget. We're killing 30,000 jobs, the best in the world at what they do. We're going to cede U.S. dominance in human space flight, give up some national security possibly, and we are going to lose the ability to inspire our youth. And I also must add, we don't give NASA enough credit for all the things they've developed for us back here on Earth. I mean, everybody here in this gallery has somehow benefited from NASA and their research up there.

If you've got a cell phone, if you've got a satellite GPS, if you've got a pacemaker or some sort of medical device, that's come from NASA. That research has come from NASA, and we're going to throw that away with this budget. That's why we're working very hard to stop it. And I wish the administration would just sit down and talk with us because, Mr. President, you have a voice, but you don't have the final word. The United States Congress, under the United States Constitution, has the final word.

Mr. BISHOP of Utah. I appreciate the gentleman from Texas, if I could reclaim the time briefly. Changing from just the concept of jobs and, indeed, the future of space and especially to put the emphasis on the fact that, what are we going to do to inspire people to go into science and math and become the engineers of the future. Let's face it, if you only build one new plane for our military once every 40 years or if we're only doing one new adventure into space once every 30 years, that doesn't inspire somebody. In fact, supposedly one of NASA's new goals is to try to encourage education into space. And I think, as the gentleman from Texas clearly cited, kids are not dumb; and they're realizing, if you are at a whim firing 30,000 engineers and scientists, that doesn't give you a whole lot of encouragement to try to move into that particular area.

One of the issues especially is because Constellation is the cutting edge of science. It was granted last year by Time magazine as one of the 50 best inventions of the year. In fact, it was number one of the 50 best inventions of last year, and it shows that what we are doing is right. This is the right approach, and this is the approach that is being threatened by the policies of this administration and the current NASA leadership.

The space shuttle had a couple of very sad disasters. In the last one, there was a study made on how to avoid that in the future, and they said, The most important thing we can do—and I think every astronaut understands this, which is maybe why so many of them signed that particular letter from which the gentleman from Texas read—is two goals: NASA will never be effective if, number one, the safety of our astronauts isn't in the most primary and utmost position; and, number two, you have a clear, understandable and stated goal—what we are going to accomplish.

It is true that during the Bush administration, we decided to halt the space shuttle program. It had run its course. We have been very successful in going to the space station and back, but there were some issues that we needed to go beyond simply space shuttle. So the effort was made to try to put our best minds together and see where we could go into the future that would meet those two goals: a clear statement of purpose and safety. And the reality of that was Constellation. This is the safety concept. This Constellation program is designed to be safer than the space shuttle by a factor of 10.

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It was recognized that if you want to try and stop some of the catastrophes we've had today, you separate the cargo from the passengers. That's what Orion does in that process, allows a safety valve for the safety of the passengers, in this case, the astronauts. And in addition, we clearly realized that we needed to go with solid rocket propellants because it is much safer than liquid propellant, perhaps not as powerful, but certainly much more controllable. And, once again, the concept of safety is important. This is the future, if you really care about astronauts.

And the second one was the goal is very clear. The design was for a specific goal. The intent was for a specific goal. And I don't want to be disparaging to this administration, but the apparent goal of this administration with spaceflight is some day, maybe perhaps at some time, we might land on some asteroid somewhere. That's not a specific goal. That's not even a dream. That's not even a reality that we can deal with. That may be almost cartoonish in the approaches to deal with it.

And unfortunately, if we start scaling back, other countries are not. The Russians are still involved. The Chinese are stepping up their involvement in space exploration. As I said earlier, even the Indian Government and the Japanese Government have stated that they have a plan in mind to try and become involved in this concept.

What becomes so bizarre is the United States, that won the space race, is now forfeiting the space future to other countries. We had a plan between the actual startup of Constellation, which is both the Aries rocket and the Orion space capsule, and the end of the space shuttle in which the Russians would have to do some of the taxi service for us. They would charge us somewhere in the neighborhood of $30 to $35 million per ride. That's a large amount of money. But, however, our good friends in Russia, after they left communism, have found capitalism to their liking, and they realize what a monopoly gives them the power to do.

In the 2011 budget, NASA wants to budget $75 million per astronaut ride from Earth up to the space station and back. Now, that's the kind of cost that's coming to the taxpayers of the United States. And I would, once again, maybe be willing to accept it if that was moving America forward. But simply subsidizing the Russian space program instead of building our own program is not what I call smart use of moving us into the future.

In fact, we simply have said that this summer of recovery should be the summer of the Russian and Chinese recovery. We will be subsidizing their missile program, their space exploration program, at the tune of $75 million every time we send an American astronaut into space on Russian technology to help their program out, to keep their jobs going. And, well, I'm sorry. That just does not make sense as to where our future should be.

Mr. OLSON. Will my colleague yield?

Mr. BISHOP of Utah. I would be happy to yield.

Mr. OLSON. Thank you.

I wanted to get back to your point about needing a goal, having some sort of focus. I'm a Rice University graduate, and we had the honor of President Kennedy coming to our school in the early sixties to make his famous speech where he said, you know, we're going to go to the moon, take a man to the moon and return by the end of this decade. That was a clear goal. Here's our goal. Here's when we're going to do it in. We're going to give you the resources to do it.

When I go home, when I go back to my district, the one thing I hear from both the government employees and the contractors at NASA are, What's our goal? I mean, what are we doing? What's our target? We're going to go to Mars sometime by 2035 or somewhere in that window. We're going to take 5 years to develop a design and make development designs for heavy-lift vehicles, and then we're going to build that 5 years from now.

That's not what makes NASA great. You give these people a goal, give them a time frame and give them the resources they need to do it, they will do it. Every time in our history, they've made some of the greatest technological advancements that mankind

will ever know. And again, this administration's budget priorities have nothing to do with that. And again, the ability it has to inspire our kids.

The thing we've gotten into with the Russians now, where we're going to have to depend on them to take our astronauts up to and from the space station—and as my colleague alluded to, you can say what you want about our former communist friends, but they have figured out capitalism in a very short time. And, you know, we were paying about, somewhere over, just over $20 million per seat last year. That price has gone up now to just a little over 50. We signed a contract, I believe, through 2014, and it's doubtful, certainly with the administration's budget proposal, that we'll have an American vehicle that can transport us to the space station. We're going to renegotiate that contract. And as my colleague from Utah alluded to, that thing's probably going to double again. This is just a terrible position we've gotten ourselves into.

The Constellation is the program of record, been endorsed by a Republican Congress in 2005, a Democrat Congress in 2008. We need to develop Constellation and stay the course and let our engineers and let our space experts and let our astronauts do what they do to inspire our youth.

Mr. BISHOP of Utah. If I could reclaim the time, and I appreciate that comment. And once again, the fact we're throwing out different numbers of what it will cost to send Americans up there is simply because NASA doesn't know what it will cost, and that's why they're budgeting very high. Who knows if that is the actual number. Because once again the Russians realize, when they have a monopoly, they can charge what they want to charge.

Let's deal with another phrase that we often hear from this administration. They are about to commercialize space. I want to try and put that one to rest, if we could. There is no such thing as privatizing or commercializing what we are doing in space.

The Constellation program is being built by private enterprise. There were contracts let by this government that were done on a competitive bid process and won by private sectors, by the private sector, by commercial companies, which means when we cut Constellation, we're not cutting a government program. We're cutting 30,000 jobs in the private sector to build a contract that comes from here.

What the President and the NASA leaders were talking about when they say, well, we're going to commercialize the future of space is not really changing the philosophy of what we're doing. All they're doing is they're going to take the contracts from those who have them now, building Constellation, fire those people, and then we will give some of that extra NASA money that we are going to be appropriating to other companies in the private sector who are going to be winners in the values that this administration places on those particular companies.

In fact, the companies that are talking about the so-called commercialization of space already are under contract with NASA. They are already being subsidized by NASA. They are already behind in their programs with NASA, and they are asking for more Federal dollars for NASA.

So, once again, I oftentimes hear, well, this is an administration that wants to totally change the way we deal with space and they want to try and commercialize everything. That's a cute word, but the reality is you're simply having some people in the private sector who will lose their jobs so the administration can pick other people in the private sector to have jobs, and not necessarily on a one-to-one ratio.

There is no such thing as commercialization of space or these programs, and we are not trying to come up with a free enterprise approach to the future of space. This is simply the government picking winners and losers among a lot of people who are out there in the private sector. The 30,000 jobs that are going to be lost are not government jobs. Those are private sector jobs.

Mr. OLSON. Yes, sir. My colleague from Utah makes a great point, if he'd yield a little time.

Mr. BISHOP of Utah. I yield.

Mr. OLSON. Certainly commercial has a place in our future, but they are not anywhere near being ready to do what this administration wants them to do, carry cargo to a space station. They're not there yet. They've had one launch. That's a long, long way to go from being able to carry cargo up to and from the space station.

More important, astronauts, human beings, that is a much, much greater challenge than carrying cargo, and they've got a long way to go. When I talk to experts back home, they say a decade would be a good number for the commercial operators to have manrated vehicles. And they've got a long, long way to go.

And one thing I'm concerned about is safety. As my colleague from Utah alluded to earlier tonight, safety is paramount. I mean, we need to do what we've done at NASA. The 50 years they've been in existence, they have put safety of astronauts as the number one concern. And it is a very, very risky endeavor that they do. And we've got to make sure that safety is put first, and that's one of my concerns with these commercial operations.

Again, as my colleague alluded to, economically, it's no different than what we're doing now. But it concerns me that we're going to have people who don't understand NASA's—the safety that's required. And they think that just because they get cargo to the station, they can get crew to the station.

Wrong. You have to do—there's so much more to carry a crew to and from the space station. You've got to insure they're safe. You've got to have the redundancy to the redundancy to the redundancy to the backup to the backup system to ensure that if anything happens to that vehicle from the time it pulls off that pad till the time it gets to the station and comes back down that the crew has the ability to get home safely. And I'm concerned that's one thing that this President's budget proposal doesn't take into account.

Mr. BISHOP of Utah. I appreciate that.

And reclaiming the time once again, I'm glad we're talking about the fact that these are real people in the job market that we're going to be harming. I'm glad we're talking about the overall purpose of our space exploration program and what it means to them. I'm glad the gentleman ticked off a bunch of areas. I mean, let's face it. When my kids were growing up, the fact that I could put their shoes on with Velcro was a major advantage than trying to tie their shoes. We have those examples in our life.

I'm glad that we're talking about the fact that the Constellation is the future. It is the best science that we have. It is the safest way of going forward. And I'm glad we're talking about the fact that we're not, this entire idea that we're going to privatize our space program which has caught the fancy of some of our colleagues who aren't really perhaps deeply involved in the Science Committee, as the gentleman from Texas is, to realize that's not what we're talking about here. All we're talking about is, once again, government picking winners and losers amongst the private sector to go on with programs that will still be subsidized by the taxpayers. And in some respects, perhaps this is the right approach to do it.

If I could take us into one other direction just for a minute as well, and perhaps this comes back to one of my areas of interest, because I'm on the Armed Services Committee. One of the things that this particular administration failed to do when they announced their new program of canceling Constellation for whatever new goal that they want to have in the future is they failed to communicate with other members of the administration and with other policies and programs within government to see what the impact would have in other government areas. And once again, I'm specifically talking about our military defense system.

As I said in the very beginning, we forget that the people who build rockets and have the component parts to put a man to the moon are the same people who build the component parts

and build rockets that shoot down incoming missiles from other countries.

If, indeed, we are going—and once again, as was mentioned earlier, the industrial base that creates these jobs is not something you can turn on and off like a spigot on a water fountain. You can't just decide today we're going to have these scientists; tomorrow we'll fire them and turn it off, and then the next day we'll just open it up and they'll be there again.

What we are doing, if we decimate Constellation, is we're decimating the industrial base that builds our Defense Department missiles at the same time.

The House authorization bill has intent language that tries to quantify what this is because, to be honest, as we started our hearings this year on authorization bills, both for NASA as well as for the Defense Department, we simply asked the question that if, indeed, Constellation is taken out, what impact will it have on the military. And it was clear that the military had never been broached. They had never talked about this. They had not anticipated it. However, reports going over a year now, going back to Congress simply said that there would be devastating circumstances and harmful consequences if, indeed, Constellation was stopped for the military side.

Now, in the language that will be presented in the House authorization bill, it simply says that the best estimate we have right now is the cost of military defense on everything that deals with the missile, any kind of propulsion system, is between a 40 to 100 percent increase in the cost to the defense side of our Nation if, indeed, we stop Constellation and you fire those 30,000 workers who are part of that industrial base. That simply means that anything that needs a solid rocket motor, an ICBM, the Navy missile system, double the cost of what it will take just to replace those motors to replace the work and to keep that system functioning. Any kind of strategic missile that has propulsion as part of it, and I hate to say that, but that's every kind of missile that we have, the cost will increase 40 to 100 percent simply because we are losing the expertise and the industrial base. And, indeed, oftentimes those propulsion concepts have a fixed cost to them, so if, indeed, you have to have propulsion in there, there's a fixed cost. If you have less of that, the military will be picking up what is now being shared as far as the cost with NASA at the same time.

Our land-based missile system, our kinetic energy system, even the fact that some of our laser systems in the future will have a negative impact simply because the industrial base that builds those missiles for our military is the same industrial base that builds missiles, the component part, the labor, the propulsion system for NASA for Constellation.

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You hurt one, we will hurt the other. And that was a factor that was never considered by the administration or NASA when they came up with their quick decision to try and stop Constellation for something else, some nebulous policy in the future.

Defense of this country is the role of Congress. It's a legitimate question. This administration should have asked those questions ahead of time before they announced the policy. They should have understood what the costs would be and how they planned to handle that cost. As it was, it kind of snuck up on everybody. And now people are trying to play catchup. And the best way of solving that problem is simply go with the winning program, which is Constellation, and continue on with the goal that is safe and has a clear, concise goal message to it. Don't lose the jobs, don't lose the industrial base, don't increase the costs for our military. And let us move forward in an organized, rational approach rather than this helter-skelter idea that takes place at some particular time.

Mr. OLSON. Would my colleague yield?

Mr. BISHOP of Utah. Yes, I will be happy to yield.

Mr. OLSON. One thing I am concerned about, as my colleague knows, is the fact that this administration is making NASA a partisan issue in many ways. As you alluded to, I am not sure who proposed this budget or who put it together, but they certainly didn't outreach. It seemed like a very small group of individuals at the White House over at OMB who made these decisions that have dramatic impacts for our Nation.

As you alluded to, I don't think they talked to any of the defense contractors, particularly the ones that developed the missiles for our strategic nuclear deterrence. As I understood it, nothing. They heard nothing. I represent the Johnson Space Center, the home of human space flight. Our center director, when I called him up on February 2 just to sort of get how are people doing, what's the mood there, those type questions, I asked him, when did you find out? He says, I found out about it when you did. I read the paper yesterday.

That's another point. I mean Congress has the oversight. We are the power of the purse. And I am unaware of any outreach from the administration to any Member of Congress prior to this decision being made. I am a freshman here as a Member of Congress, but I have been on the Hill for a number of years, particularly in the military and the Navy. One of the standard things was, if you are going to make a radical change in a program, you went and talked to the committees of jurisdiction, the chairman, the ranking member, and at least sort of gave them the courtesy of what you were planning to do. And I am unaware of anything like that happening.

And again, they are playing politics with this. This thing we are doing with the termination liability, the Anti-Deficiency Act, where they are using—we think it's unprecedented. We are doing some research to find out if it's ever been done in the past. As my colleague knows, what's basically done is, NASA has told the contractors you are going to have to hold some money in reserve for termination liability. You can't spend that on developing rockets and human space flight. You are going to have to hold that in an account in case things get terminated. And what do the companies have to do? The money they were holding for September 30 is now going to be dried up sometime in the middle of August. The only solution they have is to lay off those people.

And again, I don't want to be skeptical, but that gets the administration more of what they want. If those people go, we are going to have a hard time getting them back, and the costs are going to go up. We need to stop this. We can't make NASA a partisan issue. It's been a bipartisan issue. That's its strength. Every American loves human space flight, is proud of America, what we have done in orbit and what we have done on the Moon. And we've got to go beyond that. And Constellation, as my colleague alluded to, is the best, most tried way so far to do it. There is no reason to get off that path.

Mr. BISHOP of Utah. If I could reclaim my time very briefly here again, and once again I appreciate you making those points, because they are spot-on accurate. Congress made its voice very clear last year when we specifically told NASA, Constellation is our program of record, and you will not cut funding to Constellation. It's very clear that Congress has never changed that position. Well, this is speculation, but nor do I think we would, given our own choice of what to do.

But as the gentleman from Texas clearly illustrated, there are some things that NASA is doing right now that appear—I don't want to try and ascribe motives—but they appear clearly to try and force the issue so that by the time Congress goes through its process of coming up with a budget and appropriations process and language directing what the bureaucracies will do, in this case NASA, that this will be a fait accompli.

So the idea of withholding the derivatives was not a reduction of their contracts, but it had the same effect. The idea of taking the Constellation manager and reassigning him had a specific effect. And then, as you alluded to, the idea of telling companies that they are going to have to hold out closing costs, which has never been done in NASA before, in fact there was

only one time where Congress did tell them in some way, shape, or form that they needed to close a program, but that's when Congress told them to close a program down, not when they were trying to close it down before Congress has a chance to react to it. But what that would do is simply force them to fire people now so the industrial base is gone before anything takes place.

And that is a strange approach for any kind of executive branch of government to do when the legislative branch has yet to give them any clear direction that's what we want to do, or has spoken. In fact, everything we have said so far is the exact contrary to that. So I appreciate that.

If I could just put one last thing in, and then I will yield to the gentleman from Texas again. The government apparently put out the National Space Policy of the United States today. It's an interesting document. It says that we should have a robust and competitive commercial space sector, which is good. But I promise you, if you take all the jobs away from those who are doing Constellation, there will not be a robust or competitive space program.

They say that we should strengthen U.S. leadership in space-related science. Now, once again we have said over and over again if indeed you stop Constellation, you are ceding leadership in space-related science. We're not creating leadership. They say we should retain skilled space professionals. Once again, what is happening today is the exact opposite of this effort or this directive.

They say we should reinvigorate U.S. leadership. You don't reinvigorate something if you destroy the program that is our program of record that will move us towards a leadership position. I find this document unusual.

Now, I haven't had a chance to read everything that is in it, but certainly certain things come glaring out in the process of just skimming through it, saying that what we are doing is not necessarily what our words are. If our words here were indeed what our policy is, I would be very happy and content. But what I see happening is not what this policy statement says that we should be doing.

Sometimes I wonder if we really do understand what we are doing in space. And we need to recognize the significance of it, the importance of it, and the importance it has in other aspects of the government, and to our citizens, and to the future to inspiring kids. I yield back.

Mr. OLSON. If my colleague would yield very briefly again, I am just very scared that this administration is turning NASA into a partisan political football, and it's never been that way. Let me read just another quote again from the letter I read earlier that was put together by Walt Cunningham, who was one of our first return-to-flight astronauts after the Apollo 1 disaster. Walt flew in the next Apollo mission. And he has been very adamant and very clear about how he feels this change, this radical budget is going to affect our human space flight future.

Let me just read the three paragraphs that I think are most important. Again, Walt and about 30 other astronauts from every program, every human space flight program we have, signed this letter: ''Too many men and women have worked too hard and sacrificed too much to achieve America's preeminence in space, only to see that effort needlessly thrown away. We urge you to demonstrate the vision and the determination necessary to keep our Nation at the forefront of human space exploration with ambitious goals and the proper resources to see them through. This is not the time to abandon the promise of space frontier for a lack of will or an unwillingness to pay the price.'' Yet that's exactly what this budget proposal does.

And I am very scared that this has become a partisan issue that doesn't serve America well, that doesn't serve our future well. As my colleague alluded, Republican Congress endorsed the Constellation, Democrat Congress endorsed the Constellation. You hear people out there say this is George Bush's plan. Yes, it was his plan, but it's been endorsed by, again, a Republican Congress and a Democrat Congress. It's not Bush's plan. It's America's plan. And we need to see it through.

Mr. BISHOP of Utah. If I could just reclaim for just one particular second right here. Once again, and I appreciate you bringing that point out, I think the pushback or the outrage in Congress has been a bipartisan pushback and outrage. Republicans and Democrats alike have said the approach this administration is taking is not necessarily the right approach. Because indeed, Constellation is a safer, better system than the space shuttle. It is the new way forward. It shows what is the best and the brightest that this country has to offer. It is something that makes us good and makes us noble. It is the direction we should go into the future.

And for us to back off now for some program that is not clear, is not understandable, has no discernible goals, that's just not the way a country moves forward. It is indeed the way a country moves backwards, and this country should not be moving backwards.

I appreciate the gentleman from Texas's leadership on this particular issue, everything that he has been doing in organizing our review, our reports, some of our complaints, too, as we try and say what we need to do is do that which moves the country forward and ennobles us as a people. Constellation does that. A clear space mission does that. A mission emphasizing safety for astronauts does that. That's what we need to continue on. And I'm sorry, but what NASA is asking us to do right now does not meet those goals.

I yield back for any concluding statements the gentleman has.

Mr. OLSON. Yes, I will be very brief here. You are very aware of the Orion Pad Abort, the very successful launch test we had I believe it was in late April or early May. Good chance you could get a Time magazine from this upcoming year, and that's going to be on the cover of that magazine. That was a flawless, flawless test.

In fact, if you remember, the rocket got off the pad so quickly at White Sands that the cameras that are there to track rockets—I mean they are there to track all rockets—couldn't keep up with it because it was moving so darn fast. And that's the program of record.

And I will just conclude by saying what I tell people all across this country. The President and the administration have a voice in this process, but they don't have the final word. The United States Congress has the final word. And I am confident that at the end of the day, Constellation is still going to be the program of record. I thank my colleague, and yield back my time to him.

Mr. BISHOP of Utah. Thank you. Mr. Speaker, I appreciate your time and efforts. We yield back.

CONGRESSIONAL BLACK CAUCUS HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of my Special Order.

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

There was no objection.

Ms. FUDGE. I appreciate the opportunity to anchor this Special Order hour on Wall Street reform for the Congressional Black Caucus. Currently, the Congressional Black Caucus, the CBC, is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California.

Mr. Speaker, I now yield to our chair, the Honorable BARBARA LEE.

Ms. LEE of California. Thank you very much. Thank you, Mr. Speaker. Let me thank Congresswoman FUDGE for once again being on the mark in terms of the Special Order tonight. She has taken the leadership on behalf of

the Congressional Black Caucus to really bring the message of the Congressional Black Caucus to the country. Tonight, Congresswoman FUDGE will be talking about the urgent need to enact regulatory reform of America's financial markets.

So thank you for your leadership. I know your district is going to benefit tremendously from this. Oftentimes we forget that regulatory reform also has a direct impact on the huge foreclosure crisis that I know your district is facing. So thank you again for your leadership.

Let me just thank, first of all, all Members who were on that Financial Services Committee for such a major effort to take this important step in protecting Americans from another financial crisis. While many provisions in the bill could be much stronger, I believe that H.R. 4713 is a critical step forward in bringing some reasonable regulations and oversight back to an out of control financial services sector.

I actually was on the Banking Committee during much of the deregulation process and could not support it then. And unfortunately, what those of us on the committee saw happening and said would happen has happened. But now this important legislation will finally make our banks and financial services institutions much more transparent, put consumer rights before corporate profits, and allow shareholders more of a say on skyrocketing CEO pay packages.

While I would have preferred a standalone Consumer Financial Protection Agency, this bill will create an independent agency that remains independent and puts consumers first. I am pleased that more transparency on CEO pay is included in these reforms. While I might have preferred some reasonable constraints, like my bill that would limit tax deductibility of executive pay, allowing shareholders to have a say on pay is a good step forward.

I remain concerned that rules on risky derivatives trading, limits on proprietary trading by our biggest banks, and controls over the operations of ratings agencies may not be strong enough to prevent continued risk to our markets and taxpayers. I had hoped that more could be done to ensure that banks pay for their failures. But I know that we must pass these reforms and we must pass them now.

So I hope that my colleagues across the aisle will join us in the effort to protect consumers, shareholders, and the open and honest functioning of the financial markets that are so critical to our continued prosperity. I hope that we have all come to understand how ridiculous it is to claim that the markets can regulate themselves, and that we can agree that the government has a critical role in ensuring that our financial services sector functions fairly, with transparency, and allows equal opportunity for all Americans.

I look forward to working with the regulators as they begin to implement these new protections for investors and consumers. I hope that we can work together to make sure that we are never again, never again held hostage to out of control greed on Wall Street and regulators who really were asleep at the switch.

Thank you again. Thank you, Congresswoman FUDGE, for your leadership.

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Ms. FUDGE. Mr. Speaker, I just want to continue to express my support for our Chair. She is very strong and courageous and keeps us on task. I just appreciate her hard work and her leadership, not only for the Congressional Black Caucus but for our caucus in general. Thank you very much, Madam Chair.

Mr. Speaker, tonight we will focus on the need for this Wall Street reform that Americans have been waiting for. Americans have faced the worst financial crisis since the Great Depression. Millions have lost their jobs, businesses have failed, housing prices have dropped, and savings have been wiped out. A year and a half after the country's banking system nearly imploded, it is still operating under the same inadequate rules and regulations. The failures that led to this crisis require bold action. We must restore responsibility and accountability in our financial system to give Americans confidence and the protections they need. We must create a sound foundation to grow the economy and to create jobs. This is in fact why Congress is set to vote this week on the Wall Street Reform and Consumer Protection Act. Despite vigorous lobbying from the banks, this bill protects the American people and the financial system from abuses that nearly caused the entire system to collapse. This bill contains commonsense reforms that hold Wall Street and the big banks accountable.

It will end bailouts by ensuring that taxpayers are never again on the hook for Wall Street's risky decisions. It will protect families' retirement funds, college savings, homes and businesses' financial futures from unnecessary risk by CEOs, lenders and speculators. It will protect consumers from predatory lending abuses, from the fine print and industry gimmicks. And it will inject transparency and accountability into a financial system that has run amok.

Wall Street reform is good for our country because it is a critical step to create jobs and grow the economy. Years without accountability from Wall Street and the big banks have cost us 8 million jobs. Having a healthy financial system will help spur lending to businesses, of course, which will grow our economy. As we rebuild our economy, the new commonsense rules from this bill will ensure that big banks and Wall Street can't play games again with our futures.

Americans want fairness, Mr. Speaker. They deal openly and honestly with their banks, and they want their banks to treat them like the good customers that they are.

There was a meltdown. For 8 years, Mr. Speaker, under the previous administration, our allies on the other side of the aisle looked the other way as Wall Street and the big banks exploited loopholes. Americans had no clue that Wall Street barons were gambling away their money on complex schemes and being handsomely rewarded for failure and for recklessness. America's families and small businesses paid the price. We lost 8 million jobs and $17 trillion in retirement savings and Americans' net worth in this meltdown. It was the worst financial crisis since the Great Depression.

There are tough choices. This Congress and our President, President Obama, have made tough choices and taken effective steps to bring our economy back from the brink of disaster. The Recovery Act has already saved or created up to 2.8 million jobs and much of the TARP has already been repaid. But more must be done.

The next step is the Wall Street reform. It is a critical step to create jobs and grow the economy. As we rebuild our economy, we must establish commonsense rules to ensure big banks and Wall Street can't play Russian roulette again with our futures. Wall Street may be bouncing back, but we know from experience they are not going to police themselves.

Let me just talk a bit about what is in this legislation. This bill protects hardworking Americans from the worst abuses in the financial industry. I'd like to share with you just some of the consumer protections that are included in this bill: There is protection for families and small businesses by ensuring that bank loans, mortgages, and credit card terms and disclosures are fair and understandable. Transparency in the industry will be overseen by the new Consumer Financial Protection Agency. Credit card companies will no longer be able to mislead you with pages and pages of fine print. You will no longer be subject to hidden fees and penalties, or the predatory practices of unscrupulous lenders. This bill will make lending agreements easier to understand and protect small borrowers.

It ends predatory lending practices that occurred during the subprime lending frenzy that this country experienced. The legislation outlaws many of the egregious industry practices that led to the subprime lending boom. It ensures that mortgage lenders make loans that benefit the consumer. It would establish a simple standard for all home loans: institutions must review proof of income to ensure that borrowers can repay the loans they are

sold. This legislation will force mortgage companies to play by the rules. You'll be empowered with easy-to-understand forms. And you'll have clear and concise information to make financial decisions that are best for you and your family.

Financial firms will no longer be able to engage in behavior that is so risky and irresponsible that it threatens to bring down the entire economy. This bill replaces taxpayer bailouts with new procedures to unwind failing companies that pose the greatest risk. This wind-down process will be paid for by the financial industry and not by taxpayers.

It produces tough new rules on the riskiest financial practices that gambled with your money and caused the financial crash, like the credit default swaps that devastated AIG, and commonsense regulation of derivatives and other complex financial products offered to consumers.

It provides tough enforcement and oversight with more enforcement power and funding for the Securities and Exchange Commission, including the registration of hedge funds and private equity funds. It provides enhanced oversight and transparency for credit rating agencies whose seal of approval gave way to excessively risky practices that led to a financial collapse.

It protects investors. It strengthens the SEC's power so it can better protect investors and regulate the Nation's securities markets. Reining in egregious executive compensation, allowing a ''say on pay'' for shareholders, requiring independent directors on compensation committees, and limiting bank executive risky pay practices that jeopardize the safety and soundness of banks.

As a member of the CBC, one important part of the bill I would like to highlight is the new Offices of Minority and Women Inclusion. At Federal banking and securities regulatory agencies, the bill establishes an Office of Minority and Women Inclusion that will, among other things, address employment and diversity contracting opportunities with the Federal Government. The offices will coordinate technical assistance to minority-owned and women-owned businesses and seek diversity in the regulatory workforce. By actively engaging minorities and women, the Nation's financial system will become stronger.

Mr. Speaker, nearly 2 years after our Nation's financial system stood on the verge of collapse, Congress is working hard to protect American consumers and to grow our economy. The Wall Street Reform and Consumer Protection Act will accomplish both goals. This sweeping new legislation will modernize America's financial rules in response to the worst economic crisis since the Great Depression. Once signed into law, these tough new regulations will hold Wall Street accountable, it will end taxpayer-funded bailouts, and protect Americans from unscrupulous big banks and credit card companies. Wall Street reform is a win for the American people. This is about making the system fair and accountable. The financial crisis that unfolded in 2008 should never have happened. But since it did, this Congress has been working hard to develop legislation that will prevent a future crisis.

I support the Wall Street Reform and Consumer Protection Act because it includes commonsense reforms that hold Wall Street and the big banks accountable. But most of all, Mr. Speaker, this bill supports the American people. Let's give Americans what they deserve—fairness in the financial system.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me begin my thanking my friend and colleague, the gentlewoman from Ohio, Congresswoman FUDGE, for anchoring once again tonight's Congressional Black Caucus' special hour.

This Congress and President Obama have made tough choices and taken effective steps to bring our economy back from the brink of disaster. The Recovery Act has already saved or created up to 2.8 million jobs and much of the TARP funding repaid. Now we are taking another key step forward with a final agreement on the Dodd-Frank Wall Street Reform and Consumer Protection Act.

For many months now, members of the Congressional Black Caucus continue to be laser focused on financial reform. We have sought to engage the Obama administration, House and Senate leadership, committee chairs, and our coalition partners to develop a legislative strategy aimed at addressing the needs of millions of Americans who are struggling in this tough, economic environment.

Mr. Speaker, we must reform Wall Street to end risky practices that have caused millions of Americans to lose their jobs, their homes, and life savings. The House passed a financial reform bill that will protect consumers and prevent the irresponsible behavior that caused the financial melt down.

I was proud to join a majority of my colleagues in this body in supporting passage of Wall Street. We are committed to protect American families and their savings.

We ended the practice of ''too big to fail.'' We established safeguards to ensure that the abuses of the past are never again repeated. Mr. Speaker, the House made Wall Street reform a priority.

Every day of delay is one more opportunity for a recurrence of economic uncertainty and even collapse. Last Thursday's roller coaster on the stock market was a clear reminder that we cannot allow a willful lack of responsible oversight to expose American families, American business, and our whole economy to such potential risk.

Mr. Speaker, Members of Congressional Black Caucus continue to support the efforts to reform Wall Street.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to speak about the special order topic of financial reform. I would like to thank my colleague Congresswoman MARCIA FUDGE for bringing this issue to the floor tonight. I would also like to thank CBC Chair BARBARA LEE for her leadership on continuing to shine the light on important issues that matter to the CBC and our constituents as well as the Nation as a whole.

It is past time that we take strong action to reform our financial system to ensure that we have strong measures in place to best prevent the economic crisis that we have been experiencing over the last few years. We had years without accountability for Wall Street and the Big Banks under President Bush and congressional Republicans which cost the people of this Nation 8 million jobs.

We will: Rein in Big Banks and their Big Bonuses, put an end to bailouts and the idea of ''too big to fail,'' and create a consumer financial protection agency to protect and empower consumers to make the best decisions on homes, credit cards, and their own financial future.

Mr. Speaker, we can no longer afford to let the fox watch the henhouse. For eight years, President Bush and congressional Republicans looked the other way as Wall Street and the Big Banks exploited loopholes, gambled your money on complex schemes, and rewarded failure and recklessness. America's families and small businesses paid the price. We lost 8 million jobs and $17 trillion in retirement savings and Americans' net worth.

This Congress and President Obama have made tough choices and taken effective steps to bring our economy back from the brink of disaster. The Recovery Act has already saved or created up to 2.8 million jobs and much of the TARP has been paid back. And now we are taking another key step forward with a final agreement on the Dodd-Frank Wall Street Reform and Consumer Protection Act.

As we rebuild our economy, we must put in place commonsense rules to ensure Big Banks and Wall Street can't play Russian Roulette again with our futures. Wall Street may be bouncing back, but we know from experience they're not going to police themselves.

Common-sense reforms that hold Wall Street and the Big Banks accountable will:

End bailouts by ensuring taxpayers are never again on the hook for Wall Street's risky decisions

Protect families' retirement funds, college savings, homes and businesses' financial futures from unnecessary risk by CEOs, lenders, and speculators

Protect consumers from predatory lending abuses, fine print, and industry gimmicks

Inject transparency and accountability into a financial system run amok

WHAT'S IN THE LEGISLATION?

Creating a new Consumer Financial Protection Agency to protect families and small businesses by ensuring that bank loans, mortgages, and credit cards are fair, affordable, understandable, and transparent. We currently have rules that keep companies from selling us toasters that burn down our homes. We should have similar rules that bar the financial industry from offering mortgage loans to people who can't afford repayment.

Ending predatory lending practices that occurred during the subprime lending frenzy.

Shutting down ''too big to fail'' financial firms before risky and irresponsible behavior threatens to bring down the entire economy.

Ending costly taxpayer bailouts with new procedures to unwind failing companies that pose the greatest risk—paid for by the financial industry and not the taxpayers.

Tough new rules on the riskiest financial practices that gambled with your money and caused the financial crash, like the credit default swaps that devastated AIG, and common sense regulation of derivatives and other complex financial products. Includes a strong "Volcker rule" that generally restricts large financial firms with commercial banking operations from trading in speculative investments.

Tough enforcement and oversight with:

More enforcement power and funding for the Securities and Exchange Commission, including requiring registration of hedge funds and private equity funds

Enhanced oversight and transparency for credit rating agencies, whose seal of approval gave way to excessively risky practices that led to a financial collapse

Reining in egregious executive compensation and retirement plans by allowing a 'say on pay' for shareholders, requiring independent directors on compensation committees, and limiting bank executive risky pay practices that jeopardize banks' safety and soundness.

New protections for grocers, retailers and other small businesses facing out-of-control swipe fees that banks and other credit and debit card issuers charge these businesses for debit or prepaid-card purchases. As a result, merchants stand to save billions.

Audits the Federal Reserve's emergency lending programs from the financial crisis and limits the Fed's emergency lending authority.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BOOZMAN) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 2.

Mr. JONES, for 5 minutes, July 2.

Mr. BURTON of Indiana, for 5 minutes, July 2.

Mr. MACK, for 5 minutes, today.

Mr. BOOZMAN, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, today and June 30.

Mr. OLSON, for 5 minutes, today.

Mr. FORBES, for 5 minutes, June 29.

Mr. MCHENRY, for 5 minutes, June 29, 30, July 1, and 2.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on June 24, 2010 she presented to the President of the United States, for his approval, the following bills.

H.R. 3962. To provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes.

ADJOURNMENT

Ms. FUDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 29, 2010, at 9:30 a.m., for morning-hour debate.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to Public Law 111–139, Mr. SPRATT hereby submits, prior to the vote on passage, the attached estimate of the costs of the bill S.1510, the United States Secret Service Uniformed Division Modernization Act of 2010, as amended by the House, for printing in the CONGRESSIONAL RECORD.

CBO ESIMATE OF PAY-AS-YOU-GO EFFECTS FOR S. 1510, AN ACT TO TRANSFER STATUTORY ENTITLEMENTS TO PAY AND HOURS OF WORK AUTHORIZED BY LAWS CODIFIED IN THE DISTRICT OF COLUMBIA OFFICIAL CODE FOR CURRENT MEMBERS OF THE UNITED STATES SECRET SERVICE UNIFORMED DIVISION FROM SUCH LAWS TO THE UNITED STATES CODE, AND FOR OTHER PURPOSES, AS PROVIDED BY THE HOUSE COMMITTEE ON THE BUDGET ON JUNE 25, 2010

	By fiscal year, in millions of dollars—												
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010–2015	2010–2020
	Net Increase or Decrease (-) in the Deficit												
Statutory Pay-As-You-Go Impact [a]	0	0	0	−1	−1	−1	−1	−1	−1	−1	−1	0	−3

[a] S. 1510 consists of three titles, concerning the United States Secret Service, the General Services Administration (GSA), and the Department of Defense (DOD).

Title I would increase the annuity paid to retired members of the Secret Service Uniformed Division who participate in the District of Columbia Police and Firefighters Retirement and Disability System by 2.5 percent. CBO estimates that this change would increase payments (direct spending) to retired Secret Service employees by about $13 million over the 2010–2020 period.

Title II would amend the Federal Property and Administrative Services Act to change the disposal process for surplus federal property by allowing GSA to retain and spend, without further appropriation, a larger share of the proceeds from property sales. CBO estimates that the title would increase direct spending by more than $15 million over the 2010–2020 period, but also would lead to the receipt of more than $30 million from additional property sales over the same period. Thus, title II would reduce net direct spending by about $15 million.

Title III would allow DOD to waive recovery of certain voluntary separation incentive payments. Without that waiver authority, those recovered payments would be deposited in the Treasury. Waiving those repayments would result in forgone receipts, and thus, increase direct spending by about $1 million over the 2010–2020 period.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8122. A letter from the Principal Deputy, Department of Defense, transmitting letter providing notice that a commercial helicopter under contract with the Department was destroyed by hostile fire; to the Committee on Armed Services.

8123. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

8124. A letter from the Director, office of Policy, Reports and Disclosures, Department of Labor, transmitting the Department's final rule — Notification of Employee Rights Under Federal Labor Laws (RIN: 1215-AB70; 1245-AA00) received June 8, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8125. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2009 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8126. A letter from the First Vice President, Controller and Chief Accounting Officer, Federal Home Loan Bank of Boston, transmitting the 2009 management report and statements of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8127. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2009 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

8128. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — 2010 Annual Determination for Sea Turtle Observer Requirements [Docket No.: 0906181067-0167-02] (RIN: 0648-XP96) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8129. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Deep-Sea Red Crab Fisheries; 2010 Atlantic Deep-Sea Red Crab Specifications [Docket No.: 100105009-0167-02] (RIN: 0648-AY51) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8130. A letter from the Staff Director, Commission Civil Rights, transmitting notification that the Commission recently appointed members to the Colorado Advisory Committee; to the Committee on the Judiciary.

8131. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Louisiana Advisory Committee; to the Committee on the Judiciary.

8132. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Oregon Advisory Committee; to the Committee on the Judiciary.

8133. A letter from the Deputy Chief Financial Officer, Department of Homeland Security, transmitting notification that a transfer of $100 million from the Oil Spill Liability Trust Fund to the Emergency Fund has occurred; to the Committee on Transportation and Infrastructure.

8134. A letter from the Deputy Associate Commissioner, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Consultative Examination — Annual Onsite Review of Medical Providers [Docket No.: SSA-2006-0109] (RIN: 0960-AH17) received June 4, 2010, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8135. A letter from the Secretary, Department of Energy, transmitting the Department's report to Congress concerning the Mixed Oxide (MOX) Fuel Fabrication Facility being constructed at the Department's Savannah River Site near Aiken, South Carolina, pursuant to 50 U.S.C. 4306(a)(3); jointly to the Committees on Armed Services and Energy and Commerce.

8136. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a joint report that describes activities related to the Proliferation Security Initiative, including associated funding, that are planned to be carried out by the United States over the next three fiscal years; jointly to the Committees on Foreign Affairs and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1554. A bill to take certain property in McIntosh County, Oklahoma, into trust for the benefit of the Muscogee (Creek) National, and for other purposes; with an amendment (Rept. 111–513). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2340. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; with an amendment (Rept. 111–514). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4445. A bill to amend Public Law 95–232 to repeal a restriction on treating as Indian country certain lands held in trust for Indian pueblos in New Mexico; with an amendment (Rept. 111–515). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HALL of New York (for himself and Mr. MCMAHON):

H.R. 5609. A bill to amend the Federal Election Campaign Act of 1971 to prohibit any registered lobbyist whose clients include foreign governments which are found to be sponsors of international terrorism or include other foreign nationals from making contributions and other campaign-related disbursements in elections for public office; to the Committee on House Administration.

By Mr. GEORGE MILLER of California (for himself, Ms. WOOLSEY, Mr. FILNER, and Mr. FARR):

H.R. 5610. A bill to provide a technical adjustment with respect to funding for independent living centers under the Rehabilitation Act of 1973 in order to ensure stability for such centers; to the Committee on Education and Labor.

By Mr. LEVIN (for himself, Mr. OBERSTAR, Mr. MICA, Mr. COSTELLO, Mr. PETRI, Mr. CAMP, and Mr. LEWIS of Georgia):

H.R. 5611. A bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; to the Committee on Transportation and Infrastructure, 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. BLUMENAUER (for himself, Mr. THOMPSON of California, Ms. BERKLEY, Ms. GIFFORDS, Mr. MCDERMOTT, and Mr. GARAMENDI):

H.R. 5612. A bill to amend the Internal Revenue Code of 1986 to temporarily increase the investment tax credit for geothermal energy property; to the Committee on Ways and Means.

By Mr. COHEN (for himself, Mr. ARCURI, Mr. DEFAZIO, Mr. FILNER, Mr. KAGEN, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. TONKO, Mr. TIERNEY, and Mr. YARMUTH):

H.R. 5613. A bill to require that vessels used to engage in drilling for oil or gas in ocean waters that are subject to the jurisdiction of the United States must be documented under chapter 121 of title 46, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. ADERHOLT (for himself, Mr. BACHUS, Mr. BISHOP of Utah, Mr. BONNER, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. DAVIS of Tennessee, Mr. GRIFFITH, Mr. HALL of Texas, Mr. LATTA, Mr. LATOURETTE, Mr. OLSON, Mr. POSEY, Mr. ROGERS of Alabama, and Mr. BRIGHT):

H.R. 5614. A bill to impose certain requirements on the expenditure of funds by the National Aeronautics and Space Administration for the Constellation program; to the Committee on Science and Technology.

By Mr. BILBRAY:

H.R. 5615. A bill to amend the Internal Revenue Code of 1986 to repeal the medical device tax, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Appropriations, 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. CLAY (for himself and Mr. LARSON of Connecticut):

H.R. 5616. A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2015, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Mr. BLUMENAUER, Mr. SARBANES, Ms. SCHWARTZ, and Mr. THOMPSON of California):

H.R. 5617. A bill to amend the Internal Revenue Code of 1986 to provide for home energy conservation bonds; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself and Mr. LEVIN):

H.R. 5618. A bill to continue Federal unemployment programs; to the Committee on Ways and Means, and in addition to the Committee on the Budget, 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. OWENS:

H.R. 5619. A bill to amend the SAFE Port Act to provide for the eligibility of certain third party logistics providers for participation in the Customs-Trade Partnership Against Terrorism program; to the Committee on Homeland Security.

By Ms. ROS-LEHTINEN (for herself, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. SIRES, and Mr. LINCOLN DIAZ-BALART of Florida):

H.R. 5620. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to exclude from the United States aliens who contribute to the ability of Cuba to develop petroleum resources located off Cuba's coast and to provide for the imposition of sanctions and prohibition on facilitation of development of Cuba's petroleum resources, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. LEE of California, and Mr. PAUL):

H.R. 5621. A bill to amend the Water Resources Development Act of 1986 to authorize funds in the Harbor Maintenance Trust Fund to be used to pay up to 100 percent of the eligible costs of preparing Federal environmental impact statements for certain navigation projects, and for other purposes; to

the Committee on Transportation and Infrastructure, 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. WATSON:

H. Res. 1480. A resolution commending the University of Southern California Trojan men's tennis team for its victory in the 2010 National Collegiate Athletic Association (NCAA) Men's Tennis Championship; to the Committee on Education and Labor.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 1481. A resolution supporting the goals and ideals of ''National Save for Retirement Week'', including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy; to the Committee on Ways and Means.

By Mr. BILBRAY (for himself and Mrs. DAVIS of California):

H. Res. 1482. A resolution commemorating the 40th annual meeting of the Society for Neuroscience; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY of Georgia (for himself and Mr. SKELTON):

H. Res. 1483. A resolution recognizing the exemplary service and sacrifice of the soldiers of the 14th Armored Division of the United States Army, known as the Liberators, during World War II; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

327. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 282 urging the Congress to propose a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations; to the Committee on the Judiciary.

328. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 30 urging the President and the Congress to pass S. 1337, The Filipino Veterans Family Reunification Act of 2009; to the Committee on the Judiciary.

329. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1081 urging the Congress to pass H.R. 3410, the Taking Responsible Action for Community Safety Act; to the Committee on Transportation and Infrastructure.

330. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 82 urging the President and the Congress to expedite the processing of all claims for payment, and the distribution of checks to Filipino veterans under ARRA; to the Committee on Veterans' Affairs.

331. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 65 supporting congressional and state funding for broadband infrastructure in rural areas; jointly to the Committees on Agriculture and Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 442: Ms. JENKINS and Mr. MORAN of Kansas.
H.R. 484: Mr. TIAHRT.
H.R. 571: Ms. FUDGE.
H.R. 697: Mr. MARKEY of Massachusetts and Ms. RICHARDSON.
H.R. 745: Mrs. DAVIS of California.
H.R. 1034: Mr. MAFFEI.
H.R. 1036: Mr. CAPUANO.
H.R. 1203: Mr. SHERMAN.
H.R. 1230: Ms. FUDGE.
H.R. 1240: Mr. GUTHRIE.
H.R. 2083: Mr. HOEKSTRA.
H.R. 2378: Ms. SCHAKOWSKY.
H.R. 2866: Mr. GARAMENDI, Mrs. EMERSON, and Mr. PAULSEN.
H.R. 2870: Mr. YOUNG of Alaska and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3025: Mr. VAN HOLLEN.
H.R. 3286: Mr. PERLMUTTER and Mr. SABLAN.
H.R. 3408: Mr. SCHAUER, Mr. SESTAK, Mr. OWENS, Mr. CHILDERS, Mr. ELLSWORTH, Ms. CORRINE BROWN of Florida, Mr. PASCRELL, Ms. BALDWIN, and Mr. HILL.
H.R. 3487: Mr. COHEN.
H.R. 3508: Mr. DJOU.
H.R. 3729: Ms. GIFFORDS and Mr. WU.
H.R. 3790: Mr. ROSS.
H.R. 4051: Mr. FILNER.
H.R. 4128: Mr. ROTHMAN of New Jersey.
H.R. 4296: Mr. DOYLE.
H.R. 4308: Mr. FLAKE.
H.R. 4505: Mr. ISSA.
H.R. 4557: Mr. RYAN of Ohio, Mr. SCOTT of Georgia, and Mr. SIRES.
H.R. 4597: Ms. HIRONO and Mr. GRIJALVA.
H.R. 4693: Mr. HALL of New York.
H.R. 4883: Mrs. BLACKBURN.
H.R. 4894: Mr. DJOU.
H.R. 4943: Mr. SCALISE.
H.R. 5081: Mr. CARSON of Indiana and Mr. BRALEY of Iowa.
H.R. 5211: Mr. CARSON of Indiana.
H.R. 5234: Mr. BARROW and Mr. KINGSTON.
H.R. 5244: Mr. BOOZMAN.
H.R. 5258: Mr. DANIEL E. LUNGREN of California and Mr. ISSA.
H.R. 5268: Mr. ROTHMAN of New Jersey and Mr. SERRANO.
H.R. 5358: Mr. HASTINGS of Florida and Mrs. CAPPS.
H.R. 5359: Mr. BACA.
H.R. 5374: Mr. SMITH of Texas and Mr. BILBRAY.
H.R. 5426: Mrs. EMERSON and Mr. HILL.
H.R. 5434: Mr. COURTNEY and Mr. MCCOTTER.
H.R. 5457: Mr. LANGEVIN.
H.R. 5478: Mr. RUSH.
H.R. 5501: Mr. MORAN of Kansas.
H.R. 5503: Mr. BACA and Mr. THOMPSON of Mississippi.
H.R. 5523: Mr. MCCLINTOCK and Mrs. MCMORRIS RODGERS.
H.R. 5525: Mr. WESTMORELAND.
H.R. 5572: Mr. ORTIZ.
H.R. 5577: Ms. LEE of California.
H.R. 5578: Ms. LEE of California.
H.R. 5579: Ms. LEE of California.
H. Con. Res. 207: Mr. TIAHRT.
H. Con. Res. 284: Mr. SABLAN and Mr. CASTLE.
H. Con. Res. 287: Mr. MCCLINTOCK.
H. Res. 202: Mr. GORDON of Tennessee.
H. Res. 308: Ms. PINGREE of Maine.
H. Res. 510: Mr. BARTLETT and Mr. BURGESS.
H. Res. 937: Mr. PIERLUISI.
H. Res. 1207: Mr. GARAMENDI.
H. Res. 1244: Mr. POLIS of Colorado.
H. Res. 1279: Mr. CALVERT.
H. Res. 1365: Mr. EDWARDS of Texas.
H. Res. 1401: Mr. STARK, Mr. BERMAN, Mr. WOLF, Mr. PASTOR of Arizona, Mr. CRITZ, and Ms. SCHWARTZ.
H. Res. 1437: Mr. SMITH of Texas.
H. Res. 1450: Mr. SMITH of Texas.
H. Res. 1454: Ms. EDDIE BERNICE JOHNSON of Texas.
H. Res. 1460: Mrs. LUMMIS.

SENATE—*Monday, June 28, 2010*

The Senate met at 2 p.m. and was called to order by Nancy Erickson, Secretary of the Senate.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible God only wise, the fountain of every blessing, we thank You for the life and legacy of Senator ROBERT C. BYRD, our friend and colleague whose death we grieve today. We praise You for his more than five decades of exemplary service to our Nation and the citizens of West Virginia, for the way he carried out his duties with integrity and faithfulness. We are grateful that he knew when to be the gadfly, to ask the tough questions, and to challenge the status quo.

Lord, You gave him courage to make course corrections both privately and publicly and empowered him to oppose without bitterness, to compromise with wisdom, and to yield without being defeated. I thank You that he was my friend.

Lord, we pray for his loved ones, our Senate family, and all who mourn his passing. May his many contributions to our Nation not be forgotten by this and succeeding generations. May all of us who had the privilege of knowing our Nation's longest serving legislator emulate his passion, patience, and perseverance. Give him a crown of righteousness and permit him to hear You say, ''Well done, good and faithful servant.''

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Secretary of the Senate 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.

RECOGNITION OF THE MAJORITY LEADER

The SECRETARY OF THE SENATE. The majority leader is recognized.

MOMENT OF SILENCE

Mr. REID. I ask that the Senate observe a moment of silence for Senator BYRD.

(Moment of silence.)

ELECTING SENATOR DANIEL K. INOUYE PRESIDENT PRO TEMPORE

Mr. REID. I have a resolution at the desk and ask for its consideration.

The SECRETARY OF THE SENATE. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 567) to elect DANIEL K. INOUYE, a Senator from the State of Hawaii, to be President pro tempore of the Senate of the United States.

The resolution (S. Res. 567) was agreed to, as follows:

S. RES. 567

Resolved, That Daniel K. Inouye, a Senator from the State of Hawaii, be, and he is hereby, elected President of the Senate pro tempore.

ADMINISTRATION OF OATH OF OFFICE

The SECRETARY OF THE SENATE. Without objection, Senator INOUYE will be escorted to the desk.

The President pro tempore-elect, escorted by Mr. REID and Mr. AKAKA respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Secretary of the Senate; and he subscribed to the oath in the Official Oath Book.

Mr. INOUYE thereupon assumed the chair as President pro tempore.

The PRESIDENT pro tempore. The majority leader.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. REID. Mr. President, our Senate family grieves today with the Byrd family over the loss of one of the most dedicated Americans ever to serve this country; one of the most devoted men ever to serve his State; one of the most distinguished Senators ever to serve in the Senate.

ROBERT BYRD's mind was among the greatest the world has ever seen. As a boy, he was called upon, when he was in elementary school, to stand before the class and recite not paragraphs from the assignment of the night before but pages of the night before. He did this from memory.

From his graduation as valedictorian of his high school class at the age of 16 to his death this morning as the Senate's President pro tempore at age 92, he mastered everything he touched with great thoughtfulness and skill. This good man could drive from his home here in Washington to West Virginia and back—it took 8 hours—reciting classic poetry the entire time, and not recite the same poem twice.

I was asked by Senator BYRD to travel to West Virginia to do an exchange with the British Parliament. There were a number of us there, eight or nine Senators, and a like number of British Parliamentarians. I can remember that night so well. We had the music up there he liked the best—bluegrass music—and they played. It was a festive evening.

Then it came time for the program. In the program, Senator BYRD said: I am going to say a few things. And he passed out little notebooks. He had notebooks passed out to everyone there with a little pencil. He wanted to make sure everything was just right; that people, if they had something to write, had something to write on and write with. And he proceeded, standing there without a note, to pronounce the reign of the British monarchs, from the beginning to the end. He would give the dates they served. On some of the more difficult spellings, he would spell the name. And he would, as I indicated, if it was something he really wanted to talk about that they had accomplished that he thought was noteworthy, he would tell us about that. That took about an hour and a half to do that. The British Parliamentarians were stunned. They had never heard anyone who could do anything like that, an American talking about the reign of the British monarchs. Those of us who were Senators, nothing surprised us that he could do from memory.

I can remember when he decided he was no longer going to be the Democratic leader, Senator Dole did an event for him in the Russell Building, and all Senators were there, Democratic and Republican Senators. He told us a number of things he did not do, and he told us a number of things he did do. For example, he read the Encyclopedia Britannica from cover to cover twice. He studied the dictionary. He read that from cover to cover during one of our breaks.

I have told this story on an occasion or two, but to give the depth of this man's memory—I had been to Nevada, and when I came back, he asked me: What did you do?

I said: Senator BYRD, I pulled a book out of my library on the way back. I didn't have anything to read. It was a paperback. I read ''The Adventures of Robinson Crusoe.''

And as those of us who can remember him, he looked at me and he held his head back a little bit and his eyes rolled back and he said: Robinson Crusoe. He proceeded to tell me—I had just read the book—how long he had been on that island: 28 years, 3 months, a week, and 2 days, or whatever it was. I was stunned. I did not know. I went

back and pulled the book out to see if he was right, and he was right. He probably had not read that book in 35 or 40 years, but he knew that. What a mind. It was really stunning, the man's memory.

The head of the political science department at the University of Nevada at Las Vegas, Andy Tuttle, taught a graduate course, based on Senator BYRD's lectures on the Roman Empire.

He gave 10 lectures here on the Senate floor on the fall of the Roman Empire. He gave a lecture because he was concerned because of the line-item veto, and he felt the line-item veto would be the beginning of the end of the Senate. He proceeded to give 10 lectures on that on the Senate floor, every one of them from memory—every one of them from memory. Timed just perfectly. They ended in 1 hour. That is how much time he had been given. The original Roman Emperors served for 1 year. He could do it from memory. He knew who they were, how long they served, knew how to spell their names—truly an unbelievably brilliant man.

He is the only person who earned his law degree while he was a Member of Congress. What he accomplished is really very long. His thirst for knowledge was simply without equal.

Senator BYRD once observed that the longer he lived, the better he understood how precious the gift of our time on Earth was.

I quote Senator BYRD:

> As you get older, you see time running out. It is irretrievable and irreversible. But one should never retire from learning and growth.

ROBERT BYRD never retired from anything. He served in the Senate for more than half a century and the House of Representatives for 6 more years, and he dedicated every one of those days to strengthening the State and the Nation he loved so dearly. He never once stopped fighting for the good people of West Virginia and for the principles in our founding documents. He was forever faithful to his constituents, his Constitution, and his country. He fought for what he thought was right, and when he was wrong, he was wise enough to admit it, and he did admit it a few times.

Senator BYRD's ambition was legendary. He took his oath in this Chamber on January 3, 1959, the same day Alaska became our 49th State. He told the Charleston Gazette newspaper in that freshman year:

> If I live long enough, I'd like to be Chairman of the Senate Appropriations Committee.

Thirty years later, he was, and then he lived and served for 21 more years. His legislative accomplishments are many, and those achievements fortify his incomparable legacy. But he is perhaps best known in this Chamber as the foremost guardian of the Senate's complex rules, procedures, and customs. He did not concern himself with such precision as a pastime or mere hobby; he did so because of the unyielding respect he had for the Senate—a reverence the Senate always returned to him and now to his memory.

With ROBERT BYRD's passing, America has lost its strongest defender of its most precious traditions. It now falls to each of us to keep that flame burning.

Throughout one of the longest political careers in history, no one in West Virginia ever defeated ROBERT BYRD in a single election. In Washington, his fellow Democrats twice elected him to lead us when we were in the majority and once more when we were in the minority. Having seen both sides, he knew better than most that legislating is the art of compromise. Many years ago, in this Chamber where he served longer than any other Senator, Senator BYRD taught a heartfelt history lesson to guide our future. It was a lesson about both the Constitution and this institution. He said:

> This very charter of government under which we live was created in a spirit of compromise and mutual concession. And it is only in that spirit that continuance of this charter of government can be prolonged and sustained.

In his tenure he saw partisanship and bipartisanship, war and peace, recession and recovery. His perspective and legacy are invaluable to the way we carry ourselves as United States Senators. It is instructive that the man who served the longest and saw the most concluded we must work together as partners, not partisans, for the good of our States and our country.

In 1996, ROBERT BYRD spoke to a meeting of incoming Senators and reminded them that the Senate is still the anchor of the Republic. Senator BYRD was the anchor of the Senate. There will never be another like him.

He was a Member of this Nation's Congress for more than a quarter of the time it has existed, and longer than a quarter of today's sitting Senators and the President of the United States have been alive. His political career spanned countless American advances and achievements. A dozen men called the Oval Office his own while Senator BYRD called the Capitol Building his office—and he would be the first to remind us that those two branches are equal in the eyes of the Constitution. I have heard him say so many times that we work with the President, not under the President.

The nine times the people of his State sent him to the Senate and the more than 18,500 votes he cast here will never be matched.

As the President pro tempore and I, and each of us fortunate enough to be here, have the privilege of knowing firsthand, it was an incomparable privilege to serve with him and learn from this giant. By virtue of his endurance, ROBERT BYRD knew and worked with many of the greats of the Senate. Because of his enduring virtue, he will be forever remembered as one of them.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to a period of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. Following leader remarks, the Senate will resume consideration of the motion to proceed to H.R. 5297, the small business jobs bill. At 5 p.m., the Senate will proceed to executive session and debate the nomination of Gary Feinerman to be a Federal judge—that will be until 5:30—with the time equally divided and controlled between Senators LEAHY and SESSIONS or their designees. There will be a series of two rollcall votes at 5:30. The first vote will be on the motion to invoke cloture on the motion to proceed to the small business jobs bill. The second vote will be on the confirmation of the Feinerman nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. MCCONNELL. Mr. President, I too wish to say a few words about our departed colleague. The first thing to say is that we are sorry, first and foremost, to the family and also to the staff of Senator BYRD for their loss. The next thing to say is that it is a sad day for the Senate. Everybody who has been here for a while has a few ROBERT BYRD stories. A couple come to mind I thought I would share.

Along with Senator REID and Senator DODD, who were here on the floor earlier, Senator BYRD, in the early part of the decade, responded to my request to come down to the University of Louisville, my alma mater, to speak to the students and to a broader audience. At his age and particularly given the fact that I was a member of the opposition party, there was, frankly, no particular reason for him to do that. But he did and made an extraordinary impression on the students and inconvenienced

himself on my behalf, which I always appreciated.

My second—and really my favorite—recollection of Senator BYRD, I found myself a few years ago in a curious position, at variance with virtually everybody on my side of the aisle. I had reflexively, as I think many Members had, responded negatively to a decision of the U.S. Supreme Court in the late 1980s essentially holding that flag burning was a permissible first amendment expression of political speech. The first time that amendment came before the Senate, I voted for it. Then I began to have some pangs of discomfort about my position. Having spent a good portion of my political career focusing on political speech and the first amendment, I, frankly, decided I was wrong and in subsequent votes have opposed it.

A few years ago, it became clear it was going to be defeated in the Senate by the narrowest of margins. I remembered that Senator BYRD was always carrying around a Constitution in his pocket and had a feeling that upon reflection, he might reach the same conclusion I did. So I lobbied Senator BYRD. I thought initially it would be a futile act, but he reexamined his position. As a result, he too changed his position, and as it turns out, there was not a vote to spare the last time the Senate considered whether it would be appropriate to amend the first amendment for the first time in the history of the country to kind of carve a niche out of it to make it possible to punish an act we all find despicable. But, nevertheless, the most unfortunate of speech is probably what the first amendment was all about initially. So Senator BYRD did change his position. There was not a vote to spare, and the amendment was defeated. And from my point of view, the first amendment was saved on that important occasion.

We will all remember Senator BYRD for a variety of different things. As the majority leader pointed out, he was a unique individual in so many different ways. Those are two of my favorite stories about ROBERT BYRD.

More than anyone else in any of our lifetimes, ROBERT BYRD embodied the Senate. He not only wrote the book on it, he was a living repository of its rules, its customs, and its prerogatives. So it would be a mistake to think that Senator BYRD became synonymous with the Senate simply because he served in it longer than anybody else. Rather, it was a fitting coincidence that a man who cherished and knew this place so well would become its longest serving Member.

Yet it is probably true that he will be remembered above all for his longevity.

Everyone seems to have a different way of communicating just how long a time he spent here. For me, it is enough to note that ROBERT BYRD had already spent nearly 20 years serving in elected office in West Virginia and in the House of Representatives before he was elected to the U.S. Senate during the Eisenhower administration.

And over the years, he would walk the floor with 4 future Presidents, 4 of the 12 he would serve alongside in a 57-year career in Congress. I won't enumerate all the legislative records Senator BYRD held, but I would venture to say that the figure that probably made him proudest of all was the nearly 70 years of marriage he spent with a coal miner's daughter named Erma.

If he was synonymous with the Senate, he was no less synonymous with West Virginia. Here is how popular ROBERT BYRD was in his home State: In the year ROBERT BYRD was first elected to the U.S. Senate, 1958, he won with 59 percent of the vote, a margin that most people around here would consider a landslide. In a record 9 Senate elections, it was the smallest margin of victory he would ever get.

Members will offer tributes of their own in the coming days.

I will close with this. Last year, in becoming the longest serving Member of Congress in history, Senator BYRD surpassed another legendary figure, Carl Hayden of Arizona. Hayden was known to many as the ''silent Senator,'' a phrase few would use to describe Senator BYRD.

But what the two men shared was a devotion to the United States and, in particular, to the legislative branch of our Government, which the founders envisioned and established as coequal with the other two.

A few years ago, Senator BYRD's official portrait was unveiled at an event in the Old Senate Chamber. And I think that portrait pretty well sums up the image Senator BYRD wanted to leave of himself. It is the image of a dignified man, in the classical mold, supported by three things: the Bible, the U.S. Constitution, and his wife. A lot of people looked at Senator BYRD's record-long tenure in Congress, his immense knowledge of poetry, history, and the Senate, and wondered where he got the strength. With this painting, he gave us the answer. He showed us the anchors.

As I noted at that ceremony, Senator BYRD once wrote that if the question was whether to be loved or respected, he always chose to be respected. Yet his real accomplishment is that, in the end, he managed to be both.

So I join my colleagues, my fellow Americans, the people of West Virginia, and the Byrd family today in remembering our colleague. We will surely miss him.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, on this day, West Virginia has lost probably its most prominent son and the Senate has lost probably its most able statesman. For myself, I have lost an admired colleague and a treasured friend. More than nine decades of a remarkable life and five decades as an accomplished public servant in the Senate only serve as one form of proof that ROBERT C. BYRD was and always will be an icon, particularly in his own State. A man of great character, faith, intellect, who rose to the heights of power, yet never forgot where he came from, his story holds such a profoundly significant place in both West Virginia and American history. But it was in the coalfields of southern West Virginia where a young ROBERT C. BYRD first gained the skills, the moral character, the toughness, and the shrewdness that would make him a truly great man.

After his mother passed away, he was raised by his aunt and uncle, a coalminer, he movingly called ''the most remarkable man I have ever been privileged to know.'' From them Senator BYRD learned early in life what it meant to be loyal, to have a ferocious work ethic, really almost beyond imagination, and possess a deep faith in God. And it was these values—these innately West Virginia values, I argue—that guided his every action and made him such a unique and strong fighter for our State and who got such joy in doing that fight.

He was proud of West Virginia. He was proud of his ideals. He was proud of the service he could render to the people from whom he came. He believed with all of his heart that our breathtaking mountains, our rivers, and our deep valleys, and especially our well-rooted people, who face adversity always and face it with strength and courage, make our State a place like quite none other in the world.

He loved the music of the mountains and played his fiddle, in fact, very brilliantly. He was a master violin player. He loved to quote the ancients, lending depth to his analysis and observations, with knowledge of history and philosophy to rival any professor. Just as easily as he could quote Cicero from memory, he could sing every verse of ''Amazing Grace'' from memory, too, and often did.

Everything about Senator BYRD was a testament to his faith in God. This man, who wrote and debated countless laws, lived with 10 clear Commandments in his heart. His aunt and uncle kept the King James Bible in their home and instilled in him an enduring reverence for God. He always remembered that as important as the Senate and our constitutional government might be, there was always a higher law that took precedence.

He started his career humbly by any definition—as a butcher, as a welder, other things too—and then campaigned by playing his foot-stomping music, the fiddle, to get elected to the West

Virginia Legislature—that is how he did it—the very same body that decades later would deem him the ''West Virginian of the 20th Century.''

It was at Mark Twain High School where a lifetime of love first began for ROBERT C. BYRD and his future wife, Erma Ora James. Calling her the ''wind beneath this BYRD's wings,'' as he put it, Senator BYRD was never shy to tell you that Erma—a beloved coal miner's daughter herself—was the reason he reached all of his goals. He believed that with all of his heart. So from the fiddle-playing young man to a history-making American icon, she loved and supported him every step of the way until her passing in 2006.

I know and I observed maybe earlier than some that Senator BYRD lost just a bit when Erma died. Watching him hurting was painful. His wife died from the same disease my mother died from; that is, Alzheimer's, and we talked about it, especially a few years ago when he was talking more frequently. I always felt bad that I could not give him comfort and that I could not say something to him that would relinquish his pain, which was evident and obvious—very obvious in privacy. But I could not do that because you cannot do that for diseases like that one. There were not words to describe the difficulty such a devastating loss can bring, and I commend my friend for continuing on so strongly—as he did—for so long.

Erma was his soulmate, his best friend and trusted counselor. Their marriage was something to behold. My wife Sharon and I loved watching them together. He became a different person. They radiated an extraordinary faith in God, in each other, and in the beautiful family they built together, which in the end was what he loved the most. Indeed, it was the time ROBERT C. BYRD spent with Erma; their daughters, Mona and Marjorie, their husbands, and their grandchildren and their great-grandchildren that brought sheer joy—pure, unadulterated—to his life. So with sadness in my heart, I also have joy at the thought of my friend united with his precious Erma, with his dear grandson he lost at a young age. And we all know, those of us who have been here for several years, the agony he went through at the death of that young man, setting up a shrine in his office. It affected him deeply. It was interesting that a man who could be so oriented toward policy, and sometimes almost remote from personal matters, as a professional self-definition, could be so utterly moved by sadness in his own life and I think in the lives of others.

It was in the Halls of the U.S. Senate where ROBERT C. BYRD became known as the ''Soul of the Senate,'' a fierce defender of the Constitution, a respected historian, and an absolutely fearless legislator. He held, as has been said many times before, more leadership posts than any other Senator, cast more votes than any other Senator, and served longer than any other Senator. And one could go on in many ways in that theme. He literally wrote the authoritative book on the rules and procedures of the Senate. He taught all of us who were freshmen in this body about that in classes which he would conduct standing in the well of the Senate. He loved and he revered this institution. Everybody says that. It is true.

Some people pass through this institution. They experience this institution. He lived this institution. Yet, still, his entire career was fundamentally an act of commitment to the State of West Virginia and its people—a day-in and day-out effort to do the best he possibly could for the people of the Mountain State; always put upon, often looked down upon, even disdained by others who did not understand where they came from, what their lives were like, and, for example, what it was like to be a coal miner. People do not understand West Virginia well. Most people do not go there. Senator BYRD sprung from West Virginia and, yes, was an intensely devoted statesman.

He put himself through law school while also serving in Congress. I know a few others have done that, but I just sort of deny that. I think it is amazing that Senator BYRD did that; therefore, any others who did it do not get my attention.

He understood that people with the fortitude to ask questions and to debate and to dissent one from another makes America stronger. He had that courage himself, standing up time and time again to defend the ideals upon which our Nation was founded. And often those ideas were very different from those of others. No matter with Senator BYRD; he always spoke for what he felt was correct.

As the minority leader has pointed out, the Senator always had the Constitution in his pocket, close to his heart. And he outlasted Presidents and Supreme Court Justices. He served with an absolute insistence on the equality of the three branches of government as envisioned by our Founding Fathers, and he, therefore, helped us as a body be more than our separate parts. He spread the words of our Constitution to young children and his colleagues alike. His patriotism was strong and confident, infusing his every action with deep devotion for our Nation and its people.

A Senator from a State that has sent legions of sons and daughters to war—out of courage, out of love of country, sometimes just out of a need to get work—he supported our troops whether he agreed with their cause or not, fought for our veterans, and worked hard to make sure those who served our country got the respect, the support, the supplies they needed and they deserved.

He also earned the loyalty of West Virginians with a record of support for education and economic opportunity that few Senators, at any time, in any State, in my judgment, could ever match. To him, every school building or education grant was a chance for a better life for some West Virginia child or maybe quite a lot of children. He cared about that, and he helped that become true.

Every overpass, every road represented an opportunity for a more dynamic economy for our cities and towns, which might be taken casually in some places but not in West Virginia because only 4 percent of our land is flat, and unless there is a road or a bridge, you cannot build anything anywhere or virtually do anything anywhere. Every business park or government office meant the possibility of a better job for West Virginians trying to raise their families—people he fought for all his life.

Senator BYRD also believed health care is one of the most important ways to strengthen a community, and his support for medical research resulted in breakthrough medical opportunities. He spread this research all across West Virginia, to West Virginia University, to Marshall University, to institutions of all kinds. He believed in medical research and did more than most of our colleagues even know.

So in a State with rugged terrain, full of people like the family who raised him, doing their best for their family, for their country, for their God, ROBERT C. BYRD decided that somebody needed to do the best for them, and he did so each and every day of his life.

To me, he was a perfect colleague and a reliable friend, a walking example of the kind of America I believe in, and a living testament to the values that made West Virginia my own home forever. It has been my greatest privilege to serve with ROBERT C. BYRD in the U.S. Senate. I respected him and I fought side-by-side with him for causes we both believed in, and obviously I am profoundly saddened that he is gone.

So in closing, Mr. President, I think he leaves a void that probably cannot be filled. But I am lifted by the knowledge of his deep and abiding faith and that he is in the hands of the One who inspired these words in ''Amazing Grace:

Yea, when this flesh and heart shall fail,
And mortal life shall cease,
I shall possess within the veil,
A life of joy and peace.

I think that gives all of us some comfort. It certainly does me.

So peace and Godspeed, Senator BYRD, and peace to your family, your loyal staff, and to the loving people of West Virginia, who held you high for so long and will continue to do so.

I thank the Chair and yield my time.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Connecticut.

Mr. DODD. Mr. President, I see my friend from Tennessee. I presume we are kind of going back and forth. The Senator is in leadership. I do not want——

Mr. ALEXANDER. Mr. President, I would like to leave by 3, but I will be glad to defer to the Senator from Connecticut if he would like to go ahead.

Mr. DODD. I thank my colleague. I will not be long.

Mr. President, are we in morning business? Is that correct?

The PRESIDING OFFICER. That is correct.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. DODD. Mr. President, let me begin by expressing my deep sorrow and my condolences to ROBERT C. BYRD's family. And that family includes, obviously, not only his direct, immediate family but obviously the literally legions of people who worked for ROBERT C. BYRD—worked with him in both the House of Representatives and this body for the more than five decades he served in the U.S. Congress.

I suspect I am one of a handful of people left who remember the day when I was 7 years old, in the gallery of the House of Representatives, watching my father be sworn in as a new Congressman, watching my father and a young 34-year-old West Virginian named ROBERT C. BYRD to be sworn in as a Member of the House on January 3, 1953. Seven years later, at the age of 14, I was in the gallery of this Chamber when I watched my father and his great friend be sworn in together on January 3, 1959, as Members of the Senate. Two years later, as a 16-year-old sitting on the very steps where these young pages sit today, in the summer of 1961, I worked with ROBERT C. BYRD. In fact, with his departure and his death, he is now the last remaining Member of the Senate who was there that day when I first arrived as a page in the summer of 1961 when all these chairs were filled by 100 Senators. For the last 25 years, I have sat next to him at this very seat to be the recipient of his good counsel, his advice, his humor, his contributions in so many ways to me, as he was to so many others with whom he served during his tenure in the Congress.

So this is a very poignant day, one that begins, in a sense, a sense of bookmarks to me and a sense of public life. It won't be the same for the remaining 6 or 7 months of my tenure here to not have this wonderful human being, ROBERT C. BYRD, as my seatmate in the Senate.

So I rise today to mark the passing and to celebrate the prolific life of ROBERT C. BYRD of West Virginia. As I have said to his family and to his staff, and, of course, to the people of West Virginia, for whom he has been such a champion throughout his public life, ROBERT BYRD loved three things above all else during the 30 years we spent together in this Chamber. He loved his wife Erma, he loved the State of West Virginia, and he loved deeply the Senate. I might say that each in turn loved him back.

Our sadness at his passing is tempered by our joy that he now joins his beloved Erma. What a love story it was. They met in grade school. They married in 1937, well before I was even born. They spent nearly 70 years on an incredible journey together, and even after passing a few years ago, his love for her was apparent in everything he did.

In 1946, when ROBERT BYRD first ran for office, West Virginia ranked at the bottom in nearly every economic indicator you could possibly think of. It was a bleak landscape pockmarked by coal fields and populated by hard-working people from hardscrabble backgrounds and communities struggling to make ends meet.

Then a young grocer from the town of Sophia arrived on the scene, asking his neighbors in those communities around Sophia for their votes in his race for the West Virginia House of Delegates. As the Washington Post noted in its obituary this morning, ROBERT C. BYRD met nearly every person—I would suspect every person—in his district, campaigning alone, with no one else, talking about the issues he cared about and those that would affect and did affect the people he wanted to represent; and when all else failed, wowing potential voters with his fiddle prowess.

He won that election, as he would every single election—every single election for which he ever ran. The people of West Virginia never could say no to ROBERT C. BYRD, and he could never say no to them. As a State legislator, a Congressman, and as a Senator, ROBERT C. BYRD fought for West Virginians, and our Nation, I might add, at every single turn.

If you travel the State of West Virginia today, you will see his name on schools and bridges and highway signs. You will perceive his influence when you see the government buildings and research laboratories he brought to West Virginia—investments that contributed both to the State and to our national economy and to our Nation. But don't just look for his name on the sides of buildings or overpasses. Listen for it in the appreciative words of his constituents, his extended family, and of a grateful nation for his service.

No State has ever had such a deep appreciation for the Senate Appropriations Committee because no State has ever had such an effective appropriator and fighter. ROBERT C. BYRD came to Congress with my father, as I pointed out, in January of 1953, and they both arrived on the same day as they had in the House, on January 3 of 1959. In the summer of 1961, I mentioned I was a Senate page sitting on the Senate floor. I still remember the eloquent speeches of the freshman Senator from West Virginia.

It is incredible to imagine that he was once a freshman Senator. Even then, he had the same gentlemanly manner; he was kind to pages, as I recall, the same knack for triumphant oratory, and the same respect for the rules and traditions of the Senate. But he soon became a fixture and a mentor to new Senators as well. I expect that over the next few days many Senators will take this floor with a Constitution in their pockets, as I do, that they received from ROBERT C. BYRD. Here is my tattered and rather worn copy signed by ROBERT C. BYRD: ''To my friend, Chris Dodd, with great personal esteem. Sincerely, Robert C. Byrd.'' I have carried this with me every day of my life for the last quarter of a century, given to me by my colleague in this Chamber, along, I might add, with a stern but kind lecture about Senate protocol. I have mine right here, as I said. It is a tattered and withered copy, after this many years.

For the past quarter of a century I have occupied some prime real estate on the floor of the Senate. This desk right next to me today, adorned with these flowers and this black cape, marks the seat ROBERT C. BYRD sat in for many years. As have all of us, I have been awed by his deep knowledge of this institution and his deeper commitment to preserving its place in our legislative system.

So, in many ways, ROBERT BYRD's story is one of constancy, of preservation, and of tradition. You could define his life by longevity, I suppose—his 69 years of marriage, his 52 years of service in the Senate, his 64 years of public service to the people of West Virginia. But he wouldn't have wanted it that way. This country has changed over the many years in which ROBERT C. BYRD helped to lead it and to shape it, and he grew and changed with it, I might add. His story in so many ways parallels the American story over these many years—the story of a nation on a long and difficult journey, always trying to seek that more perfect union

that our Founders described more than two centuries ago.

He wouldn't have wanted us to forget about the positions and affiliations that marked the early part of his life and career, and he did not as well. We should learn from our mistakes, as he did, draw inspiration from his journey, and credit him, I might add, for being willing to admit wrong and embrace right when he had the opportunity to do so, because, like our country, ROBERT C. BYRD grew wiser as he grew older.

So we can remember him not only as a tremendously effective legislator, not only as a powerful speaker, not only as a parliamentary wizard, but also as a human being who fought for equality with the true sense of urgency of a convert. He was a man unafraid of reflection, a man who voted to make Martin Luther King's birthday a Federal holiday because, as he put it—I remember him saying it so well—''I'm the only one who must vote for this bill.''

Here was a man unafraid of progress, a man who, in one of his final acts in the Senate, voted to overturn the don't ask, don't tell rule in our military. Here was a man unafraid of conscience, a man who, as the guns of war prepared to fire in 2003, delivered one of history's most courageous and memorable pleas for peace.

So let us not remember ROBERT C. BYRD for how much he stayed the same throughout his life. Let us remember him for how the years changed him, and how he changed America for the better through so many years of his service.

Let us remember him as West Virginia's greatest champion, the Senate's gentlemanly scholar, Erma's husband, and above all, a true friend to each and every one of us who knew and loved him so well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see the Senator from Pennsylvania and I would ask through the Chair—I plan to speak for about 5 minutes. Does that leave him time to make remarks?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, in 1981, after a surprising election, the Republican leader, Howard Baker, became the majority leader of the Senate, and the Democratic leader, ROBERT C. BYRD, became the minority leader.

According to Senator Baker, he walked to Senator BYRD's office and said to him: BOB, I will never know the Senate rules as well as you do, so I will make you an offer. I will not surprise you if you will never surprise me.

Senator BYRD looked at Senator Baker and said: Let me think about it.

The next morning, Senator BYRD called Senator Baker and said: It is a deal. And that is the way they operated the Senate in those 4 years when Senator Baker was the majority leader and Senator BYRD was the minority leader. They operated the Senate during that time under an agreement where Senator BYRD was careful to try to give every Senator the right of amendment. He thought that was very important. In return, Senator BYRD was able to get unanimous consent agreements on amendments that many Senators thought were frivolous or unnecessary or not germane, which permitted him and Senator Baker to have a fairly orderly management of the Senate during that time.

Senator MCCONNELL a few minutes ago talked about the time Senator BYRD reexamined the Constitution and changed his mind on the first amendment and flag burning. Senator BYRD and Senator Baker during that time both read David McCullough's book and changed their minds on the Panama Canal Treaty, at great political cost to both of them. I bring this up today because I never saw Senator BYRD, after I was elected to the Senate a few years ago, when he did not ask me about his friend and colleague Howard Baker.

We will miss Senator BYRD's fiddling and his love of mountain music. He campaigned in Tennessee a long time ago for Albert Gore, Sr. who was running for the Senate and who also played the fiddle. Senator BYRD played the fiddle at the Grand Ole Opry in Nashville and came back to Nashville in October of 2008 and sang along with a group of fiddlers who were playing songs at his request. I went over there with him. He knew all the songs and all the fiddlers knew him. A few days later I came to him on the Senate floor and talked to him about an old mountain song called ''Wreck on the Highway'' that Roy Acuff made famous in the 1930s or 1940s, and Senator BYRD began to sing the song—he knew all the words—so loudly that the staff was afraid the galleries would all notice it.

We will miss his love of United States history, not just any United States history, but in his words ''traditional American history.'' He was the sponsor of the Teaching Traditional American History Program, which is part of the Elementary and Secondary Education Act. He has provided nearly $600 million to 1,000 local school districts to improve the professional development of American history teachers. He and the late Senator Kennedy and I were working on a piece of legislation which we have introduced to consolidate all the Federal programs that support the teaching of U.S. history, hoping that our children can grow up learning what it means to be an American.

Senator BYRD is also responsible for the celebration of September 17 as Constitution Day and Citizenship Day.

Senator BYRD had no time for revisionists who didn't believe America was exceptional. He believed this is one country, unified by a common language and a few principles. He did not want our country to become a United Nations, but always to be the United States of America. He wanted us to be proud of where we came from, but prouder to be American.

We will especially miss Senator BYRD's love of and understanding of the Senate. One of the most special occasions I ever experienced was the opportunity as a freshman Senator in 2003 to attend an indoctrination, one might say—or orientation would be the proper description—on what it means to be a Senator. Senator BYRD began by saying: ''You are presently occupying what I consider to be hallowed ground.''

I wish to ask unanimous consent to have printed in the RECORD following my remarks the remarks of Senator BYRD at the orientation of new Senators on December 3, 1996.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Senator BYRD served long enough to know that, as he put it:

> As long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

He believed that when he was lecturing Republicans in 2005 who were trying to change the rules when there was a controversy about President Bush's appointees to the Federal judiciary, and he said the same thing to young Democrats who grew impatient this year and wanted to change the rules to limit unlimited amendment and unlimited debate.

Perhaps his last Senate appearance was before the Rules Committee on May 19, 2010, where his opening statement on the filibuster and its consequences warned against a rules change.

I ask unanimous consent to have that statement printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. ALEXANDER. Mr. President, I was 12 years old when Senator ROBERT BYRD was elected to the House of Representatives. I was a senior in Maryville, TN, when he was elected to the Senate. When I came here as a Senate aide 42 years ago, he had just been elected to his second term and was working his way up the party leadership.

He was an imposing man. He had a wonderful photographic memory. But, after one got to know him especially, he was a kind man.

All of us can be replaced, but it is fair to say the Senate will never be the same place without ROBERT C. BYRD.

I yield the floor.

EXHIBIT 1

REMARKS BY U.S. SENATOR ROBERT C. BYRD AT THE ORIENTATION OF NEW SENATORS, DECEMBER 3, 1996

Good afternoon and welcome to the United States Senate Chamber. You are presently occupying what I consider to be 'hallowed ground.'

You will shortly join the ranks of a very select group of individuals who have been honored with the title of United States Senator since 1789 when the Senate first convened. The creator willing, you will be here for at least six years.

Make no mistake about it, the office of United States Senator is the highest political calling in the land. The Senate can remove from office Presidents, members of the Federal judiciary, and other Federal officials but only the Senate itself can expel a Senator.

Let us listen for a moment to the words of James Madison on the role of the Senate.

'These [reasons for establishing the Senate] were first to protect the people against their rulers: secondly to protect the people against the transient impression into which they themselves might be led. [through their representatives in the lower house] A people deliberating in a temperate moment, and with the experience of other nations before them, on the plan of government most likely to secure their happiness, would first be aware, that those charged with the public happiness, might betray their trust. An obvious precaution against this danger would be to divide the trust between different bodies of men, who might watch and check each other. . . . It would next occur to such a people, that they themselves were liable to temporary errors, through want of information as to their true interest, and that men chosen for a short term, [House members], . . . might err from the same cause. This reflection would naturally suggest that the Government be so constituted, as that one of its branches might have an opportunity of acquiring a competent knowledge of the public interests. Another reflection equally becoming a people on such an occasion, would be that they themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. *A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils.* [emphasis added]

Ladies and gentlemen, you are shortly to become part of that all important, 'necessary fence,' which is the United States Senate. Let me give you the words of Vice President Aaron Burr upon his departure from the Senate in 1805. 'This house,' said he, 'is a sanctuary; a citadel of law, of order, and of liberty; and it is here—it is here, in this exalted refuge; here, if anywhere, will resistance be made to the storms of political phrensy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hand of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor.' Gladstone referred to the Senate as 'that remarkable body—the most remarkable of all the inventions of modern politics.'

This is a very large class of new Senators. There are fifteen of you. It has been sixteen years since the Senate welcomed a larger group of new members. Since 1980, the average size class of new members has been approximately ten. Your backgrounds vary. Some of you may have served in the Executive Branch. Some may have been staffers here on the Hill. Some of you have never held federal office before. Over half of you have had some service in the House of Representatives.

Let us clearly understand one thing. The Constitution's Framers never intended for the Senate to function like the House of Representatives. That fact is immediately apparent when one considers the length of a Senate term and the staggered nature of Senate terms. The Senate was intended to be a continuing body. By subjecting only one-third of the Senate's membership to reelection every two years, the Constitution's framers ensured that two-thirds of the membership would always carry over from one Congress to the next to give the Senate an enduring stability.

The Senate and, therefore, Senators were intended to take the long view and to be able to resist, if need be, the passions of the often intemperate House. Few, if any, upper chambers in the history of the western world have possessed the Senate's absolute right to unlimited debate and to amend or block legislation passed by a lower House.

Looking back over a period of 208 years, it becomes obvious that the Senate was intended to be significantly different from the House in other ways as well. The Constitutional Framers gave the Senate the unique executive powers of providing advice and consent to presidential nominations and to treaties, and the sole power to try and to remove impeached officers of the government. In the case of treaties, the Senate, with its longer terms, and its ability to develop expertise through the device of being a continuing body, has often performed invaluable service.

I have said that as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure.

The Senate was intended to be a forum for open and free debate and for the protection of political minorities. I have led the majority and I have led the minority, and I can tell you that there is nothing that makes one fully appreciate the Senate's special role as the protector of minority interests like being in the minority. Since the Republican Party was created in 1854, the Senate has changed hands 14 times, so each party has had the opportunity to appreciate firsthand the Senate's role as guardian of minority rights. But, almost from its earliest years the Senate has insisted upon its members' right to virtually unlimited debate.

When the Senate reluctantly adopted a cloture rule in 1917, it made the closing of debate very difficult to achieve by requiring a super majority and by permitting extended post-cloture debate. This deference to minority views sharply distinguishes the Senate from the majoritarian House of Representatives. The Framers recognized that a minority can be right and that a majority can be wrong. They recognized that the Senate should be a true deliberative body—a forum in which to slow the passions of the House, hold them up to the light, examine them, and, thru informed debate, educate the public. The Senate is the proverbial saucer intended to cool the cup of coffee from the House. It is the one place in the whole government where the minority is guaranteed a public airing of its views. Woodrow Wilson observed that the Senate's informing function was as important as its legislating function, and now, with televised Senate debate, its informing function plays an even larger and more critical role in the life of our nation.

Many a mind has been changed by an impassioned plea from the minority side. Important flaws in otherwise good legislation have been detected by discerning minority members engaged in thorough debate, and important compromise which has worked to the great benefit of our nation has been forged by an intransigent member determined to filibuster until his views were accommodated or at least seriously considered.

The Senate is often soundly castigated for its inefficiency, but in fact, it was never intended to be efficient. Its purpose was and is to examine, consider, protect, and to be a totally independent source of wisdom and judgment on the actions of the lower house and on the executive. As such, the Senate is the central pillar of our Constitutional system. I hope that you, as new members will study the Senate in its institutional context because that is the best way to understand your personal role as a United States Senator. Your responsibilities are heavy. Understand them, live up to them, and strive to take the long view as you exercise your duties. This will not always be easy.

The pressures on you will, at times, be enormous. You will have to formulate policies, grapple with issues, serve the constituents in your state, and cope with the media. A Senator's attention today is fractured beyond belief. Committee meetings, breaking news, fundraising, all of these will demand your attention, not to mention personal and family responsibilities. But, somehow, amidst all the noise and confusion, you must find the time to reflect, to study, to read, and, especially, to understand the absolutely critically important institutional role of the Senate.

May I suggest that you start by carefully reading the Constitution and the Federalist papers. In a few weeks, you will stand on the platform behind me and take an oath to support and defend the Constitution of the United States against all enemies, foreign and domestic; to bear true faith and allegiance to the same; and take this obligation freely, without any mental reservation or purpose of evasion; and to well and faithfully discharge the duties of the office on which you are about to enter: So help you God.'

Note especially the first 22 words, 'I do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic . . .'

In order to live up to that solemn oath, one must clearly understand the deliberately established inherent tensions between the 3 branches, commonly called the checks and balances, and separation of powers which the framers so carefully crafted. I carry a copy of the Constitution in my shirt pocket. I have studied it carefully, read and reread its articles, marveled at its genius, its beauty, its symmetry, and its meticulous balance, and learned something new each time that I partook of its timeless wisdom. Nothing will help you to fully grasp the Senate's critical role in the balance of powers like a thorough reading of the Constitution and the Federalist papers.

Now I would like to turn for a moment to the human side of the Senate, the relationship among Senators, and the way that even that faced of service here is, to a degree, governed by the constitution and the Senate's rules.

The requirement for super majority votes in approving treaties, involving cloture, removing impeached federal officers, and overriding vetoes, plus the need for unanimous consent before the Senate can even proceed

in many instances, makes bipartisanship and comity necessary if members wish to accomplish much of anything. Realize this. The campaign is over. You are here to be a Senator. Not much happens in this body without cooperation between the two parties.

In this now 208-year-old institution, the positions of majority and minority leaders have existed for less than 80 years. Although the positions have evolved significantly within the past half century, still, the only really substantive prerogative the leaders possess is the right of first recognition before any other member of their respective parties who might wish to speak on the Senate Floor. Those of you who have served in the House will now have to forget about such things as the Committee of the Whole, closed rules, and germaneness, except when cloture has been invoked, and become well acquainted with the workings of unanimous consent agreements. Those of you who took the trouble to learn Deschler's Procedure will now need to set that aside and turn in earnest to *Riddick's Senate Procedure*.

Senators can lose the Floor for transgressing the rules. Personal attacks on other members or other blatantly injudicious comments are unacceptable in the Senate. Again to encourage a cooling of passions, and to promote a calm examination of substance, Senators address each other through the Presiding Officer and in the third person. Civility is essential here for pragmatic reasons as well as for public consumption. It is difficult to project the image of a statesmanlike, intelligent, public servant, attempting to inform the public and examine issues, if one is behaving and speaking in a manner more appropriate to a pool room brawl than to United States Senate debate. You will also find that overly zealous attacks on other members or on their states are always extremely counterproductive, and that you will usually be repaid in kind.

Let us strive for dignity. When you rise to speak on this Senate Floor, you will be following in the tradition of such men as Calhoun, Clay, and Webster. You will be standing in the place of such Senators as Edmund Ross (KS) and Peter Van Winkle (WEST VIRGINIA), 1868, who voted against their party to save the institution of the presidency during the Andrew Johnson impeachment trial.

Debate on the Senate Floor demands thought, careful preparation and some familiarity with Senate Rules if we are to engage in thoughtful and informed debate. Additionally, informed debate helps the American people have a better understanding of the complicated problems which besiege them in their own lives. Simply put, the Senate cannot inform American citizens without extensive debate on those very issues.

We were not elected to raise money for our own reelections. We were not elected to see how many press releases or TV appearances we could stack up. We were not elected to set up staff empires by serving on every committee in sight. We need to concentrate, focus, debate, inform, and, I hope, engage the public, and thereby forge consensus and direction. Once we engage each other and the public intellectually, the tough choices will be easier.

I thank each of you for your time and attention and I congratulate each of you on your selection to fill a seat in this August body. Service in this body is a supreme honor. It is also a burden and a serious responsibility. Members' lives become open for inspection and are used as examples for other citizens to emulate. A Senator must really be much more than hardworking, much more than conscientious, much more than dutiful. A Senator must reach for noble qualities—honor, total dedication, self-discipline, extreme selflessness, exemplary patriotism, sober judgment, and intellectual honesty. The Senate is more important than any one or all of us—more important than I am; more important than the majority and minority leaders; more important than all 100 of us; more important than all of the 1,843 men and women who have served in this body since 1789. Each of us has a solemn responsibility to remember that, and to remember it often.

Let me leave you with the words of the last paragraph of Volume II, of The Senate: 1789–1989: 'Originally consisting of only twenty-two members, the Senate had grown to a membership of ninety-eight by the time I was sworn in as a new senator in January 1959. After two hundred years, it is still the anchor of the Republic, the morning and evening star in the American constitutional constellation. It has had its giants and its little men, its Websters and its Bilbos, its Calhouns and its McCarthys. It has been the stage of high drama, of comedy and of tragedy, and its players have been the great and the near-great, those who think they are great, and those who will never be great. It has weathered the storms of adversity withstood the barbs of cynics and the attacks of critics, and provided stability and strength to the nation during periods of civil strife and uncertainty, panics and depressions. In war and in peace, it has been the sure refuge and protector of the rights of the states and of a political minority. And, today, the Senate still stands—the great forum of constitutional American liberty!'

EXHIBIT 2

STATEMENT OF SENATOR ROBERT C. BYRD (D–W.VA.), SENATE RULES AND ADMINISTRATION COMMITTEE, MAY 19, 2010

THE FILIBUSTER AND ITS CONSEQUENCES

On September 30, 1788, Pennsylvania became the first state to elect its United States senators, one of whom was William Maclay. In his 1789 journal Senator Maclay wrote, ''I gave my opinion in plain language that the confidence of the people was departing from us, owing to our unreasonable delays. The design of the Virginians and of the South Carolina gentlemen was to talk away the time, so that we could not get the bill passed.''

Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Senators have understood this since the Senate first convened.

In his notes of the Constitutional Convention on June 26, 1787, James Madison recorded that the ends to be served by the Senate were ''first, to protect the people against their rulers, secondly, to protect the people against the transient impressions into which they themselves might be led . . . They themselves, as well as a numerous body of Representatives, were liable to err also, from fickleness and passion. A necessary fence against this danger would be to select a portion of enlightened citizens, whose limited number, and firmness might seasonably interpose against impetuous councils.'' That ''fence'' was the United States Senate.

The right to filibuster anchors this necessary fence. But it is not a right intended to be abused.

During this 111th Congress in particular the minority has threatened to filibuster almost every matter proposed for Senate consideration. I find this tactic contrary to each Senator's duty to act in good faith.

I share the profound frustration of my constituents and colleagues as we confront this situation. The challenges before our nation are far too grave, and too numerous, for the Senate to be rendered impotent to address them, and yet be derided for inaction by those causing the delay.

There are many suggestions as to what we should do. I know what we must not do.

We must never, ever, tear down the only wall—the necessary fence—this nation has against the excesses of the Executive Branch and the resultant haste and tyranny of the majority.

The path to solving our problem lies in our thoroughly understanding it. Does the difficulty reside in the construct of our rules or in the ease of circumventing them?

A true filibuster is a fight, not a threatt or a bluff. For most of the Senate's history, Senators motivated to extend debate had to hold the floor as long as they were physically able. The Senate was either persuaded by the strength of their arguments or unconvinced by either their commitment or their stamina. True filibusters were therefore less frequent, and more commonly discouraged, due to every Senator's understanding that such undertakings required grueling personal sacrifice, exhausting preparation, and a willingness to be criticized for disrupting the nation's business.

Now, unbelievably, just the whisper of opposition brings the ''world's greatest deliberative body'' to a grinding halt. Why?

Because this once highly respected institution has become overwhelmingly consumed by a fixation with money and media.

Gone are the days when Senators Richard Russell and Lyndon Johnson, and Speaker Sam Rayburn gathered routinely for working weekends and couldn't wait to get back to their chambers on Monday morning.

Now every Senator spends hours every day, throughout the year and every year, raising funds for re-election and appearing before cameras and microphones. Now the Senate often works three-day weeks, with frequent and extended recess periods, so Senators can rush home to fundraisers scheduled months in advance.

Forceful confrontation to a threat to filibuster is undoubtedly the antidote to the malady. Most recently, Senate Majority Leader Reid announced that the Senate would stay in session around-the-clock and take all procedural steps necessary to bring financial reform legislation before the Senate. As preparations were made and cots rolled out, a deal was struck within hours and the threat of filibuster was withdrawn.

I heartily commend the Majority Leader for this progress, and I strongly caution my colleagues as some propose to alter the rules to severely limit the ability of a minority to conduct a filibuster. I know what it is to be Majority Leader, and wake up on a Wednesday morning in November, and find yourself a Minority Leader.

I also know that current Senate Rules provide the means to break a filibuster. I employed them in 1977 to end the post-cloture filibuster of natural gas deregulation legislation. This was the roughest filibuster I have experienced during my fifty-plus years in the Senate, and it produced the most-bitter feelings. Yet some important new precedents were established in dealing with post-cloture obstruction. In 1987, I successfully used Rules 7 and 8 to make a non-debatable motion to proceed during the morning hour. No leader has attempted this technique since, but this procedure could be and should be used.

Over the years, I have proposed a variety of improvements to Senate Rules to achieve a more sensible balance allowing the majority to function while still protecting minority rights. For example, I have supported eliminating debate on the motion to proceed to a matter (except for changes to Senate rules), or limiting debate to a reasonable time on such motions, with Senators retaining the right to unlimited debate on the matter once before the Senate. I have authored several other proposals in the past, and I look forward to our committee work ahead as we carefully examine other suggested changes. The Committee must, however, jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing Rule XXII where a two-thirds majority is required.

As I have said before, the Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, since hearing this morning about the passing of Senator BYRD—he died shortly after 5 a.m.—I have been reflecting on the man I knew.

Those who have the great privilege to serve in the Senate have occasion to meet and interact with great people. The expression ''giant'' is used not too frequently about Senators. It certainly would apply to Senator BYRD, but I believe it is insufficient. Searching my own mind for a more apt term, ''colossus'' might better fit ROBERT BYRD.

His career in the Congress of the United States was extraordinary, really astounding. To think that he was elected in 1952 and was sworn in while Harry Truman was still President of the United States and has served since that time, with many things that happened, during the administrations of President Eisenhower, President Kennedy, President Johnson, President Nixon, President Carter, President George H.W. Bush, President Ronald Reagan before, President George W. Bush, President Clinton, and now President Obama.

One of the distinctions he made early on was the fact that in the Senate, we serve with Presidents; we do not serve under Presidents. I think that was a calling card by Senator BYRD as a constitutionalist on the separation of powers. He was a fierce fighter for that separation of powers.

When the line-item veto was passed, he took up the battle to have it declared unconstitutional as an encroachment on article I powers in the U.S. Congress on appropriations. The bills which we present to the President have a great many provisions, and Senator BYRD was looking upon the factor of the President perhaps taking some provisions he did not like too well in order to take the whole bill. I am sure on Senator BYRD's mind was the largess which came to the State of West Virginia. That is part of our Federal system, part of our democracy, part of our Constitution of the advantage of seniority, where Senator BYRD had been elected and reelected on so many occasions.

I recall Senator BYRD and his swift action shortly after the 1986 election. I was on the Intelligence Committee at that time. Senator BYRD stepped into the picture to see to it that the witnesses who testified on what was later known as the Iran Contra controversy were placed under oath. He had a sense that there was a problem that had to be investigated by Congress, again, under the doctrine of separation of powers.

I recollect his position on the impeachment proceeding as he stood at this chair and recited the provisions of the Constitution, about the impeachment for high crimes and misdemeanors, and then started to talk about the action of the respondent in the case, President Clinton, and the charges which were levied. He came to the conclusion that the constitutional standard had been met and then voted not guilty—with a sweep on the conclusion, a judgment of a higher principle involved that President Clinton had not lost the capacity to govern, and he ought to stay in office.

I recall in October of 2002 we debated the resolution authorizing the use of force for President Bush. The resolution did not say force would be used but gave the President the authority to use force as he decided it appropriate.

I was concerned about that. The scholars who had written on the subject for the most part said it would be an inappropriate delegation of constitutional authority for the Congress to say to the President: You may start a war at some future date.

The starting of a war depended on the facts and circumstances at hand when the decision was made. Senator BYRD and I discussed that at some length and finally concluded there ought to be some flexibility. Both of us voted for that resolution on the ground that empowering the President without authority, we might have the realistic chance of avoiding a war.

While serving with Senator BYRD on the Appropriations Committee, I recall 1 year when he chaired the Appropriations Committee—I think in the late 1980s—the allocations made were not in accordance with the budget resolution which had been passed. Some of us on the Appropriations Committee thought we ought to have those allocations in accordance with what Congress had set in the budget resolution. Senator D'Amato, Senator Kasten, and I staged a minor revolution. It did not last too long. The vote was 26 to 3. But we expressed ourselves.

I recall hearing Senator BYRD and participated in a discussion with him on the Senate floor about the right to retain the floor, whether you could yield to someone or whether you had to have an order of consent before you retained your right to the floor. Discussing or debating Senator BYRD on procedural issues was indeed an education. He was always regarded as the foremost expert on Senate procedure and the rules of this body.

His service—most recently in coming in ill, in a wheelchair for a series of cloture votes at 1 a.m.—historians, I think, will write about the passage of the comprehensive health care bill and the cloture votes and passage in the Senate on Christmas Eve early in the morning—finally, we had a concession we would not vote at 11:59 on Christmas but would vote earlier in the day. Even the objectors wanted to leave town. Senator BYRD came here performing his duty, although he certainly was not well and it was a tremendous strain on him. He came and made the 60th vote.

It is a sad occasion to see a black drape on Senator BYRD's desk and flowers. I am sure in days to come there will be many comments, many eulogies about Senator BYRD. He leaves a great void. But reflecting on the experiences I have had with him, there is much to celebrate in his life. He was a great American, a great Senator. We will all miss him very much.

In the absence of any other Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURRIS. 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. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Mr. President, early this morning, our country lost an icon and a national treasure. Our friend and colleague, Senator ROBERT C. BYRD, became a legend in his own time. And in many ways, he came to embody the institution of the Senate.

As a leader, and as a guardian of Senate procedure and tradition, Senator BYRD was without equal. For more than half a century, he helped shape federal policy, and guided the course of a nation.

But on the day he was born, in 1917, this unique place in history was far from assured.

Raised in the coal country of West Virginia, few could have predicted that this intelligent but unassuming young man would rise to the very highest levels of our democracy. He was an avid fiddle player, and valedictorian of his

high school class. But he could not afford to go to college until many years later. So as a young man, he found work as a meat cutter, a gas station attendant, and a store owner. And the store owner is very dear to me because our family were store owners, and I know how tough that business is. He welded Liberty and Victory ships during the Second World War, and several years later entered politics at the State level.

That is where ROBERT BYRD found his true calling: public service.

He was first elected to the House of Representatives in 1952, and has served the people of West Virginia in this Chamber since 1958. Over the course of his extraordinary career, he worked alongside 11 Presidents. He served in Congress longer than anyone in American history, cast more than 18,000 votes, and was elected to more leadership positions than any other Senator.

Most recently, he assumed the role of President pro tempore of the Senate, ranking him third in the line of Presidential succession. At every turn, he dedicated himself to the sanctity of our Constitution, and fought to uphold its principles and the weight of Senate tradition.

It is difficult to measure the vast impact he has had on the lives of every single American.

No, he was not right on every issue. His past was not without mistakes and errors in judgment. But it is a credit to Senator BYRD that, over the years, he gained the wisdom to recognize the moments when he strayed from the right path. It is the mark of greatness that he worked hard to overcome these errors and set America on course for a more prosperous, more inclusive future.

In recent years, Senator BYRD raised his voice against the unilateral invasion of Iraq.

He fought to preserve the filibuster, ensuring that the voice of the minority will always have a place in this august Chamber. He offered his support to a young Senator from Illinois named Barack Obama, as he fought to become the first African-American President of the United States.

Senator BYRD's historic tenure spanned 11 administrations, thousands of bills, and more than half a century. Thanks to his leadership, and the leadership of others he has inspired and mentored over the years, we live in a very different world today.

The year he launched his first campaign for the House of Representatives, gas cost about 25 cents a gallon, Winston Churchill was Prime Minister of the United Kingdom, and I was only 15 years old.

Senator BYRD has left an indelible mark on this Nation, and for that we will be forever grateful.

But today, as we remember and celebrate the contributions he has made, we also offer our condolences to his friends and loved ones in this time of mourning. We offer our sympathies to the people of West Virginia, who have lost a staunch advocate. We offer our fervent hope that a new generation of Americans, liberal and conservative; Black and White; from all races and religions and backgrounds.

We hope that a new generation will take up the legacy of patriotism and service that was left to us by Senator BYRD; that today's young people will inherit his fierce loyalty to the Constitution, and recognize their responsibility to confront every challenge we face.

So I ask my colleagues to join with me in honoring the life of our dear friend, Senator ROBERT BYRD.

And I call upon every American to learn from the example set by this son of the West Virginia hills who overcame poverty, lack of education, and the prejudice of his times to become one of the greatest public servants in our history.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to H.R. 5297 be delayed to occur at 2:15 tomorrow, Tuesday, June 29; further that if cloture is invoked on the motion to proceed, then all postcloture time be considered yielded back, and the Senate then proceed to consideration of H.R. 5297; further, that as if in executive session, I ask unanimous consent the previous order with respect to the vote on confirmation of the nomination occur upon the use of time specified in the order governing consideration of the nomination with any other provision of the previous order remaining in effect, which would mean the vote would be at 5:30 tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID. Mr. President, I have a resolution at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 568) notifying the House of Representatives of the election of a President pro tempore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 568) was agreed to, as follows:

S. RES. 568

Resolved, That the House of Representatives be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID. I have a resolution at the desk.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 569) notifying the President of the United States of the election of a President pro tempore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 569) was agreed to, as follows:

S. RES. 569

Resolved, That the President of the United States be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate continue in morning business until 5 o'clock today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. As I indicated, we will have one vote at 5:30 today.

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. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ELENA KAGAN

Mr. MCCONNELL. Madam President, the Judiciary Committee just wrapped

up its hearings on the first day of the nomination of Elena Kagan to be an Associate Justice of the Supreme Court. These hearings will provide Senators on both sides of the aisle an opportunity to examine Ms. Kagan's record, legal experience, and background in light of the awesome responsibility that comes with a lifetime appointment on our Nation's highest Court. These hearings also provide an opportunity for the American people to focus their attention on a woman whom President Obama would like to see deciding cases on many of the most important and consequential issues we face as a people, long after the President's time in office is through.

In the near term, she would be ruling on the actions and policies of an administration of which she is now a member. So it is well worth asking why the President chose Ms. Kagan in the first place. We know the President and Ms. Kagan are former colleagues, and we know from the President himself that they are friends. We know he views her as an important member of his team and that he was especially pleased with her handling of the Citizens United case. The President is no doubt confident that Ms. Kagan shares his view that judges should be judged primarily on their ability to empathize with some over others; in other words, that she embraces the empathy standard he has talked about time and time again. But as I have said before, while empathy may be a very good quality in general, in a court of law it is only good if you are lucky enough to be the guy the judge empathizes with. In those cases, it is the judge, not the law, who determines your fate.

In a nation such as ours, conceived from its very beginning as a nation not of men but of laws, this is a very dangerous road to go down. In the case of President Obama's previous nominee to the Supreme Court, Senators had many years of court cases to study in determining whether Sonia Sotomayor could be expected to treat everyone who came before her equally, just as Americans would expect in a judge and just as the judicial oath requires. In Elena Kagan's case, however, no such record exists. She has no experience as a judge, nor does she have much of a record as a legal practitioner. This is one of the reasons some have raised Ms. Kagan's experience as an issue.

It stands to reason that in order to know what kind of judge John Roberts or Sam Alito or Sonia Sotomayor would be, it was useful for Senators from both parties to look at the kind of judge these nominees had been. Since Ms. Kagan has not had the judicial or private practice experience common to most modern-day nominees, it is all the more important that we look more closely at the kind of experience she has had. A review of that experience reveals a woman who has spent much of her adult life not steeped in the practice of law but in the art of politics. To be more specific, when we look at Elena Kagan's resume, what we find is a woman who spent much of her adult life working to advance the goals of the Democratic Party.

As a young woman in college, she spent one summer working 14 hours a day for a liberal Democratic candidate for the Senate, and when her candidate lost, Ms. Kagan wrote that she believed the ''world had gone mad, that liberalism was dead.'' If all we had were the comments of an impassioned young student, they would not be worth all that much. Few of us would want everything we wrote as a college student put up on an overhead projector.

Yet the trajectory of Ms. Kagan's career, the testimony of those who know her work well, and the recently released records of her time as a political adviser in the Clinton White House, suggest otherwise. Taken together, they suggest someone, as one news story put it, who long after college and even at the highest peaks of political influence was ''driven and opinionated, with a flare for political tactics. . . .''

What else do we find in Ms. Kagan's resume? Well, she volunteered for the Dukakis Presidential campaign, working as an opposition researcher to defend the then-Governor of Massachusetts from attacks, and to look for ways to attack the Republican opposition. As an aide to President Clinton, Ms. Kagan did not serve mostly as an attorney, as she put it, but as a policy advocate, frequently looking for ways to advantage Democrats over Republicans.

If you believe the role of a judge is to be an impartial arbiter, these things cannot be ignored. Indeed, Members of both parties should appreciate the importance of confirming judges who are more interested in what the law says than in how the law can be used to advantage any one individual, party, or group. It is to no one's advantage if judges cannot be expected to rise above politics. As the chairman of the Judiciary Committee once put it:

> No one should vote for somebody that's going to be a political apparatchik for either the Democratic Party or the Republican Party.

If there is one thing we can all agree on, it is that politics should end at the courtroom door.

So this is one of the key questions Senators will be looking to answer as these hearings proceed: Is someone who has done the kind of political work Ms. Kagan has done in her career more or less likely to restrain her political views if she were confirmed to a lifetime position on the country's highest Court?

Ms. Kagan has never made a secret of her professional aspirations. She has cultivated all the right friendships along the way, which is all well and good. No one ever rose to the heights of their profession by ignoring or upsetting the people who could get them there. But the question before us is whether Ms. Kagan's political views would be more or less constrained by the Constitution she swears to uphold once she reaches her goal.

Some of Ms. Kagan's supporters wish us to focus on her personality. They wish to point out she has a knack for making friends and for getting along well with different kinds of people in academia and among the political class. Once again, these are all fine qualities. No one has any doubt that Ms. Kagan is bright and personable and easy to get along with. But the Supreme Court is not a dinner club. If getting along in polite society were enough to put somebody on the Supreme Court, then we would not need confirmation hearings at all.

The goal here is not to determine whether we think someone will get along well with the other eight Justices; it is whether someone can be expected to be a neutral and independent arbiter of the law rather than a rubberstamp for any administration.

These are just some of the questions Senators will be asking and which Ms. Kagan will be expected to answer. No one should have any doubt that Republicans will treat Ms. Kagan with the same respect and professionalism they treated Judge Sotomayor. But questions must be answered and clear judgments must be made.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I listen sometimes on the floor of the Senate and think there should be an Olympic Gold Medal for flexibility. It is interesting. For example, the flexibility would mean you are flexible enough to understand if a Republican President were to send down a nominee for the Supreme Court, and that person had never served as a judge previously, that would be a big advantage, and you would argue that would be something that is very salutary, that this person does not have judicial experience. Such was the case of Chief Justice Rehnquist, who did not have such experience. But because they were nominated by a Republican, it was a big advantage not to have judicial experience. Now a Democrat sends a nominee down and all of a sudden not having judicial experience is a liability. That is some flexibility, as far as I am concerned.

I met with the nominee, Ms. Kagan, and she is a great nominee. I am sure

she is going to be confirmed easily in the Senate. I cannot believe the Judiciary Committee will have any opportunity to find very much wrong with this very credible, very high-qualified, well-qualified nominee. I did not come here to say that. But listening, again, as I do, I keep hearing the sound of sawing on the floor of the Senate, sawing away in a partisan manner. I simply wanted to observe that much of this has very little to do with substance and has everything to do with partisan politics that we hear on the floor of the Senate.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. DORGAN. Madam President, today I rise on the floor of the Senate recognizing that we have white roses and a black drape adorning the desk of the late Senator ROBERT C. BYRD.

I had told him personally in the past that when my service is done I will have considered it a great privilege to have served in this body at the time when ROBERT BYRD served in this body. He was a lot of things. He was smart and tough and honest. Because he legislated and because of his career here, this is a better country, I am convinced of that.

All of us know Senator BYRD grew old here and became someone with health problems in recent years and yet even last week would come to this Chamber and cast his vote. In recent weeks I had several visits with him on the floor of the Senate.

All of us know as well that he loved his country. He, most of all, loved the Senate. He wrote a two-volume book of history on this body, and I say to anybody listening, if they enjoy history and enjoy knowing anything about the wonderful history of this body, read what Senator BYRD has written. It is extraordinary.

He loved the Constitution of the United States, and he never appeared on the floor of the Senate without having a copy of that Constitution in his suit pocket. He always had a copy of the Constitution with him.

He was also someone who did not just love the history of the Senate but loved Roman history. I recall sitting on the floor of the Senate many years ago when I first came to the Senate, listening to Senator BYRD talk about Roman history and the lessons in it for us. I recall him 1 day describing Hannibal crossing the Alps, with a conclusion of Hannibal, who had lost an eye—a one-eyed Carthaginian—on the plains, riding the last emaciated elephant before he was cornered, and taking a pill from a secret container in a ring and, rather than being captured, took his life.

I learned a lot listening to Senator BYRD on the floor of the Senate about a lot of things, including Roman history.

I also learned that he had one of the extraordinary memories you have ever known. And I thought today—because we are saddened but also mourning the loss of a friend and someone who served this country so well—I would read something he read on the floor of the Senate a couple of times, but he read the preamble to it and then recited it from memory, this great story. He did it because he was talking about a crime that occurred with respect to a dog, an animal. He talked a lot about his dog Billy, that he loved very much, and then he told us the story about a man named Vest, George G. Vest, who was to become a Senator later.

I will read what Senator BYRD said. He said:

At the turn of the century, George G. Vest delivered a deeply touching summation before the jury in the trial involving the killing of a dog, Old Drum. This occurred, I think, in 1869. There were two brothers-in-law, both of whom had fought in the Union Army. They lived in Johnson County, MO. One was named Leonidas Hornsby. The other was named Charles Burden.

Burden owned a dog, and he was named ''Old Drum.'' He was a great hunting dog. Any time that dog barked one could know for sure that it was on the scent of a raccoon or other animal.

Leonidas Hornsby was a farmer who raised livestock and some of his calves and lambs were being killed by animals. He, therefore, swore to shoot any animal, any dog that appeared on his property.

One day there appeared on his property a hound. Someone said: ''There's a dog out there in the yard.'' Hornsby said: ''Shoot him.''

The dog was killed. Charles Burden, the owner of the dog, was not the kind of man to take something like this lightly. He went to court.

This was Old Drum that was killed.

He won his case and was awarded $25. Hornsby appealed, and, if I recall, on the appeal there was a reversal, whereupon the owner of the dog decided to employ the best lawyer that he could find in the area.

He employed a lawyer by the name of George Graham Vest. This lawyer gave a summation to the jury.

Senator BYRD recited the summation to the jury, and he did it without a note. It so reminded me of all the things I heard on the floor from Senator BYRD—yes, ''The Ambulance Down in the Valley,'' a piece of lengthy prose without a note, and this without a note. He recited the summation to the jury by George Vest:

Gentlemen of the jury. The best friend a man has in the world may turn against him and become his enemy. His son or daughter whom he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name, may become traitors to their faith. The money that a man has he may lose. It flies away from him perhaps when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads. The one absolutely unselfish friend that a man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is the dog.

Gentlemen of the jury, a man's dog stands by him in prosperity and in poverty, in health and in sickness. He will sleep on the cold ground when the wintry winds blow and the snow drives fiercely, if only he can be near his master's side. He will kiss the hand that has no food to offer, he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince.

When all other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens. If fortune drives the master forth an outcast into the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him, to guard him against danger, to fight against his enemies. And when the last scene of all comes, and death takes his master in its embrace and his body is laid in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws and his eyes sad but open, in alert watchfulness, faithful and true, even unto death.

Well, I read this summation to the jury in the case of Old Drum. But Senator BYRD recited it, as he did all of these similar circumstances, completely from memory.

Senator BYRD came to the floor, and he had a way with words that does not so much exist in the Senate anymore. I was sitting on the floor one day when another Senator came to the floor and said some very disparaging things about a President of the United States. They referred to the President in a way that was very disparaging. Senator BYRD did not like that, no matter who the President was. He came to the floor, and I am sure the person who was disparaging the President at that point never understood what had happened to him after Senator BYRD was done.

Mr. LEAHY. I remember that.

Mr. DORGAN. But Senator BYRD came to the floor, and he stood up, and he said this: I have served here long enough to see pygmyies strut like Colossus. And he said, very like the fly in Aesop's fable, sitting on an axle of a chariot, ''My, what dust I do raise.''

And it occurred to me he had just told someone what they had done was unbelievably foolish. I am not sure they understood it. But he wrapped it in such elegant language, as he always did.

In addition to serving at a time early on in his career when things were different, when there was perhaps less anger and less partisanship and committee chairmen and ranking members got together and decided what we needed to do for the country and did it together and came to the floor together, he was also, on the floor of the Senate, someone who knew the rules. He studied the rules because he understood that knowing the rules to this Chamber and how this process works was also important to be successful here.

Aside from that, he was a skillful legislator—very skillful. I watched him walk out of this Chamber from that door and very often stop as a bunch of Senate pages—high school kids who serve in the Senate—would gather around and then he would spend 15, 20 minutes telling them a story about the Senate, about the history of this great place. Too many of us walk back and forth around here, walking very briskly because we are late to go here or there and we are working on a lot of things. Senator BYRD always took time to talk to the pages—not just talk to them but tell them stories about what this great Senate has meant to this great country.

He also loved very much his late wife Erma and talked about her a lot to many of us.

He loved to play the fiddle. Early on when I came to the Senate, if you expressed even the least interest in music, he would get you down to his office and put a tape in his recording device to show us that he played the fiddle on the program ''Hee Haw.'' He was so proud of that. He was someone who loved West Virginia, loved his country, and was a friend to all of us.

Today is a very sad day for those of us who see a desk that was occupied by a great U.S. Senator for so many decades, now occupied with a dozen roses and a black cloth, signifying that we have lost this great man. America has lost a great public servant. As one Member of the Senate, I say it has been a great privilege—my great privilege—to serve while Senator BYRD served in this body.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I appreciate the words of the Senator from North Dakota. I recall sitting here on the floor, I tell my friend from North Dakota, who may well have been here at that time when Senator BYRD spoke of the pygmies strutting like a colossus. We both know who he meant and we both know the effect it had, and I thank him for reminding us of that.

I believe all of us who served with him and knew Senator BYRD were saddened by the news of his passing. No Senator came to care more about the Constitution or was a more effective defender of our constitutional government than the senior Senator from West Virginia. How many times did we see him reach into his jacket pocket and hold up the Constitution? He would say: This is what guides me.

I said in the Judiciary Committee today that many of us carry the Constitution and we can turn to it and read from it. Senator BYRD, if asked, would recite it verbatim from memory from page 1 straight through.

Senator BYRD was a Senator's Senator. During the time before he stopped playing, some of us would be at an event with him where he would play the fiddle. I recall one of those times when he played the fiddle, and now his successor as President pro tempore, Senator INOUYE, played the piano, playing compositions only requiring one hand, and the two of them played in the caucus room now named after our late Senator Ted Kennedy. I heard him play in the happy times and the enjoyable times when he would try to bring Senators of both parties together and act like human beings.

I have also sat here with him when he reminded Senators of what the Constitution stood for, what our role was in the Constitution, when he spoke against going to war in Iraq without reason and without a declaration of war. It was one of the most powerful speeches I have heard him give. In over 36 years of serving with him, I heard many speeches.

Others will speak of his records for time served in the Senate and in Congress and the number of votes he cast. I think of him more as a mentor and a friend. I recall in the fall of 1974 becoming the Senator-elect and coming down here to talk to Senators and meeting with Senator BYRD and Senator Mansfield, Senator Mansfield being the leader, Senator BYRD the deputy leader. I recall one of the things he told me—both of them did: Always keep your word. ROBERT BYRD, ROBERT CARLYLE BYRD, if he gave you his word, you could go to the bank with it, but he would expect the same in return, as he should. That is something all of us should be reminded of and all of us should seek to achieve.

I was honored to sit near him on the Senate floor. Sitting near him in the same room we would engage in many discussions about the Senate and the rules or about the issues of the moment, or about our families. But now I sit here and I look at the flowers on his desk; I look at the drape on that desk. Over the many years I have had the privilege of representing the State of Vermont in this body, I have had to come on the floor of the Senate to see the traditional drapery and the flowers on either side of the aisle when we have lost dear colleagues; more than that, we have lost dear friends. Party is irrelevant. The friendship is what is important. It tugs at your heart and it tugs at your soul to see it. Walking in here and looking down the row where I sit and seeing that, I don't know when I have felt the tug so strong.

Marcelle and I were privileged to know BOB and Erma, his wonderful Erma. We would see them in the grocery store in Northern Virginia. Our wives would drive in together for Senate matters. I recall sitting with him in his office 1 day when we spoke of the death of his grandson and how it tore him apart to have lost him in an accident. He had his portrait in his office with a black drapery. We sat there—this man who could be so composed—we sat and held hands while he cried about his grandson. At that time I did not have the privilege of being a grandfather yet. Today, I think I can more fully understand what he went through. I remember the emotion and the strength of it. This was not just the person whom we saw often as the leader of the Senate, the chairman of a major committee, ready and in control, but a human being mourning somebody very dear to him.

He was a self-educated man. He learned much throughout his life, but then he had much to teach us all. It has been spoken about how he talked to the pages, but he would talk to anybody about his beloved Senate. He did more than that. He wrote the definitive history of the Senate. We all learned from him. He was a symbol of West Virginia. He was an accomplished legislator. He was an extraordinary American.

As a form of tribute I suspect Senator BYRD himself would appreciate—let me quote from Pericles' funeral oration from Thucydides History of the Peloponnesian War about the inherent strength of democracy. Senator BYRD was well familiar with this passage, and with its relevance to our Constitution and our form of government. I heard him use it before. Pericles is said to have spoken this:

> Our form of government does not enter into rivalry with the institutions of others. Our government does not copy our neighbors, but is an example to them. It is true that we are called a democracy, for the administration is in the hands of the many and not of the few. But while there exists equal justice to all and alike in their private disputes, the claim of excellence is also recognized; and when a citizen is in any way distinguished, he is preferred to the public service, not as a matter of privilege, but as a reward of merit. Neither is poverty an obstacle, but a man may benefit his country whatever the obscurity of his condition.

Senator BYRD believed in this country. He believed that a youngster who had been adopted, who lived in a house without running water, who had to work for every single thing he obtained, could also rise to the highest positions in this body, a body he loved more than any other institution in our government, save one: the Constitution. The Constitution was his North Star and his lone star. It was what guided him.

Senator BYRD was such an extraordinary man of merit and grit and determination who loved his family. I recall him speaking of his grandchildren and great-grandchildren and he would proudly tell you about each of them. I remember even after he was a widower walking by and leaning over and saying, How are you? He would say, I am fine. How is Marcelle? And Senators from both sides of the aisle would come just to talk with him.

He drew strength from his deep faith. He took to heart his oath to support

and defend the Constitution of the United States. The arc of his career in public service is an inspiration to us all, and it will inspire Americans of generations to come.

So, ROBERT, I say goodbye to you, my dear friend. I am not going to forget your friendship. I am not going to forget how you mentored me. But, especially, I will not forget, and I will always cherish even after I leave this body, your love of the Senate.

Senator BYRD, you are one of a kind.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, Members of the Senate are coming to the floor today from both sides of the aisle to acknowledge a moment in our history: the passing of ROBERT C. BYRD of West Virginia. Senator BYRD was the longest serving Senator in the history of the United States of America; a man who cast more than 18,000 votes; a man who served as majority leader, as chairman of the Appropriations Committee, as President pro tempore. He was, in fact, the Senate. He embodied the Senate in his life. It was his life.

Each of us, before we can become a Senator, takes a walk down this aisle and goes over to the side here where the Vice President of the United States swears us in. You put your hand on a Bible and you take an oath to uphold and defend the Constitution of the United States. You have to say that or you can't be a Senator. For many people, it is a formality. For ROBERT C. BYRD, it was a commitment, a life commitment to a document, the Constitution of the United States. He used to carry one in his pocket every day of his life. That is the kind of commitment most people will not make because they think: Well, maybe I will change my mind. For ROBERT C. BYRD, there was no changing his mind. He was committed to that Constitution.

For him, it was the North Star, it was the guiding light, it was the document that created this Nation, and he had sworn on his Bible to uphold and defend it, and he meant it. That is why he was so extraordinary.

He understood this Constitution because he understood what our government is about. He made a point of saying whenever a new President would come in, even a President of his own party: I will work with the President but as a Senator; I do not work for the President. We are equal to the President because we are an equal branch of government. I will be glad to work with the President, but I have a responsibility as a Senator.

I remember so well in what I consider to be the finest hour I witnessed when it came to ROBERT C. BYRD. It was in October of 2002. It was a little over a year after 9/11. President George W. Bush was asking this Senate to vote for a resolution to invade Iraq. At the time, the pressure was building. Public sentiment was strongly in favor. Remember, there was talk about weapons of mass destruction, nuclear weapons, attacks on our allies and friends, even on the United States if we did not move, and move quickly. There was a prevailing growing sentiment to go to war.

But the Senator from West Virginia stood up, took out his Constitution, and said: This is a mistake. We should not be going to war.

He proceeded day after day, week after week, and month after month to stand there at that desk and lead the charge against the invasion of Iraq. It was an amazing display of his talent, which was prodigious, and his commitment to this Constitution as he saw it, and the fact that he was politically fearless.

I agreed with him on that issue. I was inspired by him on that issue. I can recall when my wife and I went to a Mass in Old St. Patrick's Church in Chicago, we were in the pew kneeling after communion. The church was quiet as people were returning from communion. An older fellow, whom I did not know, stood next to me in the aisle and looked down at me and said in a voice that could be heard across the church: Stick with BOB BYRD.

I came back and told him that story, and he just howled with laughter. I said: Senator BYRD, your reach is beyond West Virginia and beyond the Senate. It is in Chicago and across the country. What you are saying is resonating with a lot of people.

In the end, 23 people voted against that war—1 Republican and 22 Democrats. For a while, we were not popular. Over time I think that vote became more respected. ROBERT C. BYRD was our leader, and he used this Constitution as his inspiration.

He had such a sense of history. My favorite story related to about 16 or 18 years ago. I was a Member of the House of Representatives then on the Appropriations Committee, and ROBERT C. BYRD was the chairman of the Senate Appropriations Committee. He was a powerful man. We were supposed to meet downstairs in a conference committee, House and Senate, the conferees from both Appropriations Committees, on a transportation bill.

To no one's surprise and without any apology, Senator BYRD had quite a few West Virginia projects in that bill. Congressman FRANK WOLF of Virginia, a Republican, sat on the committee on the House side. When he looked at the West Virginia projects, he got upset. He said it publicly in the Washington Post and other places that he had thought Senator BYRD had gone too far.

That was a pretty bold move by Congressman WOLF to make those statements in the minority about the chairman of the Senate Appropriations Committee. I could not wait for that conference committee because the two of them would literally be in the same room. In fact, it turned out to be even better. They were not even in the same room, but Senator BYRD's staff had reserved a chair directly across the table from Congressman WOLF.

The place was packed, waiting for this confrontation. Senator BYRD came in last and sat down very quietly in his chair and waited his turn. Congressman WOLF at some point asked for recognition and went after the Byrd West Virginia projects. FRANK is a passionate man. I served with him and agreed with him on many issues and disagreed on others. I respected him. He was passionate and committed and made it clear he thought this was unfair and unjust.

Senator BYRD, in his three-piece suit, sat across from him with hands on the table showing no emotion until after 15, 20 minutes, Congressman WOLF was exhausted by his protests about these Byrd projects, at which point Senator BYRD leaned over and said to whomever was presiding at that moment: May I speak? And they said: Of course.

Then he said—and I am going to paraphrase this. I think it is pretty close to what he said. There was no video camera there. I wish there had been. He said: In 1830, in January of 1830, January 19, 1830, which, if my memory serves me, was a Thursday, Daniel Webster and Mr. Hayne engaged in one of the most famous debates in American history. And off he went.

For the next 15 minutes, without a note, ROBERT C. BYRD tried to explain a very basic principle, and it was this: The Senate is created to give every State the same number of Senators—two Senators. The House is elected by popular vote. A small State such as West Virginia does not have much of a chance in the House of Representatives. It is small in a body of 435 Members. But in the Senate, every State, large and small—Virginia and West Virginia, Illinois, New York, California—each has two Senators.

The point Senator BYRD was making was: If I do not put the projects in in the Senate, we will never get them in in the House. That is what the Great Compromise, the Constitution, and the Senate and the House are all about.

It was a masterful presentation, which led to a compromise, one might expect, at the end of the day in which Senator BYRD did quite well for his State of West Virginia.

Years passed, and I was elected to this body. I came here and I saw Senator BYRD sitting in that seat one day, and I said: I want to tell you the most famous debate I can ever remember—there was not a camera in the room, and I do not think anyone recorded it—I recalled his debate with FRANK WOLF.

I said: What I remember particularly is when you said: January 19, 1830, which was a Thursday, if I recall.

He said: Yes, I think it was a Thursday.

I said: I don't doubt it was a Thursday, but that little detail was amazing.

He kind of smiled. He did not say anything more. About an hour passed before the next rollcall, and he called me over to that desk. He had brought out a perpetual calendar and found January 19, 1830, and said: Mr. DURBIN, it was a Thursday.

I said: I didn't dispute it, Senator.

It was an example in my mind of a man who understood this Constitution, understood his use of that Constitution for his State—some would say he overused it, but he was fighting for his State every day he was here—his command of history and his command of the moment.

That was ROBERT C. BYRD. They do not make them like that anymore. There just are not many people in our generation who can even claim to be in that position.

I recall it and I remember very well another conversation I had with him. You see, history will show that in his early life, ROBERT C. BYRD was a member of the Ku Klux Klan. Many of his detractors and enemies would bring that up. He would be very open about it, not deny it but say that he had changed, and his votes reflected it.

I once said to him: Of all these thousands and thousands of votes you have cast, are there any you would like to do over?

Oh, yes, he said. Three. There was one for an Eisenhower administration appointee which I voted against, and I wish I voted for him. I think that was a mistake. And, he said, I was wrong on the civil rights legislation. I voted the wrong way in the 1960s. And, he said, I made a mistake and voted for the deregulation of the airline industry which cut off airline service to my State of West Virginia. Those were three.

If you have been in public life or even if you have been on this Earth a while, I think you have learned the value of redemption. ROBERT C. BYRD, in his early life, made a mistake with his membership in the Ku Klux Klan. He was open about it, and he demonstrated in his life that he was wrong and would do better in the future. That is redemption—political redemption—and, in my mind, it was total honesty.

There were so many other facets to this man too. Senator LEAHY talked about him playing the fiddle. That is the first time I ever saw him in person. He came to Springfield, IL, in 1976, when he was aspiring to run for President of the United States. He stood out from the rest of the crowd because he got up and said a few words about why he wanted to be President. Then he reached in and grabbed his fiddle and started playing it.

I tell you, it brought the house down. I don't remember who else was there. I think Jimmy Carter was there. But I do remember that BOB BYRD was there.

When I came to the Senate, I thought: I cannot wait to see or hear him play that fiddle again. I learned that after his grandson died in an automobile accident, he said: I will never touch it again, in memory of my grandson. That is the kind of family commitment he made as well. He would sing and occasionally have a Christmas party downstairs, and a few of us would be lucky enough to get invited. He would sing. He was a man who had gone through some life experiences and family experiences that were very meaningful to him.

I remember another day when I was on the floor of the Senate and there was a debate about the future of the National Endowment for the Arts. Senator Ashcroft of Missouri wanted to eliminate the National Endowment for the Arts and take away all its money. I stood up to debate him. I was brandnew here, not smart enough to know when to sit down and shut up. I started debating: I thought it was wrong, the arts are important, so forth.

Through the door comes BOB BYRD. He walks in here and asks if he could be recognized. Everything stopped when he had asked for recognition. They said: Of course.

He said: I want to tell you what music meant to me. I was an orphan, and I was raised in a loving family. Early in life, they went out and bought me a fiddle. Music has always been a big, important part of my life. Out of nowhere, this man gives this beautiful speech, and then he quotes poetry during the course of the speech.

As one can tell, all of us who served with him are great fans of ROBERT C. BYRD and what he meant to this Senate and what he meant to this Nation. West Virginia has lost a great servant who was so proud of his home State. Time and again that was always the bottom line for him: Is this going to be good for the future of my little State of West Virginia? He fought for them and put them on the map in some regards and some projects. He was respected by his colleagues because of the commitment to the people who honored him by allowing him to serve in the Senate.

There may be a debate as to whether there is a heaven. If there is a heaven and they have a table for the greats in the Senate, I would ask Daniel Webster to pull up a chair for ROBERT C. BYRD of West Virginia.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

NOMINATION OF GARY SCOTT FEINERMAN

Mr. BURRIS. Madam President, very shortly, we are going to be voting on a judicial nomination. I come before this body to bring my thoughts on that action.

As a lawyer, as a former attorney general for the State of Illinois, I consider it a great privilege to evaluate and confirm nominees to the bench. The constitutional power of advise and consent is one this Senate must exercise with discretion. It determines the makeup of our judicial branch and helps preserve the principle of equal justice under law.

That is why I have come to the floor today in support of Gary Scott Feinerman, President Obama's nominee to become a judge for the Northern District Court of Illinois.

Gary is an Illinois native and a graduate of both Yale and Stanford Universities. Over the past two decades, he has worked extensively in private practice—most recently for Sidley Austin, the respected Chicago law firm. He has served in the public sector, as well as a clerk to the U.S. Supreme Court and counsel at the Department of Justice.

From 2003 to 2007, he was Solicitor General of the State of Illinois. That is the person who argues the cases on behalf of the attorney general before the highest court, whether in Illinois or in the Nation. He held that position with distinction, proving his commitment to the highest ideals of fairness and justice.

Time and again over the years, Gary Feinerman has demonstrated his competence in the legal profession. His training is without equal. His experience is second to none. That is why I am proud to support his nomination to the Northern District Court of the State of Illinois.

We must demand the very best of our public officials, especially those who are entrusted with lifetime appointments on the Federal bench.

These fine men and women are charged with interpreting a body of law that is constantly evolving. They must navigate a treacherous landscape, full of gray areas, to arrive at sound legal truth. The answers are seldom easy, but I have confidence in Gary Feinerman's ability to rise to this challenge. At every stage, he has proven his considerable intellect and his passion for the law. I am proud to join the President in calling for his swift confirmation. I ask my colleagues to join me in pledging to afford the nominee with a fair and timely vote to confirm him to the bench.

This body has a crowded legislative calendar in the months ahead, but cases have piled up in the Northern District of Illinois, and every single day more judicial nominees await as vacancies remain unfilled. Even as we consider Mr. Feinerman's confirmation today, another Illinois nominee, Judge Sharon Johnson-Coleman, awaits a similar up-or-down vote. We need to rise to our constitutional duty and vote on these nominees. We must waste no more time in allowing this fine public servant to get to work.

Let's put our judges to work. Let's confirm Mr. Feinerman now.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, first, I wish to thank the Senator from Montana for allowing me to make some brief remarks, and then I will turn to him.

I join my colleague, Senator BURRIS, in asking my colleagues on both sides of the aisle to vote in just a few moments on the nomination of Gary Feinerman to be U.S. district court judge for the Northern District of Illinois.

Gary Feinerman is one of the brightest lights in the Chicago legal community. He is a partner at one of Chicago's oldest and largest law firms, Sidley Austin, where he specializes in litigation and appellate work. Before that, he served as Illinois' solicitor general and represented our State in many very valuable and important appeals. He won five ''Best Brief'' awards from the National Association of Attorneys General, and he has argued cases before the U.S. Supreme Court and the U.S. Court of Appeals for the Seventh Circuit, as well as the Illinois Supreme Court. Earlier in his career, Mr. Feinerman worked at the Chicago law firm of Mayer Brown and in the Justice Department's Office of Policy Development. He served as law clerk for Supreme Court Justice Anthony Kennedy and for Seventh Circuit Judge Joel Flaum. He is a leader in the Chicago legal community. He is the president of the Appellate Lawyers Association of our State and serves on Chicago's Constitutional Rights Foundation and the Midwest chapter of the Anti-Defamation League. He has also had a very active pro bono practice, which speaks well of his commitment as a professional.

Mr. Feinerman's academic record is also impressive. He graduated from Yale and Stanford Law School, where he finished second in his class. Not surprisingly, he received the highest possible rating of ''well-qualified'' from the American Bar Association for this commitment.

We currently have six—six—vacancies in the Northern District of Illinois. We need to fill them quickly so that we don't slow down the process of justice. I hope the Senate will confirm Gary Feinerman today and move very quickly to Justice Sharon Coleman, who is also on the calendar. Mr. Feinerman will be an excellent judge, and Judge Coleman will join him, with the blessing of the Senate, to start to fill these important vacancies.

Madam President, I yield the floor and again thank my colleague from Montana.

Mr. TESTER. Madam President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. TESTER. Madam President, I have a short speech to give today about a giant of a man. I rise today out of deep respect for our colleague, Senator ROBERT C. BYRD. Sharla and I extend our condolences to the BYRD family and to all the people of West Virginia. We join you in mourning but also in a celebration of his life and his successes as a public servant.

Senator BYRD liked to call me ''the Mountain Man,'' and when somebody from the Mountain State calls you that, it is an incredible compliment.

Senator BYRD and I had a few things in common: We were both from very small towns, we both married our high school sweethearts, and we both made a living at one time as meat cutters. He must have had an eye for the butchering business because he liked to guess my weight. And wouldn't you know, he always came within 3 pounds. You could say Senator BYRD convinced me to spend a little more time in the gym.

Senator BYRD was elected to Congress 4 years before I was even born, and he always shared his wisdom with those of us who admired it. I am honored to call Senator BYRD a respected teacher and a trusted friend.

I was Presiding Officer on the day the farm bill came before the Senate. Instead of signing the farm bill himself, Senator BYRD let me sign the bill. Although it went unspoken, I know it was because he saw me as the farmer in the Senate. It was truly an honor for me to be able to do that.

Another thing Senator BYRD and I had in common was our upbringing in rural America. He was always proud to fight for folks making a living off the land and in the mountains and in the woods. He was a powerful advocate, and he represented West Virginia with tireless passion. He valued hard work and common sense. Those values are a matter of survival in America. They are values you take with you as you go to Congress, and Senator BYRD showed us that.

Madam President, we will miss Senator BYRD very much. His work over the decades on the Hill has made the entire country a better place for us and for our kids and grandkids.

Before I came to Capitol Hill 3½ years ago, many folks came up to me and said: You are going to have an experience of a lifetime. You will meet some incredible people.

And I will tell you that one of the most incredible men I have met since I have been here was Senator BYRD.

We miss you.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF GARY SCOTT FEINERMAN TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Gary Scott Feinerman, of Illinois, to be United States District Judge for the Northern District.

The PRESIDING OFFICER. Under the previous order, the time until 5:30 p.m. will be for debate on the nomination, with the time equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

Mr. TESTER. 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. TESTER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. BOXER are printed in today's RECORD under ''Morning Business.'')

Mr. LEAHY. Madam President, today the Senate is proceeding on only one of the 23 judicial nominees stalled by Republican obstruction from action by the Senate. The nominee the Senate will confirm tonight has been stalled for more than 10 weeks, even though his nomination was reported without a single objection from the Judiciary Committee on April 15. There are eight other judicial nominees who have been stalled for at least as long, or longer, and nominees who were favorably reported last year, last November, still being obstructed.

This confirmation was needlessly delayed for no good purpose. The services of this judge are sorely needed in the Northern District of Illinois. I congratulate Mr. Feinerman and his family on his confirmation today.

The Senate Republican leadership refuses to enter into time agreements on pending judicial nominations. That stalling and obstruction is unprecedented. They refuse to enter into a time agreement to consider the North Carolina nominees to the Fourth Circuit, who were reported in January, despite the fact that one was reported unanimously and one with only a single negative vote. They refuse to enter into a time agreement to debate and vote on the Sixth Circuit nominee from Tennessee who was reported last November. I have told Senator ALEXANDER that all Democrats are prepared to vote on that nomination, and have agreed to do so since November. It is his own leadership that continues to obstruct the nominee.

The Senate is well behind the pace I set for President Bush's judicial nominees in 2001 and 2002. A useful comparison is that in 2002, the second year of the Bush administration, the Democratic Senate majority's hard work led to the confirmation of 72 Federal circuit and district judges nominated by a President from the other party. In this second year of the Obama administration, we have confirmed just 22 so far—72 to 22.

In the first 2 years of the Bush administration, we confirmed 100 Federal circuit and district court judges. So far in the first 2 years of the Obama administration, the Republican leadership has successfully obstructed all but 34 of his Federal circuit and district court nominees—100 to 34. We confirmed twice that many in just 2002. Meanwhile Federal judicial vacancies around the country hover around 100.

By this date in President Bush's Presidency, the Senate had confirmed 57 of his judicial nominees. Despite the fact that President Obama began sending us judicial nominations two months earlier than did President Bush, the Senate has to date only confirmed 34 of his Federal circuit and district court nominees—57 to 34.

Last year, Senate Republicans refused to move forward on judicial nominees. The Senate confirmed the fewest judges in 50 years. The Senate Republican leadership allowed only 12 Federal circuit and district court nominees to be considered and confirmed despite the availability of many more for final action. They have continued their obstruction throughout this year. By every measure, the Republican obstruction is a disaster for the Federal courts and for the American people.

To put this into historical perspective, consider this: In 1982, the second year of the Reagan administration, the Senate confirmed 47 judges. In 1990, the second year of the George H.W. Bush administration, the Senate confirmed 55 judges. In 1994, the second year of the Clinton administration, the Senate confirmed 99 judges. In 2002, the second year of the George W. Bush administration, the Senate confirmed 72 judges. The only year comparable to this year's record-setting low total of 16 was 1996, when the Republican Senate majority refused to consider President Clinton's judicial nominees and only 17 were confirmed all session.

Senate Democrats moved forward with judicial nominees whether the President was Democratic, 1994, or Republican, 1982, 1990, 2002, and whether they were in the Senate majority, 1990, 1994, 2002, or in the Senate minority, 1982. Senate Republicans, by contrast, have shown an unwillingness to consider judicial nominees of Democratic Presidents, 1996, 2009, 2010.

Over the last recess, I sent a letter to Senator MCCONNELL and to the majority leader concerning these matters. In that letter, I urged, as I have since last December, the Senate to schedule votes on these nominations without further obstruction or delay. I called on the Republican leadership to work with the majority leader to schedule immediate votes on consensus nominations—many, like that finally being considered today, I expect will be confirmed unanimously—and consent to time agreements on those on which debate is requested. As I said in the letter, if there are judicial nominations that Republicans truly wish to filibuster—after arguing during the Bush administration that such action would be unconstitutional and wrong—then they should so indicate to allow the majority leader to seek cloture to end the filibuster. It is outrageous that the majority leader will be forced to file cloture petitions to get votes on the North Carolina, Tennessee and other nominees.

After this confirmation, there will still be 22 judicial nominees favorably reported by the Judiciary Committee being stalled from Senate consideration by the Republican leadership.

The PRESIDING OFFICER (Mr. KAUFMAN). Under the previous order, the question is, Will the Senate advise and consent to the nomination of Gary Scott Feinerman, of Illinois, to be U.S. District Judge for the Northern District of Illinois?

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. 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 Washington (Ms. CANTWELL), the Senator from New York (Mrs. GILLIBRAND), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), the Senator from Michigan (Ms. STABENOW), and the Senator from Oregon (Mr. WYDEN), are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. LEMIEUX), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 0, as follows:

[Rollcall Vote No. 201 Ex.]

YEAS—80

Akaka	Durbin	Lugar
Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Baucus	Feingold	McConnell
Bayh	Feinstein	Menendez
Begich	Franken	Nelson (NE)
Bennet	Graham	Nelson (FL)
Bingaman	Grassley	Pryor
Boxer	Hagan	Reed
Brown (MA)	Harkin	Reid
Brown (OH)	Hatch	Risch
Bunning	Hutchison	Roberts
Burris	Inhofe	Rockefeller
Cardin	Inouye	Schumer
Carper	Isakson	Sessions
Casey	Johanns	Shaheen
Chambliss	Kaufman	Snowe
Coburn	Kerry	Specter
Cochran	Klobuchar	Tester
Collins	Kohl	Thune
Conrad	Kyl	Udall (CO)
Corker	Landrieu	Udall (NM)
Cornyn	Lautenberg	Warner
Crapo	Leahy	Webb
DeMint	Levin	Whitehouse
Dodd	Lieberman	Wicker
Dorgan	Lincoln	

NOT VOTING—19

Bennett	Johnson	Shelby
Bond	LeMieux	Stabenow
Brownback	Merkley	Vitter
Burr	Mikulski	Voinovich
Cantwell	Murkowski	Wyden
Gillibrand	Murray	
Gregg	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Hawaii.

Mr. AKAKA. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. AKAKA. Madam President, I rise to pay tribute to Senator ROBERT C. BYRD, my mentor, supporter, and good friend.

Senator BYRD was the dean of the Senate, our foremost constitutional scholar. No one in the history of our country served longer in Congress.

For more than a half century, ROBERT C. BYRD kept the Senate in line. He always kept a copy of the Constitution in his jacket pocket, close to his heart. He was meticulous, a master of the rules of this historic institution. Through hard work and dedication, Senator BYRD became an institution himself.

When I joined the Senate 20 years ago, to my great fortune, Senator BYRD took me under his wing. He guided me through procedural rules and taught me how to preside over the floor. I still have the notes he gave me when I was a freshman Senator. He was adamant that the Presiding Officer should always be respectful of the speakers, while maintaining strict adherence to the rules of the Senate.

Senator ROBERT C. BYRD was a patriot who cared for and loved this country, the United States of America. He worked hard for the people of West Virginia, who showed their support for him election after election.

Senator ROBERT C. BYRD was a spiritual man. Each week a number of Senators got together for a morning prayer breakfast. Senator BYRD was a regular participant when he was well. His favorite hymn was ''Old Rugged Cross.'' I enjoyed singing it with him many times.

We shared a love for music and the arts. His fiddle playing was legendary.

He loved his family. He loved his children and grandchildren. He loved his dogs. Closest always was his wife Erma who was always by his side until her death in 2006. They spent many wonderful years together, and now they are together again.

My thoughts and prayers are with the Byrd family.

Senator BYRD, we love you and we miss you.

Thank you very much, Madam President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

USE OF IEDS IN AFGHANISTAN

Mr. CASEY. Madam President, I rise tonight to speak about the war in Afghanistan, but on a particular subject. In particular, I wish to speak about the terribly destructive force of improvised explosive devices. These improvised explosive devices, known by the acronym IEDs, represent the single greatest threat to the United States and coalition forces in Afghanistan. The impact of this deadly tool of war has been felt in my home State of Pennsylvania, and I know so many of our colleagues have had not only loved ones in some cases but constituents who have lost their lives because of IEDs. In Pennsylvania, we have lost marines, soldiers, and National Guard troops to this insidious threat.

In the first 4 months of 2010, incidents of IEDs in Afghanistan increased 94 percent over a comparable period in the previous year according to the United Nations.

In 2009, more than 6,000 IEDs were discovered, the vast majority of which used ammonium nitrate as their main explosive ingredient. This is the No. 1 killer of United States and coalition forces. In 2009 alone, 275 American troops were killed by IEDs. In addition to the lethality of IEDs, they have a tremendously demoralizing effect on our troops. Just the threat of IEDs forces troops to move at a slower pace and take away their focus from the mission at hand.

Ammonium nitrate bombs, often crude wood and graphite pressure-plate devices buried in dirt lanes or heaps of trash, are very difficult to detect.

Americans remember, unfortunately, the deadly power of ammonium nitrate from its use by Timothy McVeigh in the 1995 Oklahoma City bombing which killed 168 Americans. It can be used, as we know, as a fertilizer as well as an explosive in the mining and construction industry. Its use in the United States is tightly restricted. President Karzai of Afghanistan has rightly recognized the threat and has banned its use as a fertilizer. Afghan troops and police, supported by ISAF forces, have begun a concerted effort to crack down on its proliferation, distribution, and sale. On Wednesday, ISAF reported that 11 tons of ammonium nitrate were seized by Afghan forces supported by NATO troops. These 11 tons would have been enough to build more than 500 IEDs—IEDs that could have been used to kill NATO forces, Afghan troops, and civilians.

The Afghan Government appears committed to this fight and has enacted the appropriate legal measures and enforcement efforts. But ammonium nitrate is still ubiquitous in Afghanistan due to smuggling along supply routes from its neighbors, particularly along Pakistan's tribal belt where smuggling is a way of life. The Los Angeles Times newspaper reported last month that as much as 85 tons of ammonium nitrate is smuggled into Afghanistan from Pakistan in a single night, a shipment that could yield more than 2,500 bombs. Even as we heard recently that 11 tons were intercepted, this published report says that 85 tons can be smuggled in a single night.

Along with seven of my colleagues—Senators LEVIN, REED, SNOWE, WEBB, KYL, MCCASKILL, and KAUFMAN—I have submitted a resolution calling for continued support for and increased efforts and focus by the Governments of Pakistan, Afghanistan, and the central Asian countries in that region to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent criminal groups, insurgents, and terrorist organizations from transporting ammonium nitrate into Afghanistan where it is used in these improvised explosive devices.

I am committed to highlighting this threat and supporting United States and international efforts to crack down on the proliferation of precursor chemicals such as ammonium nitrate. The Joint Improvised Explosive Device Defeat Organization—JIEDDO—which includes coalition partners from the United Kingdom, Canada, and Australia, has led an impressive effort to combat IEDs at every step in the process. The U.S. Immigration and Customs Enforcement Agency will soon commence Project Global Shield, which is an unprecedented multilateral law enforcement operation aimed at countering the illicit diversion and trafficking of precursor chemicals, such as ammonium nitrate.

Pakistan has made efforts to contend with ammonium nitrate in large part because the threat has begun to impact the security of its country as well. Recent coordination between Pakistani civilian and military entities on the IED issue has been positive. The Government of Pakistan has formed an interagency national coalition IED forum. We are also beginning to see efforts at the local level, such as small-scale bans and regulations in the community of Malakand. I hope Pakistan expeditiously approves its draft legislation to better control explosive materials in the country and make a concerted effort at enforcement.

We must exercise extraordinary vigilance in stemming the unregulated flow of ammonium nitrate in this region because of its importance to U.S. national security interests, as well as, of course, to the lives of our troops.

The United States, together with our allies, must do everything we can to make it more difficult for our enemies to make IEDs. I am committed to this task for the long term. I also understand terrorists will resort to different strategies and different ingredients after we are better able to restrict the flow of ammonium nitrate. Implementing more robust and interdiction measures is important, but we also must do more to disrupt and dismantle terrorist and criminal organizations in

making IEDs. This will involve multilateral engagement, regulatory measures, training, and technological efforts, building border control capacity, and other means as well.

There are a host of other ingredients terrorists can and probably will utilize in IEDs. But ammonium nitrate is what they are using today to kill scores of U.S. troops. We must do all that is in our power to ensure the job of making these bombs is made more difficult. When they shift tactics and use other ingredients, we will go after those too. Restricting the flow of ammonium nitrate is, in fact, a very difficult challenge. But we must do all we can to protect our troops on the ground across the world, but especially our troops in Afghanistan. There is no more important task at hand.

REMEMBERING SENATOR ROBERT C. BYRD

Mr. CASEY. Mr. President, I wish to offer a few words in remembrance of Senator BYRD. I will offer a longer statement for the RECORD, but I wish to give a few thoughts now.

We do mourn his passing. We see at his desk today a reminder of his passing. To say that ROBERT BYRD was a towering figure in the history of the Senate does not begin to describe his impact, his influence and, indeed, the memory he leaves behind, the legacy he leaves behind for those of us in the Senate, for his home State of West Virginia, and I know for millions of Americans.

He was a strong advocate for not just his point of view but, more importantly, for the people of West Virginia. He arrived in the Senate in 1958—before I was born. I was pleased to have the opportunity and honor, the chance to serve with him a couple of years.

He was a strong advocate. He was also a remarkable orator. Even in the last couple years of his life when some thought he might have been slowing down a little, when he got the microphone, he could deliver a speech like no other. He was a tremendous orator who believed in what he was saying, believed in the traditions of the Senate but mostly, and most importantly, believed in fighting for the working men and women and the families of West Virginia.

We also knew him as a scholar—a scholar of not just this institution, maybe the leading scholar of all time when it comes to the institution of the Senate, but also as well as a constitutional scholar.

His was a life of commitment, of real fidelity, first and foremost I believe to his family. He spoke often of his wife Erma. In the portrait that is just outside the door, there are three items in his area of control in the picture. He has his hand on the Bible, the Scriptures, he has a copy of the Constitution, and a picture of his beloved wife Erma, about whom he spoke so often.

He was committed and had a life of commitment to his family and his faith. But he was also committed to the people of West Virginia for so many years, so many battles on their behalf and especially the families of West Virginia.

Of course, he also led a life of commitment and fidelity to the Constitution and knew it better than anyone I have ever met and certainly better than some of our more renowned constitutional scholars.

Of course, we know of his commitment to this institution, to the Senate. He loved this institution and wrote volume after volume about the Senate. We know that the multivolume work he did, the one volume in and of itself—hundreds of pages on the history of the Senate—is a compilation of speeches he gave on the floor of the Senate, some of them written out, but some of them he could give by memory.

We know of his capacity to extemporaneously talk about so many topics, whether it was history or poetry or Scripture or the history of the Senate.

We will miss his scholarship, we will miss his service, and we will miss his fidelity to his country and to his home State. I, along with others here, am honored to have served with him in this body. For me it was 3½ years. To be in his presence, to listen to him, to learn from him is a great gift. We mourn his passing. I do not think any of us will believe there will ever be a Senator quite like him in the 50 years he served in this body, in addition to serving the people of West Virginia in the House of Representatives, as well as in the legislature in West Virginia.

We say farewell and God bless and Godspeed to ROBERT BYRD and his memory. We are praying for and thinking this day and I know many future days about his legacy and his family.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Madam 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. CASEY. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOE FRANK NEIKIRK

Mr. MCCONNELL. Madam President, I rise to pay tribute to Joe Frank Neikirk and the business success he has helped build. Mr. Neikirk is the president and general manager of Paul's Discount in Somerset, KY. Paul's Discount has become a local institution in the region, and this month celebrated its 50th anniversary of operations.

The land that Paul's Discount now sits upon was purchased by Joe's ancestor, Franklin Neikirk, and his spouse for 500 cords of wood in 1856. Joe's parents, Paul E. and Frances R. Neikirk, opened the first discount store in south-central Kentucky on that land 104 years later in the early spring of 1960.

Founder Paul Neikirk passed away in 1974. Today Joe runs the store with his wife Jamie. The original store occupied only about 1,800 square feet and had three employees. Today, Paul's Discount boasts more than 20,000 square feet of selling space, plus three warehouses.

They offer sporting goods, hardware, automotive goods, clothing and crafts. Joe's glad he's still in the same original location, saying, ''You can't duplicate the atmosphere of this building.'' Judging by the crowd that turned out for the 50th anniversary, he must certainly be right.

The Commonwealth Journal recently published an excellent article about Paul's Discount, the Neikirk family's legacy and the 50th anniversary celebration that I would like to share with my colleagues. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Somerset Commonwealth Journal, June 13, 2010]

50 YEARS OF SERVICE—''UNIQUE'' PAUL'S DISCOUNT—A PULASKI GEM

(By Tricia Neal, CJ Staff Writer)

Paul's Discount has always had a steady stream of customers, but yesterday, the customers came in droves—packing the parking lot and spilling out onto Ky. 2227 to help president and general manager Joe Frank Neikirk and his employees celebrate 50 years in business. Paul's Discount, opened in 1960 by Joe's parents, Paul and Frances Neikirk, is described by Joe as a ''unique'' store—offering sporting goods, hardware, automotive goods, clothing, and crafts.

What started as an Army surplus store with three employees has evolved into a sprawling, multi-department retail store with 30 employees, all of whom Joe says help make Paul's what it is. ''God has blessed us with good employees at every level, from department managers to cashiers,'' he said.

Some of Paul's Discount's employees have worked in the store for nearly 30 years. Joe himself worked in his parents' store while he was in high school and college—and even earlier, he recalled, passing out baby chickens to customers at Easter.

''Customer service is the big thing about Paul's,'' Joe said. ''You actually get somebody to ask you if you need help.'' That kind of friendly service is what brings customers from Pulaski and surrounding counties—and

even, Joe says, from northern Kentucky, southern Ohio, and from other points east and west.

Paul Neikirk opened Paul's Surplus on his ancestors' land north of Somerset in 1960. In the beginning, the shop—the first discount store in south central Kentucky—occupied only about 1,800 square feet of space. Paul passed away in late 1974. At that time, his brother, Lyle Neikirk, took over management of the business. Lyle retired about 14 years later, leaving the shop in the hands of Paul's sons, Joe and Randy Neikirk.

Joe continues to manage the store, which now offers more than 20,000 square feet of selling space plus three warehouses, but he says his job has been made easy by those who surround him. ''Today, my wife, Jamie, and I run the store. She does human resources, the employees do most everything else, and I handle whatever is left,'' he said.

''Our employees are almost self-sufficient.'' While the merchandise available at Paul's is constantly changing, Joe hopes the store's quality customer service and its atmosphere will keep customers loyal.

''We could never open another Paul's,'' Joe said. ''You can't duplicate the atmosphere of this building.'' Joe adds that his employees help create the atmosphere there.

While many things have remained the same at Paul's throughout the years, the current management is making sure the business keeps current. Paul Neikirk never would have imagined that his little shop would eventually be accessible to millions on the Internet. Now, the business can be found at www.paulsdiscount.com and on Facebook. ''That's part of it nowadays,'' Joe said. But he still believes customers appreciate a good, old fashioned brick and mortar shopping experience.

''People still like to come to a store and look at what they're buying,'' he said. Paul's Discount is located on Ky. 2227, just north of SomerSplash water park. Ky. 2227 is part of the former North U.S. 27, and was once the most highly traveled road in the county. The store is now a little more out-of-the-way than it once was, but Joe says the change in traffic patterns hasn't hurt his business.

''Many local people were lost for a while,'' Joe recalled. ''We were really dead for a couple of weeks. But people find their way. . . . It was an incredible risk (to stay in the same location). I thought it would affect us a lot more than it has.'' Store hours are 8 a.m. to 8 p.m., Mondays through Saturdays.

NOMINATION OF ELENA KAGAN

Mr. LEAHY. Madam President, this morning, the Supreme Court concluded its work for the term and, accordingly, it was Justice John Paul Stevens' last day on the Court. This afternoon, the Senate Judiciary Committee began the hearing on the nomination of Elena Kagan to succeed Justice Stevens on the Supreme Court of the United States.

Solicitor General Kagan appropriately included a tribute to Justice Stevens in her opening remarks. The Nation is indebted to Justice Stevens for his decades of service to this country, from his days as a Navy intelligence officer during World War II for which he was awarded a Bronze Star, to his contributions as a circuit judge, to his 35 years on our highest Court and his leadership there.

When I visited with Justice Stevens earlier this year he shared with me the note President Ford had written a year before his death in which the President said: ''I am prepared to allow history's judgment of my term in office to rest (if necessary, exclusively) on my nomination 30 years ago of John Paul Stevens to the U.S. Supreme Court.'' President Ford was justifiably proud of his nomination. Despite those on the far right who have ranted against Justice Stevens' refusal to be bound by narrow, conservative ideology and who have criticized his good judgment—just as they have Justice Sandra Day O'Connor and Justice David Souter—his was principled jurisprudence founded on adherence to the rule of law and an appreciation for the effects of decisions.

His was the first Supreme Court nomination on which I have been privileged to vote. I have never regretted supporting his confirmation. Just as I reached across the political aisle to vote for Justice Stevens, Justice O'Connor, and Justice Souter, who were nominated by Republican Presidents, I have urged Senate Republicans to fairly consider President Obama's nominations.

Justice Stevens has written important decisions upholding the power of Congress to pass legislation to protect hard-working Americans. He brought to his opinions a keen understanding of the distinct roles set forth in our Constitution for courts and for our democratically elected Congress, and a respect for both. In Gonzales v. Raich and in Tennessee v. Lane, Justice Stevens authored the Supreme Court's opinions upholding Congress' actions. I suspect these precedents will be even more important as the Supreme Court continues to examine laws passed by Congress to protect Americans from discriminatory health insurance policies and fraudulent Wall Street practices.

A decade ago, the Supreme Court overreached and unnecessarily waded into the political thicket to award the presidency in a close election to George W. Bush. In his dissent, Justice Stevens lamented that the decision would damage the Court's reputation and it did. He noted: ''Although we may never know with complete certainty the identity of the winner of this year's Presidential election, the identity of the loser is perfectly clear. It is the Nation's confidence in the judge as an impartial guardian of the rule of law.''

While the public's memory of that partisan decision was receding, it came rushing back when the Supreme Court issued another election-related decision in the Citizens United case. In Citizens United, five conservative, activist Justices overturned a century of law to empower corporations to overwhelm and distort the democratic process by using corporate funds to influence elections. Those five Justices substituted their own preferences for the judgment of Congress that had built on decades of legal development to pass bipartisan campaign finance reform legislation. In order to reach its divisive decision granting corporations, banks, and insurance companies new rights to the detriment of the voices of individual Americans, the Court overstepped the proper judicial role, and rejected not just the conclusions of the elected branches, but also its own recent precedent upholding the very law it chose to overturn. In one of his most powerful dissents, Justice Stevens noted that: ''[The] Court's ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution.'' He was right, again.

I share Justice Stevens' concern for the Court's reputation. Two of the three branches of government are involved in campaigns and elections. When the American people see the third branch reaching out to influence those elections—as they did most recently in Arizona—they rightly get suspicious of its impartiality. I hope that Elena Kagan will show the judgment and forthrightness of Justice Stevens and share our concern about the public's confidence in our judicial system. Based on her Oxford thesis almost 20 years ago, before she had even attended law school, I expect that she will. I hope that she will honor Justice Stevens' extraordinary legacy and that of the Justice for whom she clerked, Justice Thurgood Marshall, by so doing.

The country needs and deserves a Supreme Court that bases its decisions on the law and the Constitution, not politics or an ideological agenda. A recent pattern of Supreme Court decisions has emerged by a conservative, activist majority. These opinions have twisted both the Constitution and the law to favor big corporations over the interests of hard-working Americans.

The most recent example of this conservative activism came just last week in a case called Rent-a-Center v. Jackson when they distorted their own precedent the clear congressional intent in passing the Federal Arbitration Act, FAA. Congress did not intend the FAA to apply to employment cases and certainly did not intend involuntary and unconscionable provisions requiring binding mandatory arbitration to override civil rights protections against racial discrimination and retaliation, as was allowed in that case. The five Justices distorted the law to forbid almost all court challenges to arbitration. In doing so, the court stripped quintessential civil rights protections that Congress has passed over the last several decades for hundreds of thousands of Americans who work

under mandatory arbitration agreements. It is artifice and activism to the detriment of hard-working Americans who deserve their day in court.

The law is not a game. The law is intended to serve the people—protecting the freedom of individuals from the tyranny of government or the mob, and helping to organize our society for the good of all. No Justice should substitute his or her personal preferences and overrule congressional efforts passed into law to protect hard-working Americans pursuant to our constitutional role. Judges must approach every case with an open mind and a commitment to fairness and the rule of law. I was encouraged to hear Solicitor General Kagan voice similar views in her eloquent opening statement today. I hope Americans took the opportunity to see and hear from the nominee herself. If they did, I suspect that they will be supportive.

Tomorrow each Senator on the Judiciary Committee, whether Republican and Democrat, will have 30 minutes to question her. I urge Senators to listen to Solicitor General Kagan's responses and to approach the hearing with the same openmindedness and impartiality that we expect from Supreme Court Justices.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS BARRY DANIEL SMITH

Mrs. SHAHEEN. Madam President, today I rise to express my deepest sympathies to the family of Army PFC Barry Daniel Smith, who died on May 7 while stationed at Fort Hood, TX. He enlisted in the Army in October of 2009 and completed basic training and Multiple Launch Rocket System training before joining the 2nd Battalion, 20th Field Artillery, MLRS, 41st Fires Brigade. The American people will forever be grateful to Private First Class Smith for his willingness to serve.

A longtime New Hampshire resident, Barry was a graduate of Littleton High School and Hesser College in Manchester, where he earned a degree in criminal justice. He was a lover of the great outdoors, of hunting and camping with family and friends. With his friendly nature and wonderful laugh, Barry made friends easily and had many.

Private Smith exemplified the best in America's long tradition of service to this country. He was extremely proud to serve in the U.S. Army. Our Nation can never adequately thank Private Smith for his willingness to make the ultimate sacrifice in the defense of the American people, nor can words diminish the pain of losing this young soldier. It is now up to us to honor his memory by supporting our veterans and their families and ensuring America's continued security.

Private Barry Smith is survived by his parents Dan and Shelly Smith of Auburn, ME, and Linda and Jonathan Larrivee of Littleton, NH. He is also survived by numerous siblings, grandparents, aunts, uncles and cousins. This young patriot will be dearly missed by all.

I ask my colleagues and all Americans to join me in honoring the life of Army PFC Barry Daniel Smith.

TAX EXTENDERS BILL

Mr. GRASSLEY. Madam President, I was surprised to see the Senate majority leader on Friday morning, in some of the harshest possible language, make the misleading assertion that Senate Republicans oppose the underlying policy in the tax extenders bill. His statement conveniently ignored the basic reason nearly every Republican for opposing the Democratic leadership's substitute. It was opposed to because it perpetuated the large deficit spending that has become the modus operandi of the Democratic leadership.

The way to a bipartisan agreement is to follow the path set 1 week ago today. Just 1 week ago, the Senate passed a bill that extended the so-called Medicare doc fix for several months.

The bill was fully offset. It was paid for. It did not add to the deficit. Every Republican Senator supported that fiscally responsible approach. I would like to make a couple of points on the process employed by the Democratic leadership. The majority leader's comments this morning are typical of the dysfunctional way that these routine extenders have been unnecessarily delayed by the strategy and tactics of the Democratic leadership.

What I find surprising is that we took up a package, the fourth in the latest series, that, like previous exercises, absolutely belongs to the Senate Democratic leadership. That is to say they continued to refuse to take up a bipartisan package that I put together with Finance Committee Chairman BAUCUS. To be sure, some of the structure reflected the agreement my friend, the chairman and I reached.

I was under the impression that the Senate Democratic leadership was genuine in its desire to work on a bipartisan basis, but clearly I was mistaken. Although the Senate Democratic leadership was highly involved in the development of a bipartisan bill, they arbitrarily decided to replace it with a bill that skews toward their liberal wing.

My second comment goes to the way in which these expiring tax provisions have been described by many on the other side, including those in the Democratic leadership. If you rolled the videotape back a few months or so ago, you would hear a lot of disparaging comments about these routine, bipartisan extenders. From my perspective, those comments were made in an effort to sully the bipartisan agreement reached by Chairman BAUCUS and me.

If you take a look at newspaper accounts of that period, you'd come away with the impression that the tax extenders are partisan pork for Republicans. A representative sample comes from one report, which describes the bipartisan bill as ''an extension of soon-to-expire tax breaks that are highly beneficial to major corporations, known as tax extenders, as well as other corporate giveaways that had been designed to win GOP support.'' The Washington Post included this attribution to the Senate Democratic leadership in an article at that time: ''We're pretty close,'' [the majority leader] said Friday during a television appearance in Nevada, adding that he thought ''fat cats'' would have benefitted too much from the larger Baucus-Grassley bill.''

The portrait that was painted by certain members of the majority in some press reports was inaccurate.

For one thing the tax extenders include provisions such as the deduction for qualified tuition and related expenses and also the deduction for certain expenses of elementary and secondary school teachers. If you are going to school or if you are a grade school teacher, the Senate Democratic leadership apparently viewed you as a fat cat. If your house was destroyed in a recent natural disaster and you still need any of the temporary disaster relief provisions contained in the extenders package, too bad, because helping you would amount to a corporate giveaway in the eyes of some.

The tax extenders have been routinely passed repeatedly because they are bipartisan and very popular. Democrats have consistently voted in favor of extending these tax provisions. House Speaker NANCY PELOSI released a very strong statement upon House passage of tax extenders in December of 2009, saying this was ''good for businesses, good for homeowners, and good for our communities.'' December of 2009 was not very long ago. In 2006, the then-Democratic leader released a blistering statement ''after Bush Republicans in the Senate blocked passage of critical tax extenders'' because ''American families and businesses are paying the price because this Do Nothing Republican Congress refuses to extend important tax breaks.''

Recent bipartisan votes in the Senate on extending expiring tax provisions have come in the Emergency Economic Stabilization Act of 2008, the Tax Relief and Health Care Act of 2006, which passed the Senate by unanimous consent and the Working Families Tax Relief Act of 2004, which originally passed the Senate by voice vote, although the conference report only received 92 votes in favor and a whopping 3 against. According to the non-partisan Congressional Research Service, extension of several of these provisions go

back even further, including the Tax Relief Extension Act of 1999, which again passed the Senate by unanimous consent, but lost 1 vote on the conference report.

One Member on the other side said ''Our side isn't sure that the Republicans are real interested in developing good policy and to move forward together. Instead, they are more inclined to play rope-a-dope again, My own view is, let's test them.'' Another Member of this large 59-vote majority exclaimed, ''It looks more like a tax bill than a jobs bill to me. What the Democratic Caucus is going to put on the floor is something that's more focused on job creation than on tax breaks.''

Reading those comments I found myself scratching my head. The only explanation for this behavior is that certain senators decided last week that it serves a deeply partisan goal to slander what have been for several years bipartisan and popular tax provisions benefitting many different people. The Washington Post article I quoted from earlier includes a statement from a Senate Democratic leadership aide saying that ''No decisions have been made, but anyone expecting us immediately to go back to a bill that includes tax extenders will be sorely disappointed.''

You can imagine, that today, after considering these comments, I am really scratching my head. We have before us the expiring tax and health provisions that were disparaged just a short time ago. Have they morphed from corporate tax pork? Have they suddenly re-acquired their bipartisan character? Are these time-sensitive items, now expired for more than 2 months, suddenly jobs-related?

Madam President, I also want to correct the record regarding a statement made last Thursday night by the senior Senator from Illinois. He said that the international tax increases that the Democrats have called for in the extenders bill would stop companies from sending jobs overseas. If only these international tax increases would do that, I would be at the front of the line, doing what I could to pass them. But, unfortunately, that is not what they would do. I would like to briefly describe why, if anything, these international tax increases would actually tend to hurt the job market here at home in America.

Quite to the contrary of the complaint by the senior Senator from Illinois, these international tax increases may make American businesses less competitive in the global marketplace. Increased taxes increase the cost of doing business. Those tax increases are targeted only at U.S. companies on their business abroad. They are not aimed at foreign companies with which the U.S. companies are competing side-by-side. Guess what. The cost must be absorbed by the U.S. company. The cost of these tax increases may make it less likely that American businesses will hire. Instead German, or Indian, or Chinese companies will out-compete and thus be hiring more. If the U.S. taxes the foreign subsidiaries of U.S. parent companies at ever higher rates, the result won't be jobs kept here at home.

No, the result will instead be that the U.S. will become a less and less attractive place to have a parent company, to have a global headquarters. This will result in less, not more, but less jobs here in America.

But that is certainly not my only objection. Not only could these international tax increases result in less American jobs, but these proposed tax increases have not had adequate vetting. In some cases, the proposed tax increases would actually be retroactive. These tax increases would be permanent tax increases, meant to pay for temporary tax reductions—a strange miss-match. If these international tax increases really are loophole closers, then it is squandering them to use them for such temporary provisions, rather than to use them to pay for corporate tax reform.

Finally, the business community—that is, the hiring sector—has reacted quite negatively to this bill, even though the bill also contains the tax extenders that the business community wants.

Those are the reasons that I oppose these tax increases.

SAFER AIR ACT

Mr. BENNETT. Madam President, I am pleased to rise today to speak about an important piece of legislation that I introduced last week with my friend Senator KLOBUCHAR. The SAFER AIR Act is going to bring our commercial air travel security checkpoints into the 21st century. Threats to our Nation's air travelers have advanced and magnetometers are simply not enough in this post-9/11 world. Our legislation would support and expand TSA's current efforts to adopt and deploy advanced technologies, like the advanced imaging technology, and explosive trace detection at an accelerated pace to ensure such equipment is the primary screening method in every commercial airport.

The December 25 terror attempt on NW flight 253 was a frightening wake-up call that could have been prevented. It represents a failure in the mechanisms of our national security. This failed plot highlights our need to look at areas that can increase our security in the national airport system immediately. Important security improvements have been made in intelligence handling, but I am convinced more needs to be done. Airport security improvements are a needed and overdue part of the equation.

I have been watching our domestic airport security closely in the past year. My airport in Salt Lake City, UT, is a testing site for advanced imaging technology. I have seen this machine in use, and been impressed with what represents a true advancement in the technology of safer skies. TSA needs to utilize equipment that is currently available to identify plastic and liquid explosives as well as move forward with the development and testing of new technologies to fight emerging threats.

Our bill will require TSA to install technology with the capability of detecting plastic explosives, liquid explosives and other nonmetallic threats and explosives. These devices have been tested and available since 2007. The delay in deployment has gone on long enough. The SAFER AIR Act will require this technology in all commercial airports by 2013 and will encourage the further development of these technologies as threats continue to advance.

An important provision in our legislation is the privacy protections it will establish for our traveling public. I applaud TSA for the protections it has already put in place. Our language will codify those protections and ensure the new technologies will also be used in a manner that doesn't violate the personal privacy of commercial flyers in the United States.

New and emerging technologies have a great ability to detect nontraditional threats. I am eager to see these capabilities improved through further innovation and testing. I urge my colleagues to join me in supporting the SAFER AIR Act and do all we can to better protect the traveling public from existing and emerging threats.

ADDITIONAL STATEMENTS

ARKANSAS NEWS-EDITORIAL CONTEST WINNERS

• Mrs. LINCOLN. Madam President, today I congratulate the 2010 winners of the Arkansas Press Association's News-Editorial Contest, who were honored this past weekend during the 2010 Tri-State Convention, cohosted by the press associations of Arkansas, Mississippi and Tennessee. I commend the Arkansas reporters, editors, and staff who were recognized during this prestigious event.

Under the leadership of executive director Tom Larimer, the Arkansas Press Association serves 135 newspapers: 99 weeklies, six semi-weeklies, 28 dailies and 2 free newspapers.

Our Arkansas newspapers inform citizens throughout our State and are an essential part of Arkansas's culture. I appreciate the dedication of all of our Arkansas news media, and I commend them on their commitment to excellence in journalism.

As the oldest professional association in the State, the Arkansas Press Association has a long history of supporting

our local newspapers. All Arkansans should be proud of the hard work put in each day by our Arkansas news media, who work tirelessly to fairly and accurately report the news of the day. Their work educates and inspires each one of us, and I am grateful that we live in a society where reporters are able to perform their jobs freely and openly.

I again congratulate all of the winners of this year's conference.●

TRIBUTE TO MARTIN LEONARD SKUTNIK

● Mr. CONRAD. Madam President, I want to take a moment to honor a great civil servant. On June 4, Martin Leonard Skutnik retired after 30 years of working at the Congressional Budget Office. Lenny exemplified the best of our public workforce. In his decades of service, Lenny worked tirelessly to support the work of CBO. He moved from handling mail and supplies, to printing reports, to providing IT support. Lenny's behind-the-scenes efforts helped CBO in its mission to provide Congress and the public with clear, timely, and accurate information. For that alone, he deserves our recognition and deepest thanks.

But Lenny will also be remembered for the heroic deed he performed early in his career at CBO. On a cold January day in 1982, Lenny was returning home from work when he witnessed Air Florida flight 90 crash into the Potomac River. Risking his own life, Lenny jumped into the icy waters and saved one of the passengers from drowning. His selfless and heroic act was widely acclaimed at the time. President Reagan honored Lenny in his State of the Union Address, singling him out in the House gallery. This acknowledgement began the tradition of Presidents, in their State of the Union Addresses, recognizing people who have done extraordinary things. The President's gallery in the House is now often referred to as ''the Heroes' Gallery,'' thanks to Lenny.

Lenny received many awards and honors for his actions on that day. But he never sought out the limelight or asked for special treatment. He remained a humble and hardworking public servant. Lenny insists he ''wasn't a hero,'' and that he ''was just someone who helped another human being.'' But we know a hero when we see one. We can't thank Lenny enough for his long, faithful service to CBO and the American people. I wish him a long, happy, and well-deserved retirement.●

● Mr. GREGG. Madam President, today I would like to recognize and thank a dedicated civil servant, Martin Leonard Skutnik. Lenny, as he is known, recently retired after working for 30 years for the Congressional Budget Office. He started at CBO in 1980 handling the mail and messenger duties—before the advent of the internet, email, and blackberries—and later worked to help print and produce CBO reports and provide IT support. Lenny worked behind the scenes, tirelessly for three decades, to help provide Congress with the information it needed. Lenny was a model civil servant, and for that he deserves our respect and praise.

Lenny was also a model citizen, and whether he thought so or not, a hero. In January 1982, Lenny witnessed a horrible event when an Air Florida plane crashed into the Potomac River near the 14th Street bridge. Without so much as a thought about his own safety, Lenny jumped into the river, which was full of chunks of floating ice, and saved the life of one of the crash victims. He was honored later that month by President Reagan during his State of the Union Address, and this began the inspirational tradition of Presidents honoring ordinary people who have done extraordinary things.

Through it all, Lenny shied away from the spotlight and continued to report to work, putting 100 percent effort into his work each day. He worked hard, remained humble, and never sought to exploit his fame. His character exemplifies the best of the American spirit, and for that he deserves our admiration. I wish to thank Lenny for his hard work and for his heroism—may he enjoy a healthy and well-deserved retirement.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

CAPS EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the following enrolled bill, previously signed by the Speaker of the House, was signed on today, June 28, 2010, by the President pro tempore (Mr. INOUYE):

H.R. 2194. An act to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5136. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 5175. An act to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5136. An act to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5175. An act to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6401. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the RAND report entitled ''Retaining F–22A Tooling: Options and Costs''; to the Committee on Armed Services.

EC–6402. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Administrative Process for Seizures and Forfeitures Under the Immigration and Nationality Act and Other Authorities'' (RIN1651–AA58) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6403. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District'' ((RIN1625–AA08) (Docket No. USG–2010–0102)) received in the Office of the President of the Senate on June 23, 2010; to the

Committee on Commerce, Science, and Transportation.

EC–6404. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; U.S. Navy Submarines, Hood Canal, WA'' ((RIN1625–AA11) (Docket No. USG–2009–1058)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6405. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Patapsco River, Northwest Harbor, Baltimore, MD'' ((RIN1625–AA08) (Docket No. USG–2010–0087)) received in the Office of the President of the Senate on June 29, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6406. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Portland Rose Festival Fleet Week, Willamette River, Portland, OR'' ((RIN1625–AA87) (Docket No. USG–2010–0196)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6407. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Potomac River, Washington Channel, Washington, DC'' ((RIN1625–AA87) (Docket No. USG–2010–0405)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6408. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zone; Golden Guardian 2010 Regional Exercise; San Francisco Bay, San Francisco, CA'' ((RIN1625–AA87) (Docket No. USG–2010–0221)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6409. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Annual Events Requiring Safety Zones in the Captain of the Port Lake Michigan Zone'' ((RIN1625–AA00) (Docket No. USG–2010–0129)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6410. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Tri-City Water Follies Hydroplane Races Practice Sessions, Columbia River, Kennewick, WA'' ((RIN1625–AA00) (Docket No. USG–2010–0277)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6411. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Washington State Department of Transportation Ferries Division Marine Rescue Response (M2R) Full-Scale Exercise for a Mass Rescue Incident (MRI)'' ((RIN1625–AA00) (Docket No. USG–2010–0389)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6412. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Marathon Oil Refinery Construction, Rouge River, Detroit, MI'' ((RIN1625–AA00) (Docket No. USG–2010–0333)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6413. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; May Fireworks Displays within the Captain of the Port Puget Sound Area of Responsibility (AOR)'' ((RIN1625–AA00) (Docket No. USG–2010–0285)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6414. A communication from the Project Council, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone, Brandon Road Lock and Dam to Lake Michigan including Des Plaines River, Chicago Sanitary and Ship Canal, Chicago River, and Calumet—Saganashkee Channel, Chicago, IL'' ((RIN1625–AA00) (Docket No. USG–2010–0166)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6415. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Gallants Channel, Beaufort, NC'' ((RIN1625–AA00) (Docket No. USG–2010–0120)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6416. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Marine Events within the Captain of the Port Sector Northern New England Area of Responsibility'' ((RIN1625–AA00) (Docket No. USG–2010–0239)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6417. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; KFOG Kaboom, Fireworks Display, San Francisco, CA'' ((RIN1625–AA00) (Docket No. USG–2010–0162)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6418. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sea World Summer Nights Fireworks, Mission Bay, San Diego, CA'' ((RIN1625–AA00) (Docket No. USG–2010–0213)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6419. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Clemente 3 NM Safety Zone, San Clemente Island, CA'' ((RIN1625–AA00) (Docket No. USG–2009–0277)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6420. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Under Water Clean Up of Copper Canyon, Lake Havasu, AZ'' ((RIN1625–AA00) (Docket No. USG–2010–0168)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6421. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Riser for DEEPWATER HORIZON at Mississippi Canyon 252 Outer Continental Shelf MODU in the Gulf of Mexico'' ((RIN1625–AA00) (Docket No. USG–2010–0337)) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Commerce, Science, and Transportation.

EC–6422. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2008; to the Committee on Energy and Natural Resources.

EC–6423. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Procedure: Safe Harbors for Sections 143 and 25'' (Rev. Proc. 2010–25) received in the Office of the President of the Senate on June 23, 2010; to the Committee on Finance.

EC–6424. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–435, ''Brookland Streetscape Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6425. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–436, ''Renewable Energy Incentive Program Fund Balance Rollover Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6426. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–437, ''Commission on Uniform State Laws Appointment Authorization Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6427. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–438, ''District of Columbia Public Schools Teacher Reinstatement Temporary Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–439, ''Solar Thermal Incentive Temporary Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6429. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–440, ''Senior Housing Modernization Grant Fund Act of 2010''; to the

Committee on Homeland Security and Governmental Affairs.

EC–6430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–444, ''Prohibition Against Human Trafficking Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–6431. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, (3) reports relative to vacancies in positions in the Office of Management and Budget; to the Committee on Homeland Security and Governmental Affairs.

EC–6432. A communication from the Secretary of Education, transmitting, pursuant to law, a report on the Department's Semiannual Report to Congress on Audit Follow-Up for the period of October 1, 2009, through March 31, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–6433. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including technical data and defense services to Japan and Israel to support the manufacture and assembly of Helmet Mounted Displays for the Fighter Aircraft of the Armed Forces of Japan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–6434. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Bermuda, Hong Kong, Cayman Islands, Malaysia and the Philippines for the sale and support of the Asia Broadcast Satellite 2 (ABS 2) Commercial Communications Satellite Program in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–6435. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Japan and Israel to support the manufacture and assembly of Helmet Mounted Displays for the Fighter Aircraft of the Armed Forces of Japan in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–6436. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services to Turkey and Poland for the manufacture of machined parts, subassemblies and components for all models of the H–60/S–70, H–53, and H–92 families of helicopters in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–6437. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to support the C3 Commercial Communication Satellite Programs of Brazil in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–6438. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services to support the 737 Airborne Early Warning and Control Wedgetail System previously delivered to the Commonwealth of Australia in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–6439. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including, technical data, and defense services for the upgrade of Swedish Low Coverage Radars in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–6440. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0089—2010–0092); to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 2129. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum (Rept. No. 111–216).

H.R. 1700. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum (Rept. No. 111–217).

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. WHITEHOUSE (for himself and Mr. VITTER):

S. 3540. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN:

S. 3541. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 3542. A bill to create a fair and efficient system to resolve claims of victims for economic injury caused by the Deepwater Horizon incident, to establish a Commission to investigate and report on corrective measures to prevent similar incidents, to improve the Oil Spill Liability Trust Fund and Federal oil spill research, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 567. A resolution to elect Daniel K. Inouye, a Senator from the State of Hawaii, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 568. A resolution notifying the House of Representatives of the election of a President pro tempore; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 569. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. CASEY (for himself, Mr. LEVIN, Mr. KAUFMAN, Mr. WEBB, Mr. REED, Ms. SNOWE, and Mr. KYL):

S. Res. 570. A resolution calling for continued support for and an increased effort by the Governments of Pakistan, Afghanistan, and other Central Asian countries to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent the transport of ammonium nitrate into Afghanistan where the ammonium nitrate is used in improvised explosive devices; considered and agreed to.

By Mrs. GILLIBRAND (for herself, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. SCHUMER, Mr. LEVIN, Mr. CASEY, Mr. KYL, and Mr. VITTER):

S. Res. 571. A resolution calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes; considered and agreed to.

By Mr. REID (for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr.

REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 572. A resolution relative to the death of the Honorable Robert C. Byrd, a Senator from the State of West Virginia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 1159

At the request of Mrs. BOXER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1159, a bill to promote freedom, human rights, and the rule of law in Vietnam.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 1273, a bill to amend the Public health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1275

At the request of Mr. WARNER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1275, a bill to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1353

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1353, a bill to amend title 1 of the Omnibus Crime Control and Safe Streets Act of 1986 to include nonprofit and volunteer ground and air ambulance crew members and first responders for certain benefits.

S. 1382

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 2740

At the request of Mrs. MURRAY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2740, a bill to establish a comprehensive literacy program.

S. 3034

At the request of Mr. SCHUMER, the names of the Senator from Ohio (Mr. BROWN), the Senator from Georgia (Mr. ISAKSON) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3034, a bill to require the Secretary of the Treasury to strike medals in commemoration of the 10th anniversary of the September 11, 2001, terrorist attacks on the United States and the establishment of the National September 11 Memorial & Museum at the World Trade Center.

S. 3183

At the request of Mr. WYDEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3183, a bill to amend the Internal Revenue Code of 1986 to extend the nonbusiness energy property credit to roofs with pigmented coatings which meet Energy Star program requirements.

S. 3320

At the request of Mr. WHITEHOUSE, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3320, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 3339

At the request of Mr. KERRY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3339, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 3409

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 3409, a bill to make certain adjustments to the price analysis of propane prepared by the Secretary of Commerce.

S. 3424

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3424, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 3466

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3466, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 3489

At the request of Mr. VITTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3489, a bill to terminate the moratorium on deepwater drilling issued by the Secretary of the Interior.

S. 3512

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3512, a bill to provide a statutory waiver of compliance with the Jones Act to foreign flagged vessels assisting in responding to the Deepwater Horizon oil spill.

S. 3519

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3519, a bill to stabilize the matching requirement for participants in the Hollings Manufacturing Partnership Program.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE (for himself and Mr. VITTER):

S. 3540. A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, and for other purposes; to the Committee on Environment and Public Works.

Mr. WHITEHOUSE. 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. 3540

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 ''Clean Estuaries Act of 2010''.

SEC. 2. NATIONAL ESTUARY PROGRAM AMENDMENTS.

(a) PURPOSES OF CONFERENCE.—

(1) DEVELOPMENT OF COMPREHENSIVE CONSERVATION AND MANAGEMENT PLANS.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended by striking paragraph (4) and inserting the following:

''(4) develop and submit to the Administrator a comprehensive conservation and management plan that—

''(A) identifies the estuary and the associated upstream waters of the estuary to be addressed by the plan, with consideration given to hydrological boundaries;

''(B) recommends priority corrective actions and compliance schedules addressing—

''(i) point and nonpoint sources of pollution; and

''(ii) protection and conservation actions—

''(I) to restore and maintain the chemical, physical, and biological integrity of the estuary, including—

''(aa) restoration and maintenance of water quality, wetlands, and natural hydrologic flows;

''(bb) a resilient and diverse indigenous population of shellfish, fish, and wildlife; and

''(cc) recreational activities in the estuary; and

''(II) to ensure that the designated uses of the estuary are protected;

''(C) identifies healthy watershed components for protection and conservation by carrying out integrated assessments, where appropriate, of—

''(i) aquatic habitat and biological integrity;

''(ii) water quality; and

''(iii) natural hydrologic flows;

''(D) considers current and future sustainable commercial activities in the estuary;

''(E) addresses the impacts of climate change on the estuary, including—

''(i) the identification and assessment of vulnerabilities in the estuary;

''(ii) the development and implementation of adaptation strategies; and

''(iii) the impacts of changes in sea level on estuarine water quality, estuarine habitat, and infrastructure located in the estuary;

''(F) increases public education and awareness with respect to—

''(i) the ecological health of the estuary;

''(ii) the water quality conditions of the estuary; and

''(iii) ocean, estuarine, land, and atmospheric connections and interactions;

''(G)(i) identifies and assesses impairments, including upstream impairments, coming from outside of the area addressed by the plan, and the sources of those impairments; and

''(ii) provides the applicable State with any information on such impairments or the sources of such impairments;

''(H) includes performance measures and goals to track implementation of the plan; and

''(I) includes a coordinated monitoring strategy for Federal, State, and local governments and other entities.''.

(2) MONITORING AND MAKING RESULTS AVAILABLE.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended by striking paragraph (6) and inserting the following:

''(6) monitor (and make results available to the public regarding)—

''(A) water quality conditions in the estuary and the associated upstream waters of the estuary identified under paragraph (4)(A);

''(B) healthy watershed and habitat conditions that relate to the ecological health and water quality conditions of the estuary; and

''(C) the effectiveness of actions taken pursuant to the comprehensive conservation and management plan developed for the estuary under this subsection;''.

(3) INFORMATION AND EDUCATIONAL ACTIVITIES.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following:

''(7) provide information and educational activities on the ecological health and water quality conditions of the estuary; and''.

(4) CONFORMING AMENDMENT.—The sentence following section 320(b)(8) of the Federal Water Pollution Control Act (as so redesignated) (33 U.S.C. 1330(b)(8)) is amended by striking ''paragraph (7)'' and inserting ''paragraph (8)''.

(b) MEMBERS OF CONFERENCE; COLLABORATIVE PROCESSES.—

(1) MEMBERS OF CONFERENCE.—Section 320(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1330(c)(5)) is amended by inserting ''not-for-profit organizations,'' after ''institutions,''.

(2) COLLABORATIVE PROCESSES.—Section 320(d) of the Federal Water Pollution Control Act (33 U.S.C. 1330(d)) is amended—

(A) by striking ''(d)'' and all that follows through ''In developing'' and inserting the following:

''(d) USE OF EXISTING DATA AND COLLABORATIVE PROCESSES.—

''(1) USE OF EXISTING DATA.—In developing''; and

(B) by adding at the end the following:

''(2) USE OF COLLABORATIVE PROCESSES.—In updating a plan under subsection (f)(4) or developing a new plan under subsection (b), a management conference shall make use of collaborative processes—

''(A) to ensure equitable inclusion of affected interests;

''(B) to engage with members of the management conference, including through—

''(i) the use of consensus-based decision rules; and

''(ii) assistance from impartial facilitators, as appropriate;

''(C) to ensure relevant information, including scientific, technical, and cultural information, is accessible to members;

''(D) to promote accountability and transparency by ensuring members are informed in a timely manner of—

''(i) the purposes and objectives of the management conference; and

''(ii) the results of an evaluation conducted under subsection (f)(3);

''(E) to identify the roles and responsibilities of members—

''(i) in the management conference proceedings; and

''(ii) in the implementation of the plan; and

''(F) to seek resolution of conflicts or disputes as necessary.''.

(c) ADMINISTRATION OF PLANS.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended by striking subsection (f) and inserting the following:

''(f) ADMINISTRATION OF PLANS.—

''(1) APPROVAL.—Not later than 120 days after the date on which a management conference submits to the Administrator a comprehensive conservation and management plan under this section, and after providing for public review and comment, the Administrator shall approve the plan, if—

''(A) the Administrator determines that the plan meets the requirements of this section; and

''(B) each affected Governor concurs.

''(2) IMPLEMENTATION.—

''(A) IN GENERAL.—On the approval of a comprehensive conservation and management plan under this section, the plan shall be implemented.

''(B) USE OF AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated under titles II and VI and section 319 may be used in accordance with the applicable requirements of this Act to assist States with the implementation of a plan approved under paragraph (1).

''(3) EVALUATION.—

''(A) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, and every 5 years thereafter, the Administrator shall carry out—

''(i) an evaluation of the implementation of each comprehensive conservation and management plan developed under this section to determine the degree to which the goals of the plan have been met; and

''(ii) a review of the program designed to implement the plan.

''(B) REVIEW AND COMMENT BY MANAGEMENT CONFERENCE.—In completing an evaluation under subparagraph (A), the Administrator shall submit the results of the evaluation to the appropriate management conference for review and comment.

''(C) REPORT.—

''(i) IN GENERAL.—In completing an evaluation under subparagraph (A), and after providing an opportunity for a management conference to submit comments under subparagraph (B), the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator and any comments received from the management conference.

''(ii) AVAILABILITY TO PUBLIC.—The Administrator shall make a report issued under this subparagraph available to the public, including through publication in the Federal Register and on the Internet.

''(D) SPECIAL RULE FOR NEW PLANS.—Notwithstanding subparagraph (A), if a management conference submits a new comprehensive conservation and management plan to the Administrator after the date of enactment of this paragraph, the Administrator shall complete the evaluation of the implementation of the plan required by subparagraph (A) not later than 5 years after the date of such submission and every 5 years thereafter.

''(4) UPDATES.—

''(A) REQUIREMENT.—Not later than 18 months after the date on which the Administrator makes an evaluation of the implementation of a comprehensive conservation and management plan available to the public under paragraph (3)(C), a management conference convened under this section shall submit to the Administrator an update of the plan that reflects, to the maximum extent practicable, the results of the program evaluation.

''(B) APPROVAL OF UPDATES.—Not later than 120 days after the date on which a management conference submits to the Administrator an updated comprehensive conservation and management plan under subparagraph (A), and after providing for public review and comment, the Administrator shall approve the updated plan, if the Administrator determines that the updated plan meets the requirements of this section.

''(5) PROBATIONARY STATUS.—The Administrator may consider a management conference convened under this section to be in probationary status, if the management conference has not received approval for an updated comprehensive conservation and management plan under paragraph (4)(B) on or before the last day of the 3-year period beginning on the date on which the Administrator makes an evaluation of the plan available to the public under paragraph (3)(C).''.

(d) FEDERAL AGENCIES.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended—

(1) by redesignating subsections (g), (h), (i), (j), and (k) as subsections (h), (i), (j), (k), and (m), respectively; and

(2) by inserting after subsection (f) the following:

''(g) FEDERAL AGENCIES.—

''(1) ACTIVITIES CONDUCTED WITHIN ESTUARIES WITH APPROVED PLANS.—After approval of a comprehensive conservation and management plan by the Administrator, any Federal action or activity affecting the estuary shall be conducted, to the maximum extent practicable, in a manner consistent with the plan.

''(2) COORDINATION AND COOPERATION.—

''(A) IN GENERAL.—The Secretary of the Army (acting through the Chief of Engineers), the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, the Secretary of the Department of Agriculture, the Director of the United States Geological Survey, the Secretary of the Department of Transportation, the Secretary of the Department of Housing and Urban Development, and the heads of other appropriate Federal agencies, as determined by the Administrator, shall, to the maximum extent practicable, cooperate and coordinate activities, including monitoring activities, related to the implementation of a comprehensive conservation and management plan approved by the Administrator.

''(B) LEAD COORDINATING AGENCY.—The Environmental Protection Agency shall serve as the lead coordinating agency under this paragraph.

''(3) CONSIDERATION OF PLANS IN AGENCY BUDGET REQUESTS.—In making an annual budget request for a Federal agency referred to in paragraph (2), the head of such agency shall consider the responsibilities of the agency under this section, including under comprehensive conservation and management plans approved by the Administrator.

''(4) MONITORING.—The heads of the Federal agencies referred to in paragraph (2) shall collaborate on the development of tools and methodologies for monitoring the ecological health and water quality conditions of estuaries covered by a management conference convened under this section.''.

(e) GRANTS.—

(1) IN GENERAL.—Subsection (h) (as redesignated by subsection (d)) of section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended—

(A) in paragraph (1), by striking ''other public'' and all that follows before the period at the end and inserting ''and other public or nonprofit private agencies, institutions, and organizations''; and

(B) by adding at the end the following:

''(4) EFFECTS OF PROBATIONARY STATUS.—

''(A) REDUCTIONS IN GRANT AMOUNTS.—The Administrator shall reduce, by an amount to be determined by the Administrator, grants for the implementation of a comprehensive conservation and management plan developed by a management conference convened under this section, if the Administrator determines that the management conference is in probationary status under subsection (f)(5).

''(B) TERMINATION OF MANAGEMENT CONFERENCES.—The Administrator shall terminate a management conference convened under this section, and cease funding for the implementation of the comprehensive conservation and management plan developed by the management conference, if the Administrator determines that the management conference has been in probationary status for 2 consecutive years.''.

(2) CONFORMING AMENDMENT.—Section 320(i) the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended by striking ''subsection (g)'' and inserting ''subsection (h)''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) (as redesignated by subsection (d)) is amended by striking subsection (j) and inserting the following:

''(j) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There is authorized to be appropriated to the Administrator $75,000,000 for each of fiscal years 2011 through 2016 for—

''(A) expenses relating to the administration of management conferences by the Administrator under this section, except that such expenses shall not exceed 10 percent of the amount appropriated under this subsection;

''(B) making grants under subsection (h); and

''(C) monitoring the implementation of a conservation and management plan by the management conference, or by the Administrator in any case in which the conference has been terminated.

''(2) ALLOCATIONS.—Of the sums authorized to be appropriated under this subsection, the Administrator shall provide—

''(A) at least $1,250,000 per fiscal year, subject to the availability of appropriations, for the development, implementation, and monitoring of each conservation and management plan eligible for grant assistance under subsection (h); and

''(B) up to $5,000,000 per fiscal year to carry out subsection (k).''.

(g) RESEARCH.—Section 320(k)(1)(A) of the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended—

(1) by striking ''paramenters'' and inserting ''parameters''; and

(2) by inserting ''(including monitoring of both pathways and ecosystems to track the introduction and establishment of nonnative species)'' before '', to provide the Administrator''.

(h) NATIONAL ESTUARY PROGRAM EVALUATION.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended by inserting after subsection (k) (as redesignated by subsection (d)) the following:

''(l) NATIONAL ESTUARY PROGRAM EVALUATION.—

''(1) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, and every 5 years thereafter, the Administrator shall complete an evaluation of the national estuary program established under this section.

''(2) SPECIFIC ASSESSMENTS.—In conducting an evaluation under this subsection, the Administrator shall—

''(A) assess the effectiveness of the national estuary program in improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section;

''(B) identify best practices for improving water quality, natural resources, and sustainable uses of the estuaries covered by management conferences convened under this section, including those practices funded through the use of technical assistance from the Environmental Protection Agency and other Federal agencies;

''(C) assess the reasons why the best practices described in subparagraph (B) resulted in the achievement of program goals;

''(D) identify any redundant requirements for reporting by recipients of a grant under this section; and

''(E) develop and recommend a plan for limiting reporting any redundancies.

''(3) REPORT.—In completing an evaluation under this subsection, the Administrator shall issue a report on the results of the evaluation, including the findings and recommendations of the Administrator.

''(4) AVAILABILITY.—The Administrator shall make a report issued under this subsection available to management conferences convened under this section and the public, including through publication in the Federal Register and on the Internet.''.

(i) CONVENING OF CONFERENCE.—Section 320(a)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1330(a)(2)) is amended—

(1) by striking ''(2) CONVENING OF CONFERENCE.—'' and all that follows through ''In any case'' and inserting the following:

''(2) CONVENING OF CONFERENCE.—In any case''; and

(2) by striking subparagraph (B).

(j) GREAT LAKES ESTUARIES.—Section 320(m) of the Federal Water Pollution Control Act (as redesignated by subsection (d)) is amended by striking the subsection designation and all that follows through ''and those portions of tributaries'' and inserting the following:

''(m) DEFINITIONS.—In this section, the terms 'estuary' and 'estuarine zone' have the meanings given the terms in section 104(n)(4), except that—

''(1) the term 'estuary' also includes near coastal waters and other bodies of water within the Great Lakes that are similar in form and function to the waters described in the definition of 'estuary' in section 104(n)(4); and

''(2) the term 'estuarine zone' also includes—

''(A) waters within the Great Lakes described in paragraph (1) and transitional areas from such waters that are similar in form and function to the transitional areas described in the definition of 'estuarine zone' in section 104(n)(4);

''(B) associated aquatic ecosystems; and

''(C) those portions of tributaries''.

By Mrs. FEINSTEIN:

S. 3541. A bill to prohibit royalty incentives for deepwater drilling, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Deepwater Drilling Royalty Prohibition Act.

The purpose of this bill is to ensure that taxpayer dollars are not used to incentivize the dangerous and often dirty business of offshore drilling in deep waters.

Over the past decades, Congress has established a number of royalty-relief programs to encourage domestic exploration and production in deep waters. This may have made sense in times when oil prices were too low to provide energy companies with an incentive to drill in difficult places, and before we were ready to deploy large-scale renewable energy production.

But that is no longer the case. The events of the last weeks have shown that safety and response technologies are not sufficient in deep waters. I believe taxpayer-funded incentives should go to clean, renewable energy, not deepwater drilling for oil.

The disastrous impacts of the leak from the Deepwater Horizon have shown that offshore drilling has enormous environmental and safety risks—

particularly in deep waters. Eleven people died and 17 others were injured when the Deepwater Horizon caught fire. All these weeks later, we continue to watch in horror as the scope of the disaster keeps expanding:

Oil slicks spread inexorably across the Gulf of Mexico;

Pelicans and other wildlife struggle to free themselves from crude oil; tar balls spoil the pristine white sand beaches of Florida; Wetlands are coated with toxic sludge; More than 1/3 of Federal waters in the Gulf have been closed to fishing; The plumes of oil under water may create zones of toxicity or low oxygen for aquatic life; The oil may spread into the Atlantic Ocean via the Loop Current; The response techniques, such as the use of dispersants, may have their own toxic consequences; and

Upcoming storms may delay or prevent continued containment and response efforts.

The impacts of an oil spill are so dramatic and devastating, it seems clear to me that regulation, oversight and prevention technologies should be rigorous. But that is clearly not the case.

Regulators failed to ensure appropriate safety and response technologies were in place.

MMS gave BP a categorical exclusion from an environmental impact analysis that in my opinion should never have been allowed.

MMS allowed BP to run a drilling operation without the demonstrated ability to shut off the flow of gas and oil in an emergency.

MMS allowed BP to operate without remote shutoff capability in case the drilling rig became disabled.

MMS did not have an inspector on the rig to settle the heated argument between the BP, Transocean, and Halliburton officials on how they would stop drilling and plug the well.

MMS did not have—and did not require the industry to have—emergency equipment stationed in the Gulf of Mexico that could respond immediately to an emergency.

MMS did not have a plan for responding to disasters.

MMS did not, in fact, have a real inspection and compliance program. It relied on the expertise and advice of the industry on how and how much they should be inspected.

This is not how things should be done. We expect more from our government.

Prevention and response technologies show similar unacceptable deficits: they are not good enough.

These have not improved much since the oil spill in 1969 off the California coast near Santa Barbara. That too was caused by a natural gas blowout when pressure in the drill hole fluctuated. It was successfully plugged with mud and cement after 11 and a half days, but oil and gas continued to seep for months. The Santa Barbara spill was devastating, but it was a tiny fraction of the size of the Deepwater Horizon spill.

The old technology was not good enough, but now it appears that even the newest safety technology fails to prevent wellhead blowouts.

The Deepwater Horizon drill rig was just completed in 2001.

The drill rig that caused the 2009 spill in the Montara oil and gas field in the Timor Sea—one of the worst in Australia's history—was designed and built in 2007. That spill continued unchecked for 74 days.

The New York Times reports that the blind shear rams in the blowout preventers—the last line of defense to prevent wellhead leaks are ''surprisingly vulnerable'' to failure. One study found that blowout preventers have a failure rate of 45 percent.

These technologies are insufficient, and they are particularly vulnerable in deep waters.

Methane hydrate crystals form when methane gas mixes with pressurized cold ocean waters—and the likelihood of these crystals forming increases dramatically at about 400 meters depth. These crystals interfere with response and containment technologies. They formed in the cofferdam dome that was lowered onto the gushing oil in the Gulf, and prevented it from working. When a remotely operated underwater vehicle bumped the valves in the ''top hat'' device, the containment cap had to be removed and slowly replaced to prevent formation of these crystals again.

Other risks increase too, as explained by the Wall Street Journal:

> Drilling in deeper water doesn't change the fundamental process, but it makes virtually everything harder. Rigs must be bigger so they can hold more drilling pipe to stretch vast distances. The pipes themselves must be stronger to withstand ocean currents. Equipment on the sea floor must be sturdier to face extreme pressures at depth. Drill bits must be tougher so they don't melt in the 400-degree temperatures they encounter deep in the earth. And it is harder for drillers to exert just the right amount of pressure down the well bore, enough to keep oil and gas from spurting upwards—a blowout—but not so much that they crack open the rocks beneath the surface, which could also lead to a blowout.

It is clear that prevention, containment, and clean-up measures are not sufficient to handle oil leaks, particularly in deep waters.

American taxpayers should not forego revenue to incentivize offshore drilling. It is not good environmental policy, and it is not good energy policy either.

We need to move to clearer renewable fuels.

I believe that global warming is the biggest environmental crisis we face—and the biggest culprit of global warming is manmade emissions produced by the combustion of fossil fuels, like oil and coal.

Taxpayer funded incentives should not finance production of fossil fuels—particularly in places where the production itself poses potential devastation, but rather should be used to develop and deploy clean energy technologies like wind and solar. I very much believe this.

That is why I have worked with my colleagues on a number of legislative initiatives designed to reduce greenhouse gas emissions, increase energy efficiency and incentivize the use of renewable energy.

One of our biggest victories was the enactment of the aggressive fuel economy law, called the Ten in Ten Fuel Economy Act, which was passed by Congress and signed into law by then-President Bush in the 110th Congress. This law, which I authored with Senator SNOWE, will improve fuel economy standards for passenger vehicles at the maximum feasible rate. The good news is that the administration has taken the framework of this law and implemented aggressive standards that require raising fleetwide fuel economy to 35.5 mpg in 2016—a 40 percent increase above today's standard.

The other positive development is that the domestic renewable energy industry has grown dramatically over the last few years. Last year, the United States added more new capacity to produce renewable electricity than it did to produce electricity from natural gas, or oil, or coal. A great deal of this growth can be attributed to government renewable energy incentives. That is where public investment in energy development should go.

It is clear that the clean energy sector is the next frontier in jobs creation.

We need to ensure that developers can access financing to launch wind, solar and geothermal projects, so that they can put people to work. Programs like The Recovery Act grant program run by the Treasury Department have been very successful in encouraging private investment in this sector. So far, the program has helped to bring 4,250 megawatts of clean power online and is expected to generate more than 143,000 green jobs by the end of the year, according to the Lawrence Berkeley National Laboratory. The program, however, is set to expire at the end of year if we don't act. So, I'm working on legislation that will extend this successful program for an additional 2 years.

All told, these types of measures are helping to foster the incentives that will push the United States to adopt a cleaner energy future, and to move away from fossil fuels.

Let me make one final point clear, I don't believe the oil companies need taxpayer dollars to help them out. They are already reaping record profits.

Last year, the top 10 U.S. oil companies' combined revenues were almost

$850 billion. Yet we continue to use money that should come to the U.S. Treasury, to add to their bottom line. This is unacceptable.

Oil reserves are a public resource. When a private company profits from those public resources, American taxpayers should benefit too.

I urge my colleagues to support this legislation and ensure that royalties owed to the taxpayers are not waived to incentivize risky off-shore drilling. In these critical economic times, every cent of the people's money should be spent wisely, on clean, efficient and safe technologies.

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. 3541

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 ''Deepwater Drilling Royalty Prohibition Act''.

SEC. 2. PROHIBITION ON ROYALTY INCENTIVES FOR DEEPWATER DRILLING.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior shall not issue any oil or gas lease sale under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) with royalty-based incentives in any tract located in water depths of 400 meters or more on the outer Continental Shelf.

(b) ROYALTY RELIEF FOR DEEP WATER PRODUCTION.—Section 345 of the Energy Policy Act of 2005 (42 U.S.C. 15905) is repealed.

(c) ROYALTY RELIEF.—Section 8(a)(3) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)) is amended by adding at the end the following:

''(D) PROHIBITION.—Notwithstanding subparagraphs (A) through (C) or any other provision of law, the Secretary shall not reduce or eliminate any royalty or net profit share for any lease or unit located in water depths of 400 meters or more on the outer Continental Shelf.''.

(d) APPLICATION.—This section and the amendments made by this section—

(1) apply beginning with the first lease sale held on or after the date of enactment of this Act for which a final notice of sale has not been published as of that date; and

(2) do not apply to a lease in effect on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 567—TO ELECT DANIEL K. INOUYE, A SENATOR FROM THE STATE OF HAWAII, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 567

Resolved, That Daniel K. Inouye, a Senator from the State of Hawaii, be, and he is hereby, elected President of the Senate pro tempore.

SENATE RESOLUTION 568—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 568

Resolved, That the House of Representatives be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

SENATE RESOLUTION 569—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 569

Resolved, That the President of the United States be notified of the election of the Honorable Daniel K. Inouye as President of the Senate pro tempore.

SENATE RESOLUTION 570—CALLING FOR CONTINUED SUPPORT FOR AND AN INCREASED EFFORT BY THE GOVERNMENTS OF PAKISTAN, AFGHANISTAN, AND OTHER CENTRAL ASIAN COUNTRIES TO EFFECTIVELY MONITOR AND REGULATE THE MANUFACTURE, SALE, TRANSPORT, AND USE OF AMMONIUM NITRATE FERTILIZER IN ORDER TO PREVENT THE TRANSPORT OF AMMONIUM NITRATE INTO AFGHANISTAN WHERE THE AMMONIUM NITRATE IS USED IN IMPROVISED EXPLOSIVE DEVICES

Mr. CASEY (for himself, Mr. LEVIN, Mr. KAUFMAN, Mr. WEBB, Mr. REED, Ms. SNOWE, and Mr. KYL) submitted the following resolution; which was considered and agreed to:

S. RES. 570

Whereas it is illegal to manufacture, own, or use ammonium nitrate fertilizer in Afghanistan since a ban was instituted by Afghan President Hamid Karzai in January 2010;

Whereas ammonium nitrate fertilizer has historically been and continues to be 1 of the primary explosive ingredients used in improvised explosive devices (referred to in this preamble as ''IEDs'') by Taliban insurgents in Afghanistan against the United States and coalition forces;

Whereas 275 United States troops were killed by IEDs in Afghanistan in 2009;

Whereas large amounts of ammonium nitrate are shipped into Afghanistan from Pakistan, Iran, and other Central Asian countries;

Whereas the Government of Pakistan has indicated a willingness to work collaboratively with the Governments of the United States and Afghanistan to address the regulation and interdiction of ammonium nitrate fertilizer and other IED precursors; and

Whereas the United States government currently provides assistance to Pakistan for agricultural development and capacity building: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Governments of Pakistan, Afghanistan, and other Central Asian countries to fully commit to regulating the sale, transport, and use of ammonium nitrate in the region;

(2) calls on the Secretary of State—

(A) to continue to diplomatically engage with the Governments of Pakistan, Afghanistan, and other Central Asian countries to address the proliferation and transportation of ammonium nitrate and other improvised explosive device (''IED'') precursors in the region; and

(B) to work with the World Customs Organization and other international bodies, as the Secretary of State determines to be appropriate, on initiatives to improve controls globally on IED components; and

(3) urges the Secretary of State to work with the Governments of Pakistan, Afghanistan, and other Central Asian countries to encourage and support improvements in infrastructure and procedures at border crossings to prevent the flow of ammonium nitrate and other IED precursors or components into the region.

SENATE RESOLUTION 571—CALLING FOR THE IMMEDIATE AND UNCONDITIONAL RELEASE OF ISRAELI SOLDIER GILAD SHALIT HELD CAPTIVE BY HAMAS, AND FOR OTHER PURPOSES

Mrs. GILLIBRAND (for herself, Mr. VOINOVICH, Mr. LIEBERMAN, Mr. SCHUMER, Mr. LEVIN, Mr. CASEY, Mr. KYL, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 571

Whereas Congress previously expressed its concern for missing Israeli soldiers in the Act entitled ''An Act to locate and secure the return of Zachary Baumel, a United States citizen, and other soldiers missing in action'', approved November 8, 1999 (Public Law 106–89; 113 Stat. 1305), which required the Secretary of State to raise the status of missing Israeli soldiers with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas the House of Representatives passed H. Res. 107 on March 13, 2007, regarding Gilad Shalit and other Israeli soldiers illegally attacked and captured by terrorists;

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas together with allied terrorists crossed into Israel to attack a military post, killing two soldiers and wounding and kidnapping Gilad Shalit in a blatantly illegal and extortionate effort to coerce the Government of Israel;

Whereas Hamas has prevented access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

Whereas Hamas has refused to provide Gilad Shalit with regular contact with his family or any other party, or to allow his family to know where he is being held;

Whereas Hamas has compelled Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel; and

Whereas Gilad Shalit has been held in captivity by Hamas for almost four years: Now, therefore, be it

Resolved, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit; and

(B) Hamas—

(i) allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(ii) facilitate regular communication by Gilad Shalit with his family and allow his family to know where he is being held; and

(iii) cease compelling Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel;

(2) expresses—

(A) its vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state within recognized and secure borders;

(B) its strong support and deep interest in achieving a resolution of the Israeli–Palestinian conflict through the creation of a democratic, viable, and independent Palestinian state living in peace alongside of the State of Israel;

(C) its ongoing concern and sympathy for the family of Gilad Shalit; and

(D) its full commitment to continue to seek the immediate and unconditional release of Gilad Shalit and other missing Israeli soldiers;

(3) recalls—

(A) the illegal and barbaric attack on and kidnapping of the bodies of Ehud Goldwasser and Eldad Regev on July 12, 2006, by the Iran-supported terrorist group Hezbollah; and

(B) the missing Israeli soldiers Zecharya Baumel, Zvi Feldman, and Yehuda Katz, missing since June 11, 1982, Ron Arad, who was captured on October 16, 1986, Guy Hever, last seen on August 17, 1997, and Majdy Halabi, last seen on May 24, 2005; and

(4) condemns—

(A) Hamas for the grossly illegal and immoral cross border attack and kidnapping of Gilad Shalit; and

(B) the Governments of Iran and Syria, the primary state sponsors and patrons of Hamas, for their ongoing support for international terrorism.

SENATE RESOLUTION 572—RELATIVE TO THE DEATH OF THE HONORABLE ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA

Mr. REID (for himself, Mr. MCCONNELL, Mr. ROCKEFELLER, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 572

Whereas, the Honorable Robert C. Byrd served the people of his beloved state of West Virginia for over 63 years, serving in the West Virginia House of Delegates, the West Virginia Senate, the United States House of Representatives, and the United States Senate;

Whereas, the Honorable Robert C. Byrd is the only West Virginian to have served in both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas, the Honorable Robert C. Byrd has served for fifty-one years in the United States Senate and is the longest serving Senator in history, having been elected to nine full terms;

Whereas, the Honorable Robert C. Byrd has cast more than 18,680 roll call votes—more than any other Senator in American history;

Whereas, the Honorable Robert C. Byrd has served in the Senate leadership as President pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas, the Honorable Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator; and

Whereas, the Honorable Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas, the Honorable Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades:

Whereas his death has deprived his State and Nation of an outstanding lawmaker and public servant: Now therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Robert C. Byrd, Senator from the State of West Virginia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4398. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table.

SA 4399. Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, recognizing the 235th birthday of the United States Army.

SA 4400. Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, supra.

TEXT OF AMENDMENTS

SA 4398. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 5297, to create the Small Business Lending Fund Program to direct the Secretary of the Treasury to make capital investments in eligible institutions in order to increase the availability of credit for small businesses, to amend the Internal Revenue Code of 1986 to provide tax incentives for small business job creation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ANNUAL REPORT ON AWARDING OF FEDERAL CONTRACTS TO CONTRACTORS LISTED ON THE EXCLUDED PARTIES LIST SYSTEM.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report describing during the previous year the extent to which suspended or debarred contractors on the Excluded Parties List System, including those suspended or debarred for failing to make full or timely payments to subcontractors—

(1) continued to receive Federal contracts; or

(2) were granted waivers from Federal agencies from suspension or debarment for purposes of entering into Federal contracts.

SA 4399. Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, recognizing the 235th birthday of the United States Army; as follows:

Strike all after the resolving clause and insert the following: That Congress—

(1) expresses its appreciation to the members of the United States Army for 235 years of dedicated service; and

(2) honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the Army.

SA 4400. Mr. CASEY (for Mr. LEAHY (for himself and Mr. LEVIN)) proposed an amendment to the concurrent resolution H. Con. Res. 286, recognizing the 235th birthday of the United States Army; as follows:

Strike the preamble and insert the following:

Whereas, on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas for the past 235 years, the United States Army's central mission has been to fight and win wars;

Whereas the 183 campaign streamers from Lexington to Iraqi Surge carried on the Army flag are a testament to the valor, commitment, and sacrifice of the brave members of the United States Army;

Whereas members of the United States Army have won extraordinary distinction and respect for the Nation and its Army stemming from engagements around the globe;

Whereas in 2010, the United States will reflect on the contributions of members of the United States Army on the Korean peninsula in commemoration of the 60th anniversary of the Korean War;

Whereas the motto on the United States Army seal, ''This We'll Defend'', is the creed by which the members of the Army live and serve;

Whereas the United States Army is an all-volunteer force that is trained and ready for any adversary that might threaten our Nation or its national security interests; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the United States can rely on its well-trained, well-led, and highly motivated members of the United States Army to successfully carry out the missions entrusted to them: Now, therefore, be it

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NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a Business Meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, June 30, 2010, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the Business Meeting is to consider S. 3516, a bill to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf, and for other purposes.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 28, 2010, at 12:30 p.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing on the nomination of Elena Kagan to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREDISASTER HAZARD MITIGATION ACT OF 2010

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 440, S. 3249.

The PRESIDING OFFICER. The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 3249) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster hazard mitigation program and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment.

S. 3249

SEC. 3. PROHIBITION ON EARMARKS.

Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended by adding at the end the following:

''(n) PROHIBITION ON EARMARKS.—

''(1) IN GENERAL.—None of the funds appropriated or otherwise made available to carry out this section may be used for congressionally directed spending, as defined under rule XLIV of the Standing Rules of the Senate.

''(2) REPORT TO CONGRESS.—If grants are awarded under this section using procedures other than competitive procedures, the Administrator of the Federal Emergency Management Agency shall submit to Congress a report explaining why competitive procedures were not used.''.

Mr. CASEY. I ask unanimous consent that the committee-reported amendment be agreed to; the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table without intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was agreed to.

The bill (S. 3249), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3249

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 ''Predisaster Hazard Mitigation Act of 2010''.

SEC. 2. PREDISASTER HAZARD MITIGATION.

(a) ALLOCATION OF FUNDS.—Section 203(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(f)) is amended to read as follows:

''(f) ALLOCATION OF FUNDS.—

''(1) IN GENERAL.—The President shall award financial assistance under this section on a competitive basis and in accordance with the criteria in subsection (g).

''(2) MINIMUM AND MAXIMUM AMOUNTS.—In providing financial assistance under this section, the President shall ensure that the amount of financial assistance made available to a State (including amounts made available to local governments of the State) for a fiscal year—

''(A) is not less than the lesser of—

''(i) $575,000; or

''(ii) the amount that is equal to 1 percent of the total funds appropriated to carry out this section for the fiscal year; and

''(B) does not exceed the amount that is equal to 15 percent of the total funds appropriated to carry out this section for the fiscal year.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended to read as follows:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $180,000,000 for fiscal year 2011;

''(2) $190,000,000 for fiscal year 2012;

''(3) $200,000,000 for fiscal year 2013;

''(4) $200,000,000 for fiscal year 2014; and

''(5) $200,000,000 for fiscal year 2015.''.

(c) TECHNICAL CORRECTIONS TO REFERENCES.—The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended—

(1) in section 602(a) (42 U.S.C. 5195a(a)), by striking paragraph (7) and inserting the following:

''(7) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency.''; and

(2) by striking ''Director'' each place it appears and inserting ''Administrator'', except—

(A) in section 622 (42 U.S.C. 5197a)—

(i) in the second and fourth places it appears in subsection (c); and

(ii) in subsection (d); and

(B) in section 626(b) (42 U.S.C. 5197e(b)).

SEC. 3. PROHIBITION ON EARMARKS.

Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133) is amended by adding at the end the following:

''(n) PROHIBITION ON EARMARKS.—

''(1) IN GENERAL.—None of the funds appropriated or otherwise made available to carry out this section may be used for congressionally directed spending, as defined under rule XLIV of the Standing Rules of the Senate.

''(2) REPORT TO CONGRESS.—If grants are awarded under this section using procedures other than competitive procedures, the Administrator of the Federal Emergency Management Agency shall submit to Congress a report explaining why competitive procedures were not used.''.

RECOGNIZING THE 235TH BIRTHDAY OF THE UNITED STATES ARMY

Mr. CASEY. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further

consideration of H. Con. Res. 286 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 286) recognizing the 235th birthday of the United States Army.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CASEY. I ask unanimous consent that a Leahy-Levin amendment to the resolution, which is at the desk, be agreed to; the concurrent resolution, as amended, be agreed to; that a Leahy-Levin amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and any statements related to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4399) was agreed to, as follows:

AMENDMENT NO. 4399

Strike all after the resolving clause and insert the following: That Congress—

(1) expresses its appreciation to the members of the United States Army for 235 years of dedicated service; and

(2) honors the valor, commitment, and sacrifice that members of the United States Army, their families, and Army civilians have displayed throughout the history of the Army.

The resolution, as amended, was agreed to.

The amendment (No. 4400) was agreed to, as follows:

AMENDMENT NO. 4400

Strike the preamble and insert the following:

Whereas, on June 14, 1775, the Second Continental Congress, representing the citizens of 13 American colonies, authorized the establishment of the Continental Army;

Whereas for the past 235 years, the United States Army's central mission has been to fight and win wars;

Whereas the 183 campaign streamers from Lexington to Iraqi Surge carried on the Army flag are a testament to the valor, commitment, and sacrifice of the brave members of the United States Army;

Whereas members of the United States Army have won extraordinary distinction and respect for the Nation and its Army stemming from engagements around the globe;

Whereas in 2010, the United States will reflect on the contributions of members of the United States Army on the Korean peninsula in commemoration of the 60th anniversary of the Korean War;

Whereas the motto on the United States Army seal, ''This We'll Defend'', is the creed by which the members of the Army live and serve;

Whereas the United States Army is an all-volunteer force that is trained and ready for any adversary that might threaten our Nation or its national security interests; and

Whereas no matter what the cause, location, or magnitude of future conflicts, the United States can rely on its well-trained, well-led, and highly motivated members of the United States Army to successfully carry out the missions entrusted to them: Now, therefore, be it

The preamble, as amended, was agreed to.

AMMONIUM NITRATE FERTILIZER

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 570, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 570) calling for continued support for and an increased effort by the Governments of Pakistan, Afghanistan, and other Central Asian countries to effectively monitor and regulate the manufacture, sale, transport, and use of ammonium nitrate fertilizer in order to prevent the transport of ammonium nitrate into Afghanistan where the ammonium nitrate is used in improvised explosive devices.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 570) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 570

Whereas it is illegal to manufacture, own, or use ammonium nitrate fertilizer in Afghanistan since a ban was instituted by Afghan President Hamid Karzai in January 2010;

Whereas ammonium nitrate fertilizer has historically been and continues to be 1 of the primary explosive ingredients used in improvised explosive devices (referred to in this preamble as ''IEDs'') by Taliban insurgents in Afghanistan against the United States and coalition forces;

Whereas 275 United States troops were killed by IEDs in Afghanistan in 2009;

Whereas large amounts of ammonium nitrate are shipped into Afghanistan from Pakistan, Iran, and other Central Asian countries;

Whereas the Government of Pakistan has indicated a willingness to work collaboratively with the Governments of the United States and Afghanistan to address the regulation and interdiction of ammonium nitrate fertilizer and other IED precursors; and

Whereas the United States government currently provides assistance to Pakistan for agricultural development and capacity building: Now, therefore, be it

Resolved, That the Senate—

(1) urges the Governments of Pakistan, Afghanistan, and other Central Asian countries to fully commit to regulating the sale, transport, and use of ammonium nitrate in the region;

(2) calls on the Secretary of State—

(A) to continue to diplomatically engage with the Governments of Pakistan, Afghanistan, and other Central Asian countries to address the proliferation and transportation of ammonium nitrate and other improvised explosive device (''IED'') precursors in the region; and

(B) to work with the World Customs Organization and other international bodies, as the Secretary of State determines to be appropriate, on initiatives to improve controls globally on IED components; and

(3) urges the Secretary of State to work with the Governments of Pakistan, Afghanistan, and other Central Asian countries to encourage and support improvements in infrastructure and procedures at border crossings to prevent the flow of ammonium nitrate and other IED precursors or components into the region.

RELEASE OF GILAD SHALIT

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 571, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 571) calling for the immediate and unconditional release of Israeli soldier Gilad Shalit held captive by Hamas, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 571) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 571

Whereas Congress previously expressed its concern for missing Israeli soldiers in the Act entitled ''An Act to locate and secure the return of Zachary Baumel, a United States citizen, and other soldiers missing in action'', approved November 8, 1999 (Public Law 106–89; 113 Stat. 1305), which required the Secretary of State to raise the status of missing Israeli soldiers with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas the House of Representatives passed H. Res. 107 on March 13, 2007, regarding Gilad Shalit and other Israeli soldiers illegally attacked and captured by terrorists;

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas together with allied terrorists crossed into Israel to attack a military post, killing two soldiers

and wounding and kidnapping Gilad Shalit in a blatantly illegal and extortionate effort to coerce the Government of Israel;

Whereas Hamas has prevented access to Gilad Shalit by competent medical personnel and representatives of the International Committee of the Red Cross;

Whereas Hamas has refused to provide Gilad Shalit with regular contact with his family or any other party, or to allow his family to know where he is being held;

Whereas Hamas has compelled Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel; and

Whereas Gilad Shalit has been held in captivity by Hamas for almost four years: Now, therefore, be it

Resolved, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit; and

(B) Hamas—

(i) allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(ii) facilitate regular communication by Gilad Shalit with his family and allow his family to know where he is being held; and

(iii) cease compelling Gilad Shalit to appear in video and voice recordings intended to illegally and extortionately coerce the Government of Israel;

(2) expresses—

(A) its vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state within recognized and secure borders;

(B) its strong support and deep interest in achieving a resolution of the Israeli–Palestinian conflict through the creation of a democratic, viable, and independent Palestinian state living in peace alongside of the State of Israel;

(C) its ongoing concern and sympathy for the family of Gilad Shalit; and

(D) its full commitment to continue to seek the immediate and unconditional release of Gilad Shalit and other missing Israeli soldiers;

(3) recalls—

(A) the illegal and barbaric attack on and kidnapping of the bodies of Ehud Goldwasser and Eldad Regev on July 12, 2006, by the Iran-supported terrorist group Hezbollah; and

(B) the missing Israeli soldiers Zecharya Baumel, Zvi Feldman, and Yehuda Katz, missing since June 11, 1982, Ron Arad, who was captured on October 16, 1986, Guy Hever, last seen on August 17, 1997, and Majdy Halabi, last seen on May 24, 2005; and

(4) condemns—

(A) Hamas for the grossly illegal and immoral cross border attack and kidnapping of Gilad Shalit; and

(B) the Governments of Iran and Syria, the primary state sponsors and patrons of Hamas, for their ongoing support for international terrorism.

Mr. CASEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHINESE CURRENCY MANIPULATION

Mr. BROWN of Ohio. Madam President, over the last few days, we have watched President Obama's Cabinet Members and leaders of the G20 nations in Toronto for an economic summit. Our trade relationship with China has been one of the most important among many issues the world's leaders have addressed.

We know Ohio's workers and manufacturers can compete with anyone in the world, but China's currency manipulation imposes an enormous and an unfair competitive disadvantage to our workers and our manufacturers.

While last week's announcement that China will allow a gradual appreciation of the value of the yuan is encouraging, we have all too often seen China revert to its old tricks when the spotlight fades. In fact, China made its announcement on a Saturday—a minimalist announcement at that—and the next day backpedaled even on that announcement.

China's systemic intervention in the currency market, where they continue to buy Western currency, has led to the undervaluation of the yuan by up to 40 percent—some economists say even more than that. That means China has a distinct advantage for its exporters and puts our exporters at a distinct disadvantage when they try to get into the Chinese market. That is why we asked the Commerce Department to make the important decision to investigate China's currency manipulation on behalf of paper manufacturers in Ohio and several other States. These companies and their workers in West Carlton, OH, and in Miamisburg, OH, are holding on for their lives, and, like manufacturers and workers around the United States, they understand why our trade law's enforcement and remedies are so vital. They know firsthand why our trade laws must combat currency manipulation.

If we fail to act, China's currency manipulation will continue to contribute to our country's staggering trade deficit with China. Our trade deficit with China in the last 3 years, particularly prior to our terrible financial situation, approached $1 billion a day. That means we bought from China $1 billion more than we sold to them, day-in and day-out, 365 days a year.

Senators GRAHAM, SCHUMER, STABENOW, and I are calling for a vote on our legislation that addresses this blatant currency manipulation to ensure that we take action on Chinese imports until the yuan rises to its fair market value.

It is clear that our manufacturers are backed into a corner. It is also clear that it did not have to be this way. Ten years ago this summer, Congress passed permanent normal trade relations with China as our Nation entered the 21st century facing great economic opportunities and confronting gathering national security threats. You remember 10 years ago we had a balanced budget, until the Bush years with tax cuts for the rich, the giveaway for the drug and insurance companies in the name of Medicare privatization, and two wars, all of which were charged to our grandchildren, none of which were paid for. We had an economic situation where we were beginning to lose manufacturing jobs.

I remember those days, serving in the House, and recall that every Member of Congress—literally probably every single Member of Congress—was told, even those of us who were outspokenly against this PNTR with China—we were told repeatedly in newspaper ads and editorials, told in hundreds of individual visits by CEOs of Americas largest companies—they walked into our office and said: We want access to 1.2 billion Chinese consumers. Really, they didn't; they wanted access to 1.2 billion Chinese workers.

Free-trade advocates in Washington and Wall Street and nearly every editorial board lauded the economic opportunities yet to come from U.S. workers and businesses. These pundits, these CEOs, these Ivy League economists, these newspaper editors heralded passage of PNTR with China as the best way to promote reform and stability in China and the region. None hesitated for a minute calling those of us who opposed the PNTR protectionists, saying that we have our heads in the sand, we are backward-looking Luddites and whatever adjective they chose. Today, just 10 years later, those proponents have been shown dreadfully wrong. The problem is that those people who pushed PNTR—the CEOs, the Harvard economist, the newspaper editors—few of them have lost their jobs. It has been workers in Galion, OH, and Zanesville and Toledo and Mansfield and Chillicothe who have paid the price because of that terrible decision to extend those trade preferences to the People's Republic of China.

Since receiving PNTR status and the benefits of membership in the World Trade Organization, the WTO, China has taken money from American consumers and investors without fully opening its markets to American businesses and workers. The results are record trade deficits. The results are millions of jobs lost. Three million manufacturing jobs have been lost in the last several years—not all because of China trade but a significant number.

Chinese workers continue to face low wages and substandard labor conditions. This has not worked particularly well for Chinese workers. It sure has not worked well for American workers. It has worked well for those American companies that outsourced their jobs, hired Chinese workers at very low wages, with very few environmental or

worker safety safeguards, and then exported those goods back into the United States.

Even the most ardent proponents of China PNTR are likely to feel a bit of buyer's remorse, unable to do business in China because of China's aggressive protection of its industries.

We must do more to strengthen a multilateral, rules-based system that holds trading partners accountable. A critical way to hold them accountable and advance our economic interests is strong and aggressive trade enforcement.

President Obama, on two occasions, did something President Bush never did, even though he was presented with recommendations from the International Trading Commission. President Obama twice already showed a willingness to enforce trade rules—the first President to invoke the section 421 safeguards, which he did when he granted relief to the U.S. consumer tire industry. This single action saved at least 100 jobs in Findlay, OH, at Cooper Tire, after President Obama said China is cheating, China is not playing fair, and invoked these sanctions against them.

The Commerce Department then found that steel pipe and tube manufacturers, so-called ''oil country tubular goods'' manufacturers, are being dramatically undercut by China. As a result, the International Trade Commission granted immediate relief for these oil country tubular goods, which is helping V&M Star expand operations in Youngstown.

I was in Youngstown at V&M Star. I saw what they were doing. We did a groundbreaking today with Governor Strickland, who has played a roll in assembling the package for Star Steel's expansion—some recovery dollars to help with infrastructure leading in and out of the plant, a $6 million investment in V&M, a very productive workforce for the last several years at V&M Star, and this trade decision President Obama made to simply say the Chinese have not played fair—and the ITC has granted immediate relief. Those factors show that when you enforce trade law, it creates jobs.

There will be 1,000 building trades jobs for the next 18 months in Mahoning Valley because of these direct jobs. Then there will be another 400 or so and maybe more jobs in the future as this company expands.

These are good developments, obviously, but there is more we can do to show America is serious about trade enforcement. There is more we can do to show we are serious about rebalancing our trade relationship with China in defending our national economic interests. And we know there is more we can do in defending a strong national manufacturing base that leads the United States in the global clean energy economy.

Right now, China is working every day to win the race by any cost and any means necessary. Beijing invested $35 billion in renewable energy last year, more or less double the $18 billion we invested as a country. Every day we delay investments in clean energy, China spends $51 million a day to further that unacceptable gap.

China is not only using its abundance of capital to monopolize clean energy manufacturing, it is also elbowing competition out of the way by discriminating against U.S. companies.

China cries foul at our ''Buy American'' policies but has its own ''Buy China'' policies, without signing onto the WTO agreement on procurement. They promised in 2000, with the passage of PNTR, they promised they would join the agreement on procurement, which meant fair play on contracts between and among governments. Yet China has not only refused to sign on, they also had a strong ''Buy China'' arrangement in their economy, what would have violated WTO rules. Yet several major opinion leaders—Ivy League economists, pundits on television, newspaper editors, and too many elected officials—pushed back and said we should not do ''Buy American'' in this country.

China's so-called ''indigenous innovation'' policies provide preferences to products containing Chinese-developed intellectual property for government procurement purposes. That is why I encourage the Obama administration to launch a section 301 case against the Chinese package of policies that limit market access to U.S. companies in the clean energy sector.

If China leads the clean energy revolution, we will trade dependance on foreign oil with dependence on Chinese or foreign clean energy technologies. With the right investments and with strong trade enforcement, we can make sure that does not happen.

Consider, as you know in Oregon, what is at stake. Five of the top ten solar panel makers in the world are from China. But the No. 1 is First Solar, a U.S. company which has factories around the world that can produce as much energy as any coal or nuclear plant but, of course, much cleaner and more efficient.

One of First Solar's factories is in Perrysburg, OH, and the entrepreneurs behind the company's success started at the University of Toledo. If we want to keep First Solar at the top in the world, and if we want our entrepreneurs to continue to lead the world in innovation, they should have access to all of the world's markets. That is why we need the President of the United States to lead the crusade for vigorous trade enforcement.

Just the launch of a 301 case by this administration will show China we are serious about competing in this emerging market. We cannot enter the next decade of the 21st century further behind, facing the same hurdles that faced our Nation just 10 years ago.

As the G20 summit convenes this weekend and beyond, we must take the buyer's remorse of those who supported China PNTR and make sure we begin the next decade with a rules-based trading system that works for American workers and works for American manufacturers.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO THE DEATH OF ROBERT C. BYRD, A SENATOR FROM THE STATE OF WEST VIRGINIA

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 572, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 572) relative to the death of the Honorable ROBERT C. BYRD, a Senator from the State of West Virginia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUYE. Mr. President, my heart is heavy with sadness following the passing of a dear friend, ROBERT C. BYRD, Senator from West Virginia.

We have been friends for nearly 50 years and I am overcome with memories. Nearly 48 years ago Senator BYRD was one of the first to greet me in the Chamber of the U.S. Senate.

Since that first moment of friendship we have worked together on many projects. And since those early days, I have called him, ''my leader.''

He was my mentor. Over the years he provided me countless opportunities and tasked me with positions of critical national oversight while guiding my actions with the temperance he learned as the longest serving Senator in history.

He was a Senator's Senator. His many accomplishments were historic and he fought tirelessly to improve the lives of working families in West Virginia. We shared the belief that we must provide for the people who trust us to represent their communities in Washington.

I owe much to my leader, Senator BYRD. He will forever have my gratitude and respect and I will miss him dearly. My thoughts and prayers are with the Byrd family during this difficult time.

Mr. President, as America mourns, I ask my colleagues to join me in paying tribute to Senator BYRD.

Mrs. BOXER. Mr. President, I know several colleagues have come to the floor today to note the passing of a giant among us, ROBERT BYRD. I want to take a moment here to speak straight from the heart about ROBERT BYRD and my experience working with him. As we look at his desk with the flowers there, we of course think back to not too long ago when we lost another giant, Ted Kennedy. I think what distinguishes these two from others is their unbelievable, undying commitment to the people they represented and to this country.

I think, when all is said and done, that is what it is about. It is not about how long you serve. Of course, in the case of both Senator Kennedy and Senator BYRD, it was so long. Senator BYRD made history as the longest serving Senator, and that should be duly noted. But it is well beyond that. It is about this fierce sense of ''fight for your people'' that they both had.

When I came to the Senate, of course ROBERT C. BYRD was a legend for sure. He always met with the incoming Senators, to give them the rules of the road about procedure, about how to conduct yourself when you were in the chair, about the dignity of the Senate, and most of all about reverence for the Constitution. As many know and many saw, the image I will always have of ROBERT C. BYRD is of him reaching inside his suit pocket and bringing out the Constitution—which, along with the Bible, was what he cherished most. He taught us that everything we do here comes from the Founders, and he taught us to love and respect the Constitution and he did it in a way that was truly inspiring.

I can tell you, coming from the largest State in the Union, we have our share of problems. We have floods and fires and droughts, we have pests in our agricultural industry, we have problem after problem—earthquakes, need I say that? Every single time we had one of these disasters, Senator FEINSTEIN and I knew we had to go to our colleagues and say: Please understand, California needs the help of the U.S. Government because the damage is so massive. Of course, we all do that whenever our State has a problem, because we are the United States of America.

However, there are times when you do not have an ear that is listening. Senator BYRD, as the chairman of the Appropriations Committee, opened his doors to us, opened his heart to us, opened his experience to us, and was always there for us. I so remember that, time after time.

I went to see him about our water problems. We have lots of water problems. We have cities and suburbs that need the water. We have fishermen who need the water. We have agriculture that needs the water. All the stakeholders have very difficult debates over water. Senator FEINSTEIN and I again have teamed up on this and we have always had a willing listener in ROBERT C. BYRD, who understood and helped us get the stakeholders to the table to find ways to preserve, to conserve, and increase the supply in a smart way for all those stakeholders.

These things are very big to the people of California, who probably have not connected ROBERT BYRD to California. But in all of these cases where we were so in need, he was there for us.

I remember so well his leadership in trying to bring the troops home from Iraq. Twenty-three of us stood up and said no to that war because we thought it meant taking our eye off Osama bin Laden and what was happening in Afghanistan and turning around and going into Iraq. We worried very much about what would happen with our troops and that it would be a very long war and there was no exit strategy.

Senator BYRD organized us and he opened his office here in the Capitol and said we need to talk about ways that we can bring this war to the end. We need to organize and we need to talk about what is happening to our troops. He cared so much. For me, to have been in his presence and to watch him work has been an amazing experience. So I rise to pay tribute to him.

He has so many wonderful family members who care so much about him. When he lost his wife, it took a huge toll on ROBERT BYRD, and you saw it in his face. A light went out inside. His grandchildren and children stepped up, but that hole in his heart was there. It was evident to all of us. He stayed here through thick and thin, came in—wheeled in, in a wheelchair, fading, suffering, to be in this place that he loved so much, so much; that he respected so much.

I say, and I know, there is not a Member on either side of the aisle who did not respect ROBERT C. BYRD for his brilliance, for his strength, for his fierce representation of his State and, by the way, for his extraordinary biography, coming up the way he did. Talk about the American dream—a child of dire poverty, close to the mines. He always fought for those miners. What a legacy he leaves.

I don't have any notes in front of me. I am speaking from the heart today. I will have a more complete statement, but I did want to make my views known today and send my condolences to the family. It is a great loss for everyone.

Mr. CARDIN. Mr. President, I rise with a heavy heart to pay tribute to our friend and colleague who died early this morning, Senator ROBERT C. BYRD, the longest serving Member in the illustrious history of the U.S. Congress, the longest serving Senator, and the only Senator in U.S. history elected to nine full terms. Considering that Senator BYRD won his first election, to the West Virginia House of Delegates, in 1946, it may be that he was the longest serving elected official in history. His passing is a profound loss to all Americans, to his beloved constituents in West Virginia, and particularly to the institution of the U.S. Senate and those of us who serve here. The Senate had no greater champion than ROBERT BYRD, no one with his understanding of the Senate's unique character, role, promise, history, and parliamentary procedures.

When ROBERT BYRD was elected to the Senate in 1958, after serving in the House for 6 years, he was part of a large, distinguished class that included such future giants as Hugh Scott, Gene McCarthy, Edmund Muskie, and Philip Hart. He surpassed them all.

According to the Senate Historical Office, ROBERT BYRD was the 1,579th person to become a U.S. Senator. Since he was elected to the Senate, another 335 individuals have become U.S. Senators. All in all, ROBERT BYRD served with over 400 other Senators. And I am certain that each one of them held their colleague, as I do, in the highest esteem.

Senator BYRD's modest beginnings in the hard-scrabble coal fields of Appalachia are well known. After his mother died during the 1918 flu pandemic, Senator BYRD went to live with an aunt and uncle who adopted him and raised him in a house without running water or electricity. He pumped gas and butchered hogs. During World War II, he was a welder and built cargo ships in Baltimore and Tampa Bay. After the war, he successfully ran for the West Virginia House of Delegates and, 4 years later, the State's senate, before entering Congress in 1953. All in all, he ran for and was elected to office 15 times—not counting primaries—without suffering a single defeat. Suffice it to say that his life is the quintessential American success story. I think every young American should learn about Senator BYRD's life as an example of what hard work and persistence and devotion can accomplish in this country. He understood better than most people the importance of being educated, not just for embarking on a successful career, but as an end to itself. He was well-read and could recite from memory long passages from the Bible, and from great poets and authors. He was a fine historian, not just of the Founding Fathers and the U.S. Senate, but of ancient Greece and Rome and England.

Senator BYRD married his high school sweetheart, Erma Ora James, shortly after they both graduated from Mark Twain High School—where he was valedictorian—in 1937. He was too poor to afford college right away and wouldn't receive his degree from Marshall University until 60 years later—when he was 77. In between, he did something no other Member of Congress has ever done: he enrolled in law

school—at American University—and in 10 years of part-time study while serving as a Member of Congress, he completed his law degree, which President John Kennedy presented to him. Senator BYRD was married to his beloved Erma for nearly 69 years, and was blessed with two daughters, six grandchildren, and seven great-grandchildren.

During his Senate tenure, ROBERT BYRD was elected to more leadership positions than any other Senator in history, including majority and minority leader, whip, and President pro tempore. He cast 18,689 rollcall votes. Only 29 other Senators in the history of the Republic have cast more than 10,000 votes; Strom Thurmond is the only other Senator to cast more than 16,000 votes. Senator BYRD's attendance record over five decades—97 percent—is as impressive as the sheer number of votes he cast.

Senator BYRD's legislative accomplishments, from economic development and transportation to education and health care, are legendary. He steered the Panama Canal Treaty through the Senate and waged a lonely battle against the war in Iraq, leading an unsuccessful filibuster against the resolution granting President George W. Bush broad power to wage a preemptive war against Iraq. He claimed that his vote against the Iraq war resolution was the vote of which he was most proud for having cast over the course of his career. When U.S. military strikes on Iraq commenced on March 19, 2003, he stated:

> Today I weep for my country. I have watched the events of recent months with a heavy, heavy heart. No more is the image of America one of strong, yet benevolent peacekeeper. The image of America has changed. Around the globe, our friends mistrust us, our word is disputed, our intentions are questioned. Instead of reasoning with those with whom we disagree, we demand obedience or threaten recrimination.

Senator BYRD was unabashedly determined to use his power as a Senator and as the chairman or ranking member of the Appropriations Committee to help lift his State out of grinding poverty. And he delivered for his constituents. It is no surprise, then, that he won 100 percent of the vote of West Virginians in one election—1976—or frequently carried all 55 of West Virginia's counties. And while he fervently supported the coal industry, he recognized the devastating environmental and social impact of mountaintop removal mining techniques and he called for an end to that practice.

In the meantime, he wrote five books, including the definitive history of the U.S. Senate.

Perhaps the highest tribute to Senator BYRD can be found in his biographical section of the Almanac of American Politics, which states: ''Robert Byrd . . . may come closest to the kind of senator the Founding Fathers had in mind than any other.'' His fealty to the U.S. Senate and to the Constitution has served as an inspiration, a lesson, and a guiding light to all of us who have been privileged to follow him in this Chamber.

In the last 10 months, we have lost two towering figures here in the Senate: Ted Kennedy and ROBERT BYRD—one of the Senate's greatest legislators and without doubt its greatest defender. Former Senator Paul Sarbanes, whose seat I am privileged to hold, remarked that Senator BYRD liked to say that he never served under any President, but was honored to serve with many Presidents. We can honor these twin giants by carrying on their legacies, by fighting to make America a better place for all Americans, and by defending the Senate's role as a coequal, not subservient, branch of government.

When Senator BYRD became the longest serving Member of Congress last November, I quoted Robert E. Lee in my floor statement. Lee said:

> Duty is the most sublime word in our language. Do your duty in all things. You cannot do more. You should never wish to do less.

Senator ROBERT C. BYRD has done his duty in all things—to the Senate, to himself, to his family, to his State, to his Nation, and to God.

I am honored to join his and my colleagues here in the Senate, West Virginians, and all Americans in mourning the death, celebrating the life, and paying tribute to this great Senator and this great man.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 572) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 572

Whereas, the Honorable Robert C. Byrd served the people of his beloved state of West Virginia for over 63 years, serving in the West Virginia House of Delegates, the West Virginia Senate, the United States House of Representatives, and the United States Senate;

Whereas, the Honorable Robert C. Byrd is the only West Virginian to have served in both Houses of the West Virginia Legislature and in both Houses of the United States Congress;

Whereas, the Honorable Robert C. Byrd has served for fifty-one years in the United States Senate and is the longest serving Senator in history, having been elected to nine full terms;

Whereas, the Honorable Robert C. Byrd has cast more than 18,680 rollcall votes—more than any other Senator in American history;

Whereas, the Honorable Robert C. Byrd has served in the Senate leadership as President pro tempore, Majority Leader, Majority Whip, Minority Leader, and Secretary of the Majority Conference;

Whereas, the Honorable Robert C. Byrd has served on a Senate committee, the Committee on Appropriations, which he has chaired during five Congresses, longer than any other Senator; and

Whereas, the Honorable Robert C. Byrd is the first Senator to have authored a comprehensive history of the United States Senate;

Whereas, the Honorable Robert C. Byrd has played an essential role in the development and enactment of an enormous body of national legislative initiatives and policy over many decades: Whereas his death has deprived his State and Nation of an outstanding lawmaker and public servant: Now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Robert C. Byrd, Senator from the State of West Virginia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

MEASURE READ THE FIRST TIME—H.R. 5175

Mr. BROWN of Ohio. I understand that H.R. 5175 has been received from the House and is at the desk. I would ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

> A bill (H.R. 5175) to amend the Federal Election Campaign Act of 1971 to prohibit foreign influence in Federal elections, to prohibit government contractors from making expenditures with respect to such elections, and to establish additional disclosure requirements with respect to spending in such elections, and for other purposes.

Mr. BROWN of Ohio. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR TUESDAY, JUNE 29, 2010

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, June 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to a period of morning business for one hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled

between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 5297, the small business jobs bill. Finally, I ask that the Senate recess from 12:30 until 2:15 to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Under a previous order, at 2:15, the Senate will proceed to vote on the motion to invoke cloture on the motion to proceed to the small business jobs bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 572 as a further mark of respect to the memory of Senator ROBERT C. BYRD.

There being no objection, the Senate, at 7:13 p.m., adjourned until Tuesday, June 29, 2010, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF AGRICULTURE

RAMONA EMILIA ROMERO, OF PENNSYLVANIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE, VICE MARC L. KESSELMAN, RESIGNED.

DEPARTMENT OF STATE

ROBERT PORTER JACKSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

JAMES FRANKLIN JEFFREY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

ALEJANDRO DANIEL WOLFF, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHILE.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

RICHARD CHRISTMAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 6, 2012, VICE TOM OSBORNE, RESIGNED.

JANE D. HARTLEY, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE DONNA N. WILLIAMS, RESIGNED.

MARGUERITE W. KONDRACKE, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2014, VICE RICHARD ALLAN HILL, TERM EXPIRED.

MATTHEW FRANCIS MCCABE, OF PENNSYLVANIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013, VICE LEONA WHITE HAT, TERM EXPIRED.

JOHN D. PODESTA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2014, VICE ALAN D. SOLOMONT, RESIGNED.

LISA M. QUIROZ, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2014, VICE VINCE J. JUARISTI, TERM EXPIRED.

PHYLLIS NICHAMOFF SEGAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013, VICE JACOB JOSEPH LEW, TERM EXPIRED.

LEGAL SERVICES CORPORATION

HARRY JAMES FRANKLYN KORRELL III, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011, VICE JONANN E. CHILES, TERM EXPIRED.

JOSEPH PIUS PIETRZYK, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2011, VICE THOMAS A. FUENTES, TERM EXPIRED.

NATIONAL COUNCIL ON DISABILITY

PAMELA YOUNG-HOLMES, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 17, 2010, VICE CHAD COLLEY, RESIGNED.

PAMELA YOUNG-HOLMES, OF WISCONSIN, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013. (REAPPOINTMENT)

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

KAREN S. SLITER, OF MICHIGAN

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

ELIA P. VANECHANOS, OF NEW HAMPSHIRE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF COMMERCE

JAMES K. CHAMBERS, OF OKLAHOMA
ERIC G. CROWLEY, OF COLORADO
LAURA GIMENEZ, OF CALIFORNIA
HANNAH KAMENETSKY, OF FLORIDA
YASUEY PAI, OF NEW YORK
FRANCIS M. PETERS, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

DEPARTMENT OF COMMERCE

HEATHER R. BYRNES, OF ALASKA
KENNETH DUCKWORTH, OF MARYLAND
ALIZA L. TOTAYO, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

NICOLE DESILVIS, OF PENNSYLVANIA
JEFFREY W. HAMILTON, OF HAWAII

DEPARTMENT OF STATE

MARTIN AGUILAR, OF VIRGINIA
JOEL D. ALLEY, OF OREGON
MATTHEW R. ANDRIS, OF NEW HAMPSHIRE
TODD ARMER, OF VIRGINIA
JEFFREY MICHAEL AUSTIN, OF FLORIDA
SCOTT T. BAERST, OF THE DISTRICT OF COLUMBIA
BRENDON BAIRD, OF VIRGINIA
JENNIFER ALAYNE BARR, OF FLORIDA
TYLER ALLEN BEESLEY, OF VIRGINIA
JAMES W. BENSON, OF THE DISTRICT OF COLUMBIA
BENJIMAN BOHMAN, OF ALASKA
CHRISTOPHER D. BOOTH, OF VIRGINIA
JON BOWERMASTER, OF CALIFORNIA
ZSOFIA BUDAI, OF MINNESOTA
MICHAEL CAVEY, OF WISCONSIN
CHRISTOPHER MICHAEL CHAISSON, OF VIRGINIA
W. JOSEPH CHILDERS, OF OHIO
ACACIA ZORANA CLARK, OF CALIFORNIA
BRIAN M. COMMAROTO-ROVERINI, OF NEW YORK
TRODISS J. CORA, OF VIRGINIA
REID MILLER CREEDON, OF MICHIGAN
HEATHER L. DAIGLE, OF ILLINOIS
JACKSON C. DART, OF MICHIGAN
LISA MARIE DEKEUKELAERE, OF THE DISTRICT OF COLUMBIA
AARON DELONG, OF LOUISIANA
PATRICIA M. DEPALMA, OF CONNECTICUT
BRANDON J. DOYLE, OF MICHIGAN
KATHERINE F. DUDLEY, OF VIRGINIA
EMILY BOND DUNIVANT, OF TENNESSEE
KARIN MARIE EHLERT, OF MINNESOTA
LINDSAY MARIE EINSTEIN, OF THE DISTRICT OF COLUMBIA
JENNIFER SUZANNE EMPIE, OF MARYLAND
MICHAEL A. ERVIN, OF WASHINGTON
S. ADAM FERGUSON, OF UTAH
JACLYN M. FICHERA, OF VIRGINIA
DOUGLAS FOWLER, OF WYOMING
MAIDA A. FURNIA, OF OREGON
BRENDA B. GABRIEL, OF VIRGINIA
MAXIMILIAN ROBERT PEREZ GEBHARDT, OF NEW JERSEY
EVANGELINE A. GESKOS, OF VIRGINIA
IVNA GIAUQUE, OF VIRGINIA
DAMON M. GOFORTH, OF CALIFORNIA
MICHAEL L. GUNZBURGER, OF CALIFORNIA
PAUL MICHAEL HANNA, OF FLORIDA
BRIAN HAZELWOOD, OF VIRGINIA
BENJAMIN D. HESPRICH, OF WISCONSIN
NOAH J. HEYMANN, OF THE DISTRICT OF COLUMBIA
KATE E. HIGGINS, OF MARYLAND
SHEILA-ANNE P. HODGES, OF NEVADA
KURT HOLMGREN, OF VIRGINIA
BRIAN HOYT, OF CALIFORNIA
GRETA L. HROMOVYCH, OF IOWA
JOSEPH V. JAMES, OF VIRGINIA
ANNE JENDERSECK, OF VIRGINIA
SAMANTHA ANN JENKINS, OF WASHINGTON
JACOB A. JOHNSON, OF NEW YORK
AARON JAMES KADKHODAI, OF FLORIDA
IVAN F. KAMARA, OF ARIZONA
JOSHUA P. KATZ, OF VIRGINIA
MATTHEW D. KAWECKI, OF MASSACHUSETTS
DANIELLE F. KELLEHER, OF VIRGINIA
MATTHEW A. KELLY, OF NEW YORK
TERESA L. KENDRICK, OF VIRGINIA
CAROL S. KIM, OF VIRGINIA
ROBYN A. KIRKHAM, OF UTAH
JOHN C. KMETZ, OF OKLAHOMA
JAMES R. KUYKENDALL, OF OKLAHOMA
MARK ROBERT LAINE, OF VIRGINIA
BENEY JUHYON LEE, OF VIRGINIA
JOSEPH KUO LIN, OF NEW YORK
JACQUELINE K. LOPOUR, OF VIRGINIA
NATHANAEL M. LYNN, OF THE DISTRICT OF COLUMBIA
DAVID R.P. MARTINEZ, OF NEW MEXICO
TODD E. MCCARRICK, OF VIRGINIA
JOHN ANDERSON MCCARY, OF MARYLAND
CHARLES ELLIOTT MCCLELLAN, OF NEVADA
ELAINE RENEE MCGUINEY, OF THE DISTRICT OF COLUMBIA
JOSHUA D. MCKEEVER, OF VIRGINIA
JONATHAN KERNS MCKNIGHT, OF VIRGINIA
MOLLY S. MCMANUS, OF VIRGINIA
THEODORE MEINHOVER, OF MINNESOTA
CATHERINE T. MILLER-LITTLE, OF OHIO
JENNIFER P. MINOR, OF VIRGINIA
MICHAEL WALTER MITCHELL, OF CALIFORNIA
YOON SANG NAM, OF CALIFORNIA
CHESTER I. NIELSEN IV, OF VIRGINIA
TANNER NIELSON, OF VIRGINIA
JENNIFER K. NILSON, OF WISCONSIN
MARTIN N. OBERMUELLER, OF NEBRASKA
RICHARD ANDREW O'NEAL, OF GEORGIA
MELISSA S. O'SHAUGHNESSY, OF PENNSYLVANIA
MARCIA Y. OUTLAW, OF ARIZONA
AARON THOMAS PAYNE, OF VIRGINIA
SCOTT R. PETERSON, OF VIRGINIA
WESLEY A. PHILBECK, OF MARYLAND
KIRK S. PORTMANN, OF WASHINGTON
JONATHAN POSNER, OF CALIFORNIA
ADRIAN PRATT, OF FLORIDA
SARAH H. RATKOVICH, OF VIRGINIA
KATHERINE REEDY, OF NEW YORK
RITA RICO, OF CALIFORNIA
SCOTT M. RIDER, OF MARYLAND
JASON CORCORAN ROBERTS, OF VIRGINIA
BENJAMIN O. ROGUS, OF CALIFORNIA
JESSICA ROHN, OF VIRGINIA
CHRISTOPHER DENTON ROMANS, OF ILLINOIS
BRIAN L. ROSEN, OF NEW JERSEY
MICHAEL J. ROSENBERG, OF NEW JERSEY
MICHELE ROULBET, OF ILLINOIS
ALAN R. ROYSTON, OF FLORIDA
MICHAEL A. RUZINSKY, OF KENTUCKY
DAVID VINCENT SALVO, OF PENNSYLVANIA
TINA B. SANTOS, OF VIRGINIA
DEMARK F. SCHULZE, OF OHIO
SARAH M. SCOTT, OF VIRGINIA
NILESH KANTILAL SHAH, OF CALIFORNIA
ALEXANDER DP SHARP, OF KANSAS
JASON SHOW, OF TEXAS
BRIAN M. SKLAR, OF MARYLAND
COOPER J. SMITH, OF VIRGINIA
HARRY CHARLES SMITH, OF THE DISTRICT OF COLUMBIA
SAUNDRA M. SNIDER-PUGH, OF VIRGINIA
BRIAN T. SORENSON, OF VIRGINIA
CESAR GUILLERMO SORIANO, OF VIRGINIA
ERIN M. SOWDEN, OF NEW YORK
EVAN ROBERT STANLEY, OF FLORIDA
KIM A. STEINPORT, OF VIRGINIA
ADAM B. STERN, OF VIRGINIA
DANIEL C. STREBE, OF TEXAS
EVERETT E. SUNDERLAND, OF VIRGINIA
PAUL SWIDER, OF FLORIDA
RITA S. TAI, OF THE DISTRICT OF COLUMBIA
NATHANIEL TEK, OF NEW JERSEY
LAN J. TRUONG, OF THE DISTRICT OF COLUMBIA
KAITLIN E. TURCK, OF VIRGINIA
KEVIN A. VAILLANCOURT, OF VIRGINIA
JUSTINE E. VEIT, OF MISSOURI
ERIN MARIE WILLIAMS, OF THE DISTRICT OF COLUMBIA
KEVIN WILSON, OF GEORGIA
ALEXIS SATHRE WOLFF, OF NEW YORK
ASHLEY WROTEN, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF

STATE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR, EFFECTIVE OCTOBER 12, 2008:

CAMERON MUNTER, OF CALIFORNIA

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED.

To be rear admiral lower half

REAR ADM. (LH) SANDRA L. STOSZ

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN P. MUELLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBIN RAND

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL HUGH T. BROOMALL
BRIGADIER GENERAL PAUL D. BROWN, JR.
BRIGADIER GENERAL WILLIAM R. BURKS
BRIGADIER GENERAL JAMES E. DANIEL, JR.
BRIGADIER GENERAL MICHAEL J. DORNBUSH
BRIGADIER GENERAL MATTHEW J. DZIALO
BRIGADIER GENERAL GREGORY A. FICK
BRIGADIER GENERAL ROBERT H. JOHNSTON
BRIGADIER GENERAL JOSEPH L. LENGYEL
BRIGADIER GENERAL WILLIAM N. REDDEL III
BRIGADIER GENERAL JAMES R. WILSON

To be brigadier general

COLONEL DONALD A. AHERN
COLONEL JAMES C. BALSERAK
COLONEL FRANK W. BARNETT, JR.
COLONEL MARK E. BARTMAN
COLONEL ROBERT M. BRANYON
COLONEL RICHARD J. DENNEE
COLONEL RICHARD J. EVANS III
COLONEL LAWRENCE P. GALLOGLY
COLONEL MICHAEL D. HEPNER
COLONEL WORTHE S. HOLT, JR.
COLONEL ARTHUR W. HYATT, JR.
COLONEL BRADLEY S. LINK
COLONEL DONALD L. MCCORMACK
COLONEL BRIAN G. NEAL
COLONEL ROY V. QUALLS
COLONEL MARC H. SASSEVILLE
COLONEL MARK L. STEPHENS
COLONEL ALPHONSE J. STEPHENSON
COLONEL KENDALL S. SWITZER
COLONEL DANIEL C. VANWYK

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DONALD P. DUNBAR

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH F. FIL, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM J. TROY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. SANFORD E. HOLMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4335:

To be brigadier general

COL. TIMOTHY E. TRAINOR

CONFIRMATION

Executive nomination confirmed by the Senate, Monday, June 28, 2010:

THE JUDICIARY

GARY SCOTT FEINERMAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 28, 2010 withdrawing from further Senate consideration the following nomination:

ARMY NOMINATIONS BEGINNING WITH CARDELL J. HERVEY AND ENDING WITH SCOTT H. SINKULAR, WHICH NOMINATIONS WERE SENT TO THE SENATE ON MARCH 9, 2010.

EXTENSIONS OF REMARKS

REMEMBERING DIANNE WALLER-NYMAN

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mrs. HALVORSON. Madam Speaker, today I rise to pay tribute to the life of Dianne Waller-Nyman. Dianne passed away on June 11th after a long bout with cancer. Dianne was a dedicated public servant, a longtime political activist, and a dear friend whom we will miss dearly.

Dianne was a pioneer in many of her endeavors. She was the first woman to serve as a regional manager with the Handy Andy chain of hardware stores. Dianne was also the youngest person ever elected as a Trustee of Park Forest South, Illinois (later known as University Park).

For those of us who knew Dianne, one of her most admirable traits was the passion with which she pursued causes she believed in. For several decades, Dianne was active in local politics and government. She served several terms on the Park Forest South/University Park Board of Trustees and over the years Dianne managed or volunteered for dozens of campaigns at the federal, State, and local levels. She was proud to be a very early supporter of now President Obama when he ran for the U.S. Senate in 2004. Even as Dianne battled cancer towards the end of her life, she continued to play a leadership role in local political organizations.

I can also say that I would not be serving as a Member of Congress today without Dianne's tireless efforts on my behalf. We often referred to Dianne as the ''Sergeant Major'' because we knew we could count on her to get the job done.

Dianne is survived by her loving husband, Arnie, three children—Ron Waller, Edie Fortner, and Diana Tomsic, and five grandchildren—Nick, Matt, Phillip, Richie, and Kal. My thoughts and prayers are with them in this time of loss. We share their sorrow, but we join them in honoring the remarkable life of Dianne Waller-Nyman.

ODE TO A FALLEN HERO: SERGEANT JOSHUA HARDT

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. McCLINTOCK. Madam Speaker, I rise today to honor the memory of U.S. Army Sergeant Joshua Hardt of Applegate, California. Today, I read a poem, written in Sergeant Hardt's memory, which serves as a testament to both his character and fidelity.

ODE TO A FALLEN HERO

(By Ting De Guevara)

No one asked you to volunteer
You did it because you loved your country
More than pure piney woods,
More than sparkling, high mountain lakes
Or the sauntering, Sierra streams
The possibilities were endless
A police officer, a federal marshal, a wife and family
Perhaps a fishing guide, for the flatlanders
Who only dreamed of finding rainbows in the eddies
Instead, you answered the call of duty
Not for money, nor glory, nor fame
But because you wanted to make
A difference in the world
You traded your Carhartts
For Army green, gilded buttons,
Spit and shine
Your boyish smile
The twinkle in your eye
Betrayed who we really knew
Our jovial, jaunting, Joshy
Your country called you
Like a far-away alarm,
In the foggy dream of yesterday
Fighting your way through Iraq
Returning quieter, somber and more patient
Knowing those things that only soldiers know,
The sounds and horrors of war
Still, your passion for fishing and golf
Was unquenchable,
Displaying your catch and taunting: ''Where's your Troutzilla?''
Oh you scoundrel! You rogue!
How we envied your hole–in–one luck, your trout madness
And your contagious laughter
Filled our hearts, refreshing
Like a cold bottle of beer
On a hot summer's day
Then Uncle Sam pinned those stripes on your sleeve
Sending you to a strange and foreign land
Where women and children were forced
To surrender their last vestige of freedom
There, in the frozen mountains
In those smoke filled hours
The tracers flying, rockets exploding
Amid the trees like a firestorm
You fought bravely
My courageous son,
Even as the world collapsed around you
You remained steadfast
To your men and your flag
You may stand down, Sergeant Hardt
Your tour is over,
Your mission completed,
We love you
God bless you
Farewell, our fallen hero.

HONORING THE CONTRIBUTIONS OF SANTO SCARPINITO AND LINDA SKIDMORE

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge Santo Scarpinito and Linda Skidmore, who are retiring from the Northport-East Northport School District this year.

Together, Santo and Linda have contributed more than 65 years of service to the school district and have educated thousands of teachers and students in civic responsibility. They are both founding members of Project PATCH, which is a nationally recognized law and civic education program. Santo and Linda have shown creativity and passion throughout their years as teachers and are an integral force in educating the public about issues in constitutional law and professional development.

As they leave behind their formal roles in the Northport-East Northport School District, they will no doubt continue to educate those within their communities on the values that are so important to Americans.

I am proud to recognize Santo Scarpinito and Linda Skidmore for their invaluable contribution to education.

RECOGNIZING LYNN AZZOPARDI

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Ms. SPEIER. Madam Speaker, I rise to honor Lynn Azzopardi for her work with the Millbrae Lions Club. She has been such a tireless volunteer for the past seven and one-half years that some may find it hard to believe that she also works full-time as the administrative assistant in the Kidney Transplant division at Stanford University Medical Clinic in addition to being a busy mother and grandmother.

For the past year Lynn has served as president of the Lions Club where she led the acquisition of a vehicle outfitted to be a mobile kitchen and later used as a ''first response'' vehicle, not only for Millbrae, but for San Mateo County. Most notably she is the first woman to complete one year of service as president of the Millbrae Lions Club.

The list of projects that Lynn has been involved in is quite impressive. The Opportunity Scholarship Program focuses on students who need an extra boost to meet training and educational goals for future employment or study. The City of Hope Program funds cancer treatment and research. The Family Assistance Program helps families with a need for food,

clothing and financial aid. She also chaired a pancake breakfast committee that raised money for schools and their students.

Lynn epitomizes the motto of the International Lions Club: We Serve! And therefore, Madam Speaker, I deem that is only fitting for this house to extend its thanks to Lynn Azzopardi as she was honored in Millbrae on June 19, 2010 for completing her term as club president.

CONGRATULATING CHARLES CALLEROS

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Charles Calleros on being honored by the State Bar of Arizona for his work in mentoring women and minorities. This award, the Committee on Minorities and Women in the Law Award, commends Mr. Calleros for his distinction and efforts on behalf of minorities and women in the legal field.

Mr. Calleros, a professor at the Sandra Day O'Connor College of Law located at Arizona State University, is deeply committed to promoting diversity in the legal field, both nationally and statewide. In 2005, he served as a member of the Minority Affairs Committee of the Law School Admissions Council, which strives to achieve diversity in law school applicants. In 2007, in collaboration with the Hispanic National Bar Association, Mr. Calleros started a mentoring program with the goal of reaching out to students before they graduate high school.

Calleros, who teaches Contracts, International Contracts, and Civil Rights Legislation, has been at ASU since 1981. In addition to his dedication to ASU, Mr. Calleros has been a visiting professor at Stanford Law School and at the University of Santa Clara. Each year, he also teaches a weeklong course in American Contract Law and International Law at the University of Paris.

Through all of these efforts, he strives to be a positive role model for Valley youth and students, and works to help them reach their full educational and leadership potential.

Madam Speaker, please join me in recognizing and congratulating Charles Calleros for his valuable contributions to the Phoenix area.

TRIBUTE TO THE APPLEWHITE FAMILY ON THE OCCASION OF THEIR FAMILY REUNION

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. BUTTERFIELD. Madam Speaker, I rise to recognize and honor the Applewhite family, which will soon be holding its reunion in my hometown of Wilson, North Carolina from July 2nd through July 4th, 2010.

The family reunion includes the descendants of Mr. and Mrs. Thomas and Dinah Horne Applewhite, who were born in 1880 and 1884, respectively. They lived in the area of Saratoga and Garner, North Carolina where they raised eight children—Walter, Lonnie, Lossie, Minnie, Almeta, Sherman, Mattie and Nettie.

While past reunions have been held individually by the Applewhite descendants, this will be the first reunion to include the entire family. More than 125 family members are expected to come together in Wilson, North Carolina from as far away as Arizona, Utah, California, New York, New Jersey, Virginia, Georgia, and Washington, D.C.

America is truly a nation of families. We take pride in our families and we value family life. Our families teach us the values of loyalty, independence, responsibility and mutual love.

Strong, stable families are our nation's greatest asset. But to remain strong, families must nurture and reinforce their bonds. Family reunions provide a wonderful opportunity to strengthen and preserve those family ties. It is a time to learn, laugh and renew the ties of affection.

Madam Speaker, I ask that my colleagues join me in congratulating the Applewhite family as generations gather for this special occasion. Let their celebration remind us of our own roots, and of the strength and importance of our own families. May their family reunion be a successful event full of happy memories they can pass along to future generations.

HONORING MARSHA TYSON

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating Marsha Tyson for receiving the Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST) on June 7th.

Ms. Tyson should be commended for her hard work and dedication to the students and community in her school district. The PAEMST is a prestigious award and we are proud that she is representing our great state of Missouri and the 9th District. Advancement in the fields of mathematics and science are integral to the development and competitiveness of America in the future. I am honored to congratulate Ms. Tyson on her outstanding achievement.

It is critical for the future of our country that students have access to a quality education. Without excellent teachers, our schools fail our students and communities. Ms. Tyson exemplifies what it means to be an excellent teacher and her dedication to her students and community is worthy of high praise.

I ask that you join me in recognizing Marsha Tyson for her excellence in the field of science education.

HONORING THE LIFE OF WALTER HESSLING

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. ISRAEL. Madam Speaker, I rise today to recognize Walter Hessling who passed away on November 27, 2009.

Walter was one of many courageous men who chose to serve his community as a firefighter. He was a Captain of the Dix Hills Volunteer Fire Department and served his community valiantly for 32 years.

To all of those who knew and loved him, his untimely death will forever be a reminder of his selflessness. His last heroic moment in the line of duty saved the lives of others who he never met. As time passes, the pain will fade, but the memory of Walter will always remain a shining example of truth and goodness to all of those whose lives he touched.

It is at this time we remember Walter Hessling for his bravery and kindness and for his dedication and service to the Dix Hills Fire Department.

RECOGNIZING THE HOA HAO BUDDHISM ASSOCIATION'S 71ST ANNIVERSARY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today, to recognize the Overseas Hoa Hao Buddhism Association's 71st Anniversary of the Founding of Hoa Hao Buddhism. Today, Hoa Hao Buddhism is one of the six most important religions in Vietnam. Through the hardships and trials of Communist Vietnam, Hoa Hao Buddhism still exists with a mass of over four million followers closely united in their faith. In Orange County, the Hoa Hao Buddhist Church is a Member of the Vietnamese Interfaith Council, a body established in order to promote harmony between major religions in Vietnam.

The U.S. Department of State 2009 International Religious Freedom Report indicates that the Vietnamese government continues to persecute and restrict organized activities of religious organizations like Hoa Hao Buddhists. We are continuing to see more and more activists being detained and imprisoned for exercising their freedom of speech, religion and expression. I encourage my colleagues to continue to urge the State Department to redesignate Vietnam as a Country of Particular Concern and fight for those in Vietnam who are putting their lives in danger in the name of freedom.

ON THE PASSING OF FORMER GOVERNOR OF TEXAS DOLPH BRISCOE, JR.

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. RODRIGUEZ. Madam Speaker, Uvalde, TX is a small rural town in my district. Uvalde is known for its plentiful trees and clear springs, but it best known for its two most famous residents: John Nance Garner, also known as Cactus Jack who was Speaker of the House from 1931–1933 and also served as Vice President to Franklin Roosevelt and also Former Governor of Texas and Philanthropist Dolph Briscoe Jr.

Last night, at the age of 87, Governor Briscoe passed away. My thoughts and prayers are with his family and friends and with the people of Uvalde who he loved.

I rise today to honor his legacy. With his passing, Texas lost a legendary figure. He was the first Texas governor from Southwest Texas and one of the great philanthropists of our time.

His generosity has preserved western art and expanded our institutions of higher learning. He served in the Texas Legislature from 1949 to 1957 and then served as Governor from 1973 to 1979. He was truly a champion of the public, signing into law the 1973 Texas Open Records Act guaranteeing the public's right to information about state and local government. He was also responsible for sponsoring legislation that gave Texas its statewide farm-to-market road system. And his role as president of the Texas and Southwestern Cattle Raisers Association in the 1960s improved the agricultural industry immeasurably.

I was proud to name the Uvalde Post Office after Gov. Briscoe in 2007 for his distinguished career in public service. And today, I honor the memory of Gov. Briscoe for his commitment to Texans and a life as a dedicated public servant.

RECOGNIZING DARWIN HINDMAN

HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. LUETKEMEYER. Madam Speaker, I rise today to recognize Darwin Hindman, the former mayor of Columbia, Missouri, who retired after 15 years of public service, thus becoming the longest-serving mayor in the city's history.

Over the course of his storied career, Mayor Hindman left a significant mark on Columbia's park system by creating Stephens Lake, Flat Branch, and the new South East Regional Park. During his tenure, Columbia grew to over 100,000 residents and saw its downtown greatly improved. Also, as an avid bicyclist, Mayor Hindman transformed Columbia into a more bike-friendly community. It should also be noted that Mayor Hindman has been a great advocate for healthy living and has won numerous awards for his efforts, including the Leadership for Healthy Communities Award in 2009.

In addition, Mayor Hindman is a past recipient of the Columbia Chamber of Commerce Outstanding Citizen of the Year, University of Missouri Faculty Alumni, Chevron Times Mirror Publications Citizen Conservation, Dr. Martin Luther King, Jr., Memorial Association, and MU College of Arts and Science Distinguished Alumnus awards.

Mayor Darwin Hindman is supported by his wife, Axie, children Skip and Ellen, and four grandchildren. Mayor Hindman served two tours of active duty as a pilot in the U.S. Air Force.

In closing, Madam Speaker, I ask all my colleagues to join me in congratulating former Mayor Darwin Hindman for his service to the city of Columbia.

TRIBUTE TO CLIFFORD LEE CHILDERS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. ROGERS of Kentucky. Madam Speaker, I rise today to pay tribute to the late Clifford Lee Childers, a family man who had a long and distinguished career in Pulaski County Kentucky

In 1988, Mr. Childers operated the Somerset Financial Center and while there obtained his real estate and insurance licenses. Soon after, Mr. Childers was able to fulfill his lifetime dream of owning a small business when he opened Childers Financial Services. Performing residential and commercial appraisals in 14 counties he managed a very successful company that serves the Lake Cumberland area.

Mr. Childers was a man of faith and served as a deacon for the East Somerset Baptist Church. Always putting God first he strived to be an example to those around him and spread God's Word through his actions. Mr. Childers also proudly served his country. Enlisting in the Kentucky National Guard in 1970, he served until October 1996 and achieved the rank of Colonel.

Family was always Mr. Childers priority. He was married to Charlene Childers for 37 loving years and together they raised 3 children and were blessed with 5 grandchildren. Whether he was with his family at home in Somerset, Kentucky, or at their 'home away from home' in Bluffton, South Carolina, Mr. Childers treasured every moment with his family.

Madam Speaker, I ask my colleagues to join me in memory of Mr. Clifford Lee Childers, a man who tirelessly worked to make the world a better place. His love for life will be truly be missed.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. COFFMAN of Colorado. Madam Speaker, today our national debt is $13,038,305,786,811.25.

On January 6th, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $2,399,880,040,517.40 so far this Congress.

This debt and its interest payments we are passing to our children and all future Americans.

RECOGNIZING THOMAS W. LUDLOW ASHLEY

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. TURNER. Madam Speaker, it is my privilege to join my colleagues to honor the life and work of former Congressman Thomas W. Ludlow Ashley.

Thomas W. Ludlow Ashley served the State of Ohio for 13 terms in the U.S. House of Representatives, from 1955 to 1981. Mr. Ashley served Ohio's 9th District, which includes the city of Toledo and surrounding Lucas County.

He was a graduate of Yale University where one of his classmates was a future President, George H.W. Bush. Ashley graduated from the Ohio State University Law School in Columbus, Ohio in 1951.

Congressman Ashley was the great-grandson of former Congressman James Mitchell Ashley, who also represented Ohio's ninth congressional district, from 1859 to 1869, and co-authored the 13th Amendment that abolished slavery.

Congressman Ashley's work in Congress has proven very important for American cities. He was chairman of a House subcommittee on housing and community development within the Banking Committee.

In this role, Ashley helped write and pass the Housing and Community Development Acts of 1974 and 1977. These important bills paved the way for the Community Development Block Grant program. In recognition of his role as an advocate for affordable housing, Senator Edward Kennedy remarked: ''Americans sleep in better homes today because of Lud Ashley.''

I join my colleagues in the Ohio delegation in honoring the life of Congressman Thomas W. Ludlow Ashley, and his distinguished service to our State and our Nation.

ON THE OCCASION OF CELEBRATING THE 100TH BIRTHDAY OF MRS. GLADYS HASKINS

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. BUTTERFIELD. Madam Speaker, on Saturday, July 17, 2010, friends and family will gather to celebrate the 100th birthday of Mrs. Gladys Haskins in Wilson, North Carolina. Mrs. Haskins is a strong and caring woman who strives to treat everyone well and always tries to do what is right.

The youngest of 12 siblings, Mrs. Haskins was born in Florence, South Carolina on July 3, 1910. Because her family worked as sharecroppers, she had to leave school after the third grade to work. Her family later moved to Wilson, North Carolina where she met and married her husband, Nathan Haskins, Sr.

After living in Washington, DC for a decade, Mrs. Haskins returned to Wilson, North Carolina where she lives to this day. She maintains an interest in gardening, and has been a faithful member of Wilson Chapel Free Will Baptist Church for more than 50 years. And, as the Bible commands in Exodus 20:12, Mrs. Haskins has always sought to honor her father and mother in order to live long in the land the Lord has provided.

Madam Speaker, I ask that my colleagues join me in recognizing Mrs. Gladys Haskins. She is a truly remarkable person deserving of our deepest good wishes as she and her loved ones celebrate her 100th birthday.

HONORING THE LIFE OF FRANK PELLEGRINI

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. ISRAEL. Madam Speaker, I rise today to recognize Frank Pellegrini, who passed away on March 25, 2010.

Frank touched the lives of people all over Long Island and he will be remembered as a man who showed grace and humility in all aspects of his life. For 40 years, he worked at Farmingdale State College where he served thousands of students and teachers through his roles as an Organic Chemistry teacher and then the Dean of the College of Arts and Sciences.

Frank also served for 35 years as the Chief and Commissioner of the Dix Hills Fire Department where his heroic efforts touched the lives of countless members of the community. Frank possessed extreme bravery and a passion for helping others.

Frank Pellegrini will be remembered by all who were fortunate enough to know him, and his memory will remain a fixture in both institutions where he served for so long.

HOME ENERGY CONSERVATION BONDS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. McDERMOTT. Madam Speaker, the main obstacles facing homeowners who want to make their homes more energy efficient are the initial costs and poor access to capital. The legislation I am introducing will give the authority to issues bonds to states and large localities allowing them to issue loans for residential energy efficiency improvements. This legislation will significantly help homeowners who want to renovate their homes for increased energy efficiency. Home Energy Conservation Bonds will help homeowners overcome the upfront capital costs of energy efficiency retrofits, allowing homeowners to drastically reduce their energy and water consumption and pay less each month for their utilities. Only through addressing efficiency and conservation in existing homes will we be able to fully address our nation's addiction to energy. Renovating homes for increased energy efficiency provides a critical economic infusion, helps create new jobs and stimulate local economies. I look forward to working with my colleagues to realize that goal.

HARBOR MAINTENANCE TRUST FUND IMPROVEMENT ACT OF 2010

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise to introduce the Harbor Maintenance Trust Fund Improvement Act of 2010. This bill would strengthen our national economy and international competitiveness.

Our harbors are economic engines for our nation. Because more than 95 percent of overseas trade moves in and out of the United States by ship, harbor infrastructure is vital to the American economy.

Moreover, our harbors create a substantial amount of revenue through the Harbor Maintenance Tax. The tax is imposed on importers and domestic shippers based upon the value of their cargo and is deposited in the Harbor Maintenance Trust Fund.

Fund money is designated for recovering operation and maintenance costs at US coastal and Great Lakes Harbors, particularly for dredging. Yet, our harbors only receive a fraction of the revenue they create. Revenue deposited into the fund far exceeds transfers out of the fund. This lead to a balance of almost $5 billion at the end of fiscal year 2009.

At the same time, the global economic crisis has hit our harbors and many are struggling to make ends meet. It is only fair to give back to our harbors in their times of need. That's why the Harbor Maintenance Trust Fund Improvement Act would expand our harbors' ability to make use of Harbor Maintenance Trust Fund money. The bill would allow them to use the revenue they create not only for maintenance and dredging needs but also for the costs of Environmental Impact Statements for navigation projects.

Environmental Impact Statements art required whenever the Corps of Engineers is involved in harbor maintenance and development efforts. The Statements serve the federal mission of taking environmental effects of a project into account. Use of Harbor Maintenance Trust Fund resources for this purpose is appropriate and long overdue. Harbors would be relieved of these costs, while the federal mission of assessing the environmental impact of such projects is strengthened.

Please join me in helping our harbors with this sensitive relief. I urge my colleagues on both sides of the aisle to support this important bill.

GEOTHERMAL ENERGY INVESTMENT ACT

HON. EARL BLUMENAUR

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. BLUMENAUER. Madam Speaker, I rise today in support of the Geothermal Energy Investment Act. This legislation will extend a 30 percent investment tax credit for geothermal energy through December 31, 2016, providing parity with the solar investment tax credit. This longer-term incentive will support substantial growth in utility scale geothermal power, distributed on-site power generation, and heating for buildings and commercial processes, while using clean and renewable American energy.

Geothermal energy facilities supply environmentally-friendly baseload power while producing very low emissions. Once installed, geothermal power is incredibly reliable, with average availabilities of 90 percent or higher (compared to about 75 percent for coal plants). The United States has more geothermal capacity than any other country. In fact, if we could recover this entire resource base, our domestic resources are equivalent to a 30,000-year energy supply at our current levels of consumption. Geothermal energy resources are present in all 50 U.S. States today, and in California more than 40 geothermal plants provide nearly five percent of the State's electricity.

To access this capacity, however, developers of this power source need assistance ameliorating the risks associated with geothermal energy investment. While the costs for electricity from geothermal facilities are declining, these installations are complex, long-term projects. There are significant costs involved with the exploration and development of these installations, and significant risks that the forecast resources are unavailable. The short-term incentives currently in the tax code limit long-term efforts to develop these resources.

The legislation also seeks to encourage growth of new geothermal technologies, in particular small power production and direct heat uses. New technology allows geothermal power to be generated and used on-site, such as the new power generation equipment installed at Oregon Institute of Technology.

Small, distributed geothermal power generation is being explored in many new areas, from Oregon to Texas and North Dakota. This proposal will encourage the development of those technologies by extending the 30 percent credit to them as well.

I look forward to working with my colleagues to pass this important legislation.

ON THE BIRTH OF PATRICK AND BRENDAN RILEY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate Jeffery Charles Riley and his wife Scarlett Diann Hutson Riley on the birth of their new baby twin boys. Patrick Sean Riley and Brenden Oscar Riley were born on June 22, 2010 weighing 5 pounds, 13 oz. and 5 pounds, 3 oz., respectively at Torrance Memorial Center of Torrance, California. Brendan is a little taller at 19 inches than his brother at 17¾ inches.

I am so excited for this new blessing to the Riley family and wish them all the best as we know they will certainly have their hands full! I want to congratulate Patrick and Brendan's grandparents Charles and Debby Riley of Torrance, California, and Marion and Margaret Hutson of Cayce, South Carolina, on this wonderful new extension of their family.

RECOGNIZING THE ONE-YEAR ANNIVERSARY OF FORMER HONDURAN PRESIDENT MANUEL ZELAYA'S REMOVAL FROM POWER

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. MACK. Madam Speaker, one year ago today, on June 28, 2009, the Honduran people chose to uphold their Constitution and the rule of law by removing former President Manuel Zelaya from power, a close ally of Venezuelan strongman Hugo Chavez who was taking the Honduran people down the path of less freedom.

But even though the Honduran people were following the rule of law, the international community punished them for instituting what they believed to be a "military coup." Honduras was suspended from the Organization of American States, OAS, and had their vital U.S. assistance temporarily frozen, causing them to permanently lose part of their Millennium Challenge Corporation project.

Even in the face of adversity (as well as a devastating tropical storm and the worst draught in 25 years), Honduras continued its fight for democracy and the rule of law. They withdrew from ALBA, an organization of leftist states in Latin America; they created a new human rights officer to respond to increasing attacks on journalists in their country; and their interim president, Roberto Micheletti, oversaw a peaceful, free and fair presidential election in November.

Honduras was able to accomplish great things for its democracy, all while dealing with charges and visits from our own government, which was focused not on helping our friend and ally, but shaming and threatening them into rewriting history.

A year after standing up to a ruthless leader who attempted to dismiss the country's constitution in an effort to maintain power, the Honduran people have their sights set on their nation's future.

President Lobo inherited a country that was in the worst shape it had been in over the past 40 years: a dire economic situation, a growing number of attacks on journalists, and a sharp increase in drug trafficking by illegal gangs. In fact, according to a Reuters report, some 1,600 people died in drug violence in Honduras in 2009.

Unfortunately, as a result of the shortsighted interference by the United States, the Lobo Administration has been forced to place its first focus on rebuilding its diplomatic relations with the international community, rather than tackling the many problems within their nation.

As we continue to work with Honduras to overcome the challenges it faces in providing freedom, security and prosperity to the Honduran people, I call on the State Department to provide one clear message: those who look conformity directly in the face, and choose the fight of freedom, are the heroes required to build a free and fair society, and will always have a place as a friend and ally of the United States.

I take this opportunity today, on the one-year anniversary of the removal of former President Manuel Zelaya, to encourage the Honduran people to continue their fight for freedom, security and prosperity, and I pledge my continued support for them in this noble goal.

RECOGNIZING NATIONAL ESIGN DAY

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 28, 2010

Mr. McDERMOTT. Madam Speaker, I rise to support the designation of June 30 as National ESIGN Day. National ESIGN Day will commemorate the 10th anniversary of the signing of the Electronic Signatures in Global and National Commerce Act (ESIGN), which has transformed how interstate commerce and business is conducted.

The advent of e-signatures has brought immeasurable benefit to consumers and the business community, providing for increased consumer convenience, and reduced costs. E-signatures have significantly increased transaction speed and closure rates, saving time and money for businesses, and provide secure and predictable outcomes with fewer errors.

Recognizing June 30 as National ESIGN Day acknowledges the previous contribution made by the Congress to adopt modern solutions that keep our nation on the leading technological edge and reaffirms the Congress's commitment to more efficient and environmentally conscious business practices. I represent the city of Seattle—one of the world's greatest technology hubs—where the Electronic Signatures Act has greatly enhanced the ability of companies to remain competitive and active with companies from around the globe.

The first agreement signed with electronic signatures by sovereign nations happened in 1998 between the United States and Ireland. Since then, electronic signature technology has significantly strengthened global communications. New strides are made every day in this area. Just this past spring, the Federal Housing Administration announced that it will now accept e-signed third party documents which will help expedite real estate transactions. Less than two weeks ago, the Utah Supreme Court ruled to allow electronic signatures on petitions in the election process, becoming the first state in the nation to do so.

I would especially like to acknowledge Seattle-based electronic signature management platform provider DocuSign for being champions in the electronic signatures industry and for spearheading the coalition to mark June 30 as National ESIGN Day.

Dozens of industries and associations have offered their support for this resolution to celebrate the advancements that have been made in the past decade, and more importantly, to encourage even more rapid adoption of electronic signatures in the future.

This resolution enjoys the support of several companies and industry leaders, including DocuSign, Inc., Electronic Signature and Records Association, Consumer Mortgage Coalition, National Association of REALTORS, Insured Retirement Institute, CML America, USAA, Adobe Systems, Sallie Mae, Fidelity National Financial, Fiserv, eOriginal, Silanis Technology, AlphaTrust Corporation, AssureSign, LLC, Amica Mutual Insurance Company, First Marblehead, Flagstar Bank, Quicken Loans, IMM, Stewart Lender Services, Ellie Mae, MERS, MISMO, EverBank, SigniaDocs, Inc., Encomia, Direct Mortgage Corp., Digital Docs, Inc., Relevant Technologies, Magnolia Technologies, Simplifile, eSignSystems (a division of Wave Systems Corp.), Realtime Solutions Group, LLC, Lending Tree, and the Pennsylvania Association of Notaries.

This resolution honors the forethought and vision of those who worked to pass the landmark Electronic Signatures in Global and National Commerce Act ten years ago. The passage of that bill paved the way for American companies to operate globally, and it is truly a victory for every businesses and governmental agency looking to increase productivity and efficiency. Let us recognize June 30 as national ESIGN Day.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference.

This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 29, 2010 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 30

Time to be announced
Judiciary
To continue hearings to examine the nomination of Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States.
SH–216

9 a.m.
Environment and Public Works
Business meeting to consider S. 3305, to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, S. 3515, to authorize and enhance the programs of the Department of the Interior relating to the detection of, response to, and mitigation and cleanup of oil spills on Federal land managed by the Department, S. 1311, to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico, an original bill entitled, ''Columbia River Basin Restoration Act of 2010'', S. 3073, to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes, S. 3539, to amend the Federal Water Pollution Control Act to establish a grant program to assist in the restoration of San Francisco Bay, H.R. 4715, to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, S. 1816, to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program, S. 2739, to amend the Federal Water Pollution Control Act to provide for the establishment of the Puget Sound Program Office, S. 3119, to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship, S. 3481, to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution, S. 3354, to redesignate the North Mississippi National Wildlife Refuges Complex as the Sam D. Hamilton North Mississippi National Wildlife Refuges Complex, and H.R. 3562, to designate the federally occupied building located at 1220 Echelon Parkway in Jackson, Mississippi, as the ''James Chaney, Andrew Goodman, and Michael Schwerner Federal Building'', and a proposed resolution relating to the General Services Administration.
SD–406

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine farm bill reauthorization, focusing on maintaining our domestic food supply through a strong United States farm policy.
SR–328A

Energy and Natural Resources
Business meeting to consider S. 3516, to amend the Outer Continental Shelf Lands Act to reform the management of energy and mineral resources on the Outer Continental Shelf.
SD–366

Indian Affairs
Business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine diabetes in Indian country and beyond.
SD–628

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Deepwater Horizon tragedy, focusing on holding industry accountable.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine nuclear terrorism, focusing on strengthening our domestic defenses, part 1.
SD–342

Banking, Housing, and Urban Affairs
Housing, Transportation and Community Development Subcommittee
To hold hearings to examine green housing for the 21st century, focusing on retrofitting the past and building an energy-efficient future.
SD–562

2 p.m.
Aging
To hold hearings to examine drug waste and disposal, focusing on when prescriptions become poison.
SD–106

2:30 p.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine interagency contracts (part II).
SD–342

JULY 1

Time to be announced
Judiciary
To continue hearings to examine the nomination of Elena Kagan, of Massachusetts, to be an Associate Justice of the Supreme Court of the United States.
SH–216

9 a.m.
Judiciary
Business meeting to consider H.R. 1933, to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and H.R. 2765, to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments and certain foreign judgments against the providers of interactive computer services.
SD–226

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine S. 3452, to designate the Valles Caldera National Preserve as a unit of the National Park System.
SD–366

Veterans' Affairs
To hold hearings to examine veterans' claims processing, focusing on if current efforts are working.
SR–418

10 a.m.
Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee
To hold hearings to examine protecting youths in an online world.
SR–253

Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine workplace safety and worker protections at BP.
SD–430

Foreign Relations
To hold hearings to examine navigating the global economy, focusing on implications for the United States.
SD–419

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine preventing and recovering government payment errors.
SD–342

Energy and Natural Resources
Water and Power Subcommittee
To hold an oversight hearing to examine the Federal response to the discovery of the aquatic invasive species Asian carp in Lake Calumet, Illinois.
SD–366

Intelligence
To hold closed hearings to consider certain intelligence matters.
SH–219

JULY 2

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation for June 2010.
SD–106

JULY 21

9:30 a.m.
Veterans' Affairs
To hold hearings to examine improvements to the post-9/11 Government Issue (GI) Bill.
SR–418

AUGUST 5

9:30 a.m.
Veterans' Affairs
Business meeting to consider pending calendar business.
SR–418

SEPTEMBER 22

9:30 a.m.

Veterans' Affairs

To hold hearings to examine a legislative presentation focusing on the American Legion.

345, Cannon Building

SEPTEMBER 23

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Veterans' Affairs disability compensation, focusing on presumptive disability decision-making.

SR–418